



Research Report on the *Gacaca* – PRI
Report I

*With the support of
the Department for International Development (DfID)
and the Direction du Développement et de la Coopération Suisse (DDC)*

November 2003

TABLE OF CONTENTS

I. <u>PRI'S PRESENCE IN THE FIELD IN KIBUYE</u>	3
A. PRI'S RESEARCH	3
B. FIELD TEAM	3
C. CHOICE OF SECTORS FOR THE RESEARCH	4
II. <u>KIBUYE, OVERALL SITUATION</u>	5
III. <u>THE GENOCIDE IN KIBUYE</u>	8
A. GENERAL DATA	8
B. NYANGE SECTOR	9
1. CYAMBOGO CELL, FIRST INTRODUCTORY SESSION, 19 JUNE 2002	11
2. CYAMBOGO CELL, SECOND SESSION, 26 JUNE 2002: CENSUS	12
3. CYAMBOGO CELL, THIRD SESSION, 10 JULY 2002: LIST OF THE CELL'S VICTIMS	13
4. CYAMBOGO CELL, FOURTH SESSION, 17/07/02: DRAWING UP THE LIST OF VICTIMS KILLED OUTSIDE THE CELL	14
5. CYAMBOGO CELL, FIFTH SESSION: THE LIST OF VICTIMS AND DESTROYED PROPERTY	14
6. CYAMBOGO CELL, SIXTH SESSION: LIST OF ACCUSED (MANY MEETINGS FROM END JULY 2002 TO BEGINNING 2003)	15
7. CYAMBOGO CELL, SEVENTH SESSION: MAKING INDIVIDUAL RECORDS FOR THE ACCUSED AND CATEGORISING EACH ONE (MARCH – OCTOBER 2003)	20
<u>CONCLUSION</u>	25

I. PRI'S PRESENCE IN THE FIELD IN KIBUYE

A. PRI's research

At the request of the Direction du Développement et de la Coopération Suisse (DDC) [Swiss Directorate for Development and Cooperation], Penal Reform International (PRI) started an in-depth study on the *Gacaca* process in the province of Kibuye in June 2003. PRI had already begun work in this province in June 2002, particularly in the sectors of Nyange, followed by Sanza.

This qualitative and participatory study has been carried out with the following aims:

- follow-up of the context within which the *Gacaca* process is taking place in this province,
- follow-up of the process itself: regular follow-up of the various stages of the *Gacaca* process,
- follow-up of the impact of the *Gacaca*, taking into account the aims of the *Gacaca* tribunals:
 - bring to light the truth about what happened during the genocide of 1994,
 - accelerate the genocide trials (punish the guilty and release the innocent),
 - eradicate the culture of impunity,
 - reconcile Rwandans and strengthen their unity.

Due to the busy electoral schedule over August and September in Rwanda, it was impossible to carry out any field studies during that period.

B. Field team

Currently PRI has four observers/researchers for the *Gacaca* research in four of the six districts of the province of Kibuye. These observers follow the sectors and cells mentioned below:

Table 1: Sectors of the Province of Kibuye in which PRI accompanies the Gacaca tribunals

No.	Districts	Sectors	Sector Cells	Cells chosen by PRI
1	Budaha	Nyange (pilot sector/ June 2002)	Cyambogo Kanyinya Muganza Murambi Nsibo Nyange Vungu Zegenya	Cyambogo Vungu
		Sanza	Kiyisenge Remera	Remera

		(November 2002)	Kiraro Murehe Mwunguzi Rubona Kirehe Nyakarambi	Nyakarambi
		Murundi (as from 2004)	To be determined	To be determined
2	Itabire	Kigoma (November 2002)	Nyabitare Nyagisozi Kayonga Birenga Rwankuba Nyabivumu	Rwankuba Kayonga
3	Rusenyi	Gihombo (November 2002)	Gahanda Gasharu Rwamatamu Buseso Mbogo Butare	Buseso Butare
4	Town of Kibuye	Rubengera (November 2002)	Kibande Kabataru Kigabiro Ruvumbu Kabahizi Mufumbezi	To be determined
Totals	4	6	33	8

Whenever possible, the researchers choose those tribunals which appear to be working well and others which are working less well within the sectors that they cover. A mobile group of researchers regularly visits the Kibuye team in order to supervise their work and to examine certain aspects of the research itself in greater depth, for instance, by interviewing specific groups such as the survivors, the detainees, etc.

C. Choice of sectors for the research

The sector of Nyange (Budaha) was chosen because it is the pilot sector of the Province which kicked off the *Gacaca* tribunals in June 2002.

This sector was chosen by the government according to the following criteria:

- a large number of confessions,
- available infrastructure,
- good results obtained after training of the “*Inyangamugayo*” (“persons of integrity”),
- and generally, a cooperative population.

From the beginning, in June 2002 (phase I), PRI was an observer at the *Gacaca* in the Nyange sector. Beginning in November 2002 (phase II), PRI widened its observation scope to include a few tribunals of the Sanza sector in the same district of Budaha.

The Murundi sector – also in Budaha – was chosen for research during the launching of the *Gacaca* tribunals in all the sectors throughout the country (phase III, scheduled for March 2004). Murundi was chosen because there is a basic study¹ on this sector which can be used for comparison between the current situation and that prevailing in 1994.

The choice of Rusenyi district (Gihombo sector) was made based on the fact that this is where the famous hills of Bisesero are to be found, where there was a large movement of resistance against the genocide by the victims themselves.

Rubengera sector (Kibuye Town) was chosen for its urban characteristics as opposed to the other sectors, which were exclusively rural.

The choice of Itabire district (Kigoma sector) was made because this district appears to have difficulties with unity and reconciliation, whereas these are some of the objectives that the *Gacaca* hopes to achieve.

Further to the expansion of the *Gacaca* tribunals to one sector per district in November 2002, in Kibuye there are now seven sectors, one of which is the pilot sector of Nyange, where the *Gacaca* tribunals are functioning, i.e., a total of 46 tribunals. They make up 7% of all the cells or sectors in this province. More than 90% of the tribunals of the Kibuye cells must therefore still begin, as well as the 109 *Gacaca* tribunals at the various levels: sector, district and province.

The present report includes a case study of Cyambogo, one of the cells of the pilot sector of Nyange (Budaha district).

II. KIBUYE, OVERALL SITUATION

Kibuye has always been and still is the province that is least integrated into the Rwandan economy with regard to its infrastructure and geographical location. It is one of the poorest provinces of Rwanda. Its population is mainly rural and generally poor, with more than 70% of the population living below the poverty line. The monetary income of peasant families appears to be very small. According to Peter Ulvin (*Aiding Violence*), peasant life was perceived by the farmers themselves as a poverty trap, without any way out, characterised by social inferiority and lack of power.

¹ De Lame, Danielle: *Une colline entre mille ou le calme avant la tempête. Transformations et blocages du Rwanda rural*, (A hill among thousands or calm before the storm. Transformations and limitations in rural Rwanda), Tervuren, *Annales Sciences Humaines*, vol. 154, 1996

According to the 2002 census², after Umutara province, which contains the National Park of Akagera, Kibuye is the province with the lowest population, although it is characterised by high demographical density. It is the only province in Rwanda whose population diminished between the 1991 census (473,920 inhabitants) and 2002 census (467,745 inhabitants).

According to the National Census Bureau, the fact that the population of Kibuye province showed a slight decline of 0.1% over 11 years and that its demographical density also fell slightly, is the result of having lost a large part of its population during the events of 1994 and probably also after a large wave of emigration to the big cities or abroad.

The population of Kibuye province is distributed in a generally uniform way over its six districts, given that 65% of the inhabitants occupy 60% of the area. Demographical densities are fairly homogenous and are generally higher than the national average.

Table 2: Population of Kibuye province by district, 2002

District/Town	Residents					Density per km ²
	Men	Women	Total	Proportion	MFR*	
Kibuye Town	23,319	23,181	46,500	9.9	100.6	452
Gisunzu	35,573	41,516	77,089	16.5	85.7	380
Rutsiro	35,030	39,794	74,824	16.0	88.0	331
Budaha	38,581	46,839	85,420	18.3	82.4	325
Itabire	36,129	41,957	78,086	16.7	86.1	276
Rusenyi	48,882	56,944	105,826	22.6	85.8	362
Total Kibuye	217,514	250,231	467,745	100.0	86.9	341**

* MFR: Male to female ratio = number of men per 100 women

** This only refers to land area, as the area covered by Lake Kivu is not taken into account.

The male to female ratio in Rwanda dipped sharply from 95 in 1991 to 91 in 2002. The greatest deficit is found in Kibuye where there are 87 men per 100 women on average in the province. The population structure by age and sex in Kibuye province shows that the adult male population was most affected by the events of the 1990s. This deficit of men exists in all districts, but it is more dramatic in the district of Budaha, situated in the East of the province. According to the National Census Bureau, the recent history of the country with its bloody events explains this situation and has particularly affected Kibuye.

² *Service National de Recensement/SNR (National Census Bureau): Recensement général de la population et de l'habitat. Rwanda : 16-30 Août 2002. Rapport sur les résultats préliminaires (General census of the population and environment. Rwanda : 16-30 August 2002. Report on preliminary results), Kigali, Ministry of Finance and Economic Planning/National Census Commission, February 2003. The demographical data used here were all taken from this report, except where another source has been cited.*

Table 3: Population living in Kibuye by district, sex and age groups (0-16 years and 17 years and over), 2002

Kibuye Province	Male to female ratio (MFR) of the population in the age group < 17 year			Male to female ratio (MFR) of the population in the age group > 17 years			
	Districts	Men 0-16 years	Women 0-16 years	MFR 0-16 years	Men > 17 years	Women > 17 years	MFR > 17 years
	Kibuye Town	10,236	10,544	97	13,083	12,637	103
	Gisunzu	19,486	20,398	96	16,087	21,118	76
	Rutsiro	19,170	19,767	97	15,860	20,027	79
	Budaha	20,651	21,533	96	17,930	25,306	71
	Itabire	19,388	20,265	96	16,741	21,692	77
	Rusenyi	27,628	28,196	98	21,254	28,748	74
	Total Kibuye	116,559	120,703	97	100,955	129,528	78

As was highlighted by the National Census Bureau, even the town of Kibuye was not spared. A balance between the sexes has barely been reached. Kibuye is a small town of less than 50,000 inhabitants, with an area of around 100 km², of which the greater part remains essentially rural. The population of Kibuye is very young, with 51% [(116,559 + 120,703)/467,745] of the residents less than 17 years old. This represents an additional burden to the government from the point of view of social and economic development.

III. THE GENOCIDE IN KIBUYE

A. General data

Although the above statistics already show the impact of the genocide, a recent PhD thesis by Philip Verwimp³ analyses the genocide figures in depth and shows that the genocide was particularly intense and widespread in the whole of the province. The following table was derived from this study, ref. table 4.8, p.155.

Table 4: General figures for the genocide in Kibuye province

Population categories	Number*	%
Total population in the Prefecture in 1991	473,920	100.0%
Population registered as Hutu	399,470	84.3%
Population registered as Tutsi	71,225	15.0%
Population registered as Twa	1,490	0.3%
Foreign, other or not defined	1,735	0.3%
Tutsis assassinated according to IBUKA	59,050	12.4%
Tutsi Population	Number	% **
Tutsi Population registered as assassinated	59,050	82.9
Tutsi Population not registered as killed	12,175	17.1

* Verwimp did not have access to the exact numbers of the population for March 2004, but according to him it was probably in the range of 500,000 inhabitants.

** Considering the growth of the population, the percentages are 78% registered and 22% not registered.

Verwimp's study shows that the killings started immediately and were at their worst in mid-April 1994. In Kibuye province, the genocide was thus nearly over after 50 days, towards the end of May.

Nyange sector (district of Budaha) was part of Kivumu town at the time of the genocide. Seven percent of its total population was assassinated. Most of the Tutsis there were killed during the first two weeks of the genocide. They were mostly peasants. The greater part (68%) of the victims was killed with "traditional" weapons, such as machetes or bludgeons, and 22% were killed with guns or grenades.

According to different authors (such as De Lame and Verwimp), although the Rwandan state registered every Rwandan from birth by ethnic category, such as Tutsi, Hutu or Twa (a system that was in place since the 1930s, under Belgian colonisation), in normal times ethnicity was not very important in daily life.

³ Verwimp, Philip: "Development and Genocide in Rwanda. A Political Economy Analysis of Peasants and Power under the Habyarimana Regime", Leuven, KUL, 2003

However, in their relations with the state services, all Rwandans felt the weight of their identification, as in school where there were ethnic quotas. It was particularly at the time of the political upheavals at the beginning of the 1990s (the attack of the FPR followed by multiparty rule) that ethnicity became more important. At the same time, the rural population was becoming poorer and the gap between them (the “lower classes”) and the Rwandan elite was widening. This opened up the way for all sorts of political manipulation. In spite of this, the official image of Rwanda remained the same for a long time – that of a peaceable country, poor but honest and Christian.

Mamdani⁴ analysed the genocide as a State project, rendered possible by an organisational will and massive participation. According to him, the genocide was also a social project, incarnating aspirations coming from below, such as a desire to hold on to the power acquired by the Hutus during the “1959 revolution” by excluding Tutsis from politics and exiling many of them.

The extremist Hutus who took power after the death of the Rwandan president on 6 April 1994, decided that genocide was the only way to achieve their objectives. Ethnic identity as a motive for the massacres of Tutsis was not the only cause of the killings. Material and political interests and power struggles also played a major role. However, ethnicity was manipulated and used as an instrument for the outburst of this power struggle.

B. Nyange Sector

Nyange, the name of the pilot sector, is well known when speaking of genocide, as many Tutsis had taken refuge there in the Church of Nyange and were massacred with a bulldozer, which demolished the church with all the people inside.

Government authorities had promised the Tutsis protection if they gathered together at designated safe places, such as the Nyange church for instance. The burgomaster of Kivumu town (part of Budaha district) had encouraged the Tutsis to go there and had even gone along himself in a white van to pick up the Tutsi stragglers⁵.

On 18 June 2002, the ceremony for the official inauguration of the *Gacaca* tribunals was held, presided by the Head of State, His Excellency Paul Kagame. Mrs Cyanzayire, who heads the 6th Chamber of the Supreme Court, announced that the first stage of the *Gacaca* programme would begin on the following day, 19 June, under the supervision of her Department, in all the administrative cells of the twelve pilot sectors chosen (one per province)⁶. The President of the

4 Mamdani Mahmood, “When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda”, Princeton, PUP, 2001

5 Des Forges Alison, “Aucun témoin ne doit survivre. Le génocide au Rwanda”, (No witness shall survive. Genocide in Rwanda), Human Rights Watch, Paris, Karthala, 1999, p.245

6 On the *Gacaca* tribunals in general, see the following PRI reports:

- Report I : “Rapport d’étape - Recherche sur les juridictions *Gacaca* et leur préparation, juillet-décembre 2001” (Interim report – Research on the *Gacaca* tribunals and their preparation, July-December 2001), PRI, Kigali/Paris, January 2002,
- Report III : “Recherche sur la *Gacaca*, avril-juin 2002” (Research on the *Gacaca*, April-June 2002), PRI, Kigali/Paris, July 2002,
- Report IV : “Rapport de la Recherche *Gacaca* : La procédure d’aveux, pierre angulaire de la justice rwandaise” (Report on the *Gacaca* research: The procedure of confessions, cornerstone of Rwandan justice) PRI, Kigali/Paris, January 2003

6th Chamber explained that this operation would provide an overview of the problems that could arise. The programme would then begin all over the country before the end of the year, after the study of the pilot phase.

On that same day, 18 June 2002, a first meeting was held to launch the *Gacaca* in the sector of Nyange (Budaha district), which was chosen to be a pilot sector for the province of Kibuye. The ceremony was opened with a speech by the Mayor of Budaha district, who began by presenting the various guests – the Prosecutor, the representatives of *Gacaca* tribunals from all the cells of the sector, the local authorities and some deputy public prosecutors of Kibuye, who had come together with around twenty detainees from that sector, as well as the surrounding population.

The various speakers referred to the aims and objectives of the *Gacaca* tribunals:

- eradicate the culture of impunity,
- reconstruct what happened during the genocide (to establish the truth),
- accelerate the trials: judge the guilty and release the innocent (reduce the prison population),
- reconcile the Rwandan people and strengthen their unity.

An old woman of the Cyambogo cell spoke of the old *Gacaca* that used to settle disputes between neighbours, explaining that the aim of the *Gacaca* was to reconcile those who were in conflict and that after reconciliation, these families lived in peace, inviting each other to their homes and sharing everything.

The population was asked to tell the truth, particularly as some of the prisoners had already confessed and pleaded guilty.

As an example, S., a prisoner from the central prison of Kibuye, admitted that he had committed crimes, saying: “We the prisoners beg for forgiveness from the persons whose family members we have killed, and you together with whom we committed these crimes, we ask you to help us tell the truth about the events that took place in Rwanda”. He spoke of the case of a person whom he had wounded with a lance after the attack on the Catholic Church of Nyange, where they had killed many people. This person was present among the participants in the meeting, and pointing at him with his finger he said: “If I lie, let him take off his shirt and you will see that he has scars from a lance which I wounded him with when he wanted to deceive us about the property that we had looted”.

The person in question was obliged to take off his shirt and the scar of which the prisoner had spoken was visible.

A deputy said: “This is a concrete example of the truth being told about events that left their mark on Rwandans”. He then said that even among the *Inyangamugayo* (the *Gacaca* judges) there could be criminals and he added that people should not be afraid of telling the truth about what they had heard or seen, because the law punishes those who hide or lie about what they know.

After consulting the population, the first session for the *Gacaca* tribunal of the Cyambogo cell was set for the following day, 19 June 2002.

-Report V : “Rapport de la Recherche sur la *Gacaca*” (Research Report on the Gacaca), PRI, Kigali/Paris, September 2003.

Some of these reports are also available on the PRI website: www.penalreform.org

1. Cyambogo cell, first introductory session, 19 June 2002

The session started at 10:20 am, on a hill near a football pitch. Some journalists and observers arrived very early, curious to observe the first General Assembly (GA), as well as a large crowd of people – around 2,500 persons – who came from nearly all the cells of the sector. There were local and regional authorities, as well as some military personnel, police officers and members of the Local Defence Force (LDF). The members of the panel of judges were sitting on benches; the population was sitting on the grass. There was not enough material – paper for instance. Before the opening of the GA, all the observers and journalists showed their credentials.

The meeting proceeded in the same way as elsewhere and appeared to be well prepared. After a word of welcome and an introduction by the President of the *Gacaca* tribunal (the wife of the Mayor of Budaha District), she counted the number of cell members present. With around 130 adults of the cell (the minimum number required is 100 persons) and 18 of the 19 *Gacaca* judges present, she opened the meeting, asking the population to observe a minute's silence in memory of the victims of the genocide and to reflect on national reconciliation.

Using a short brochure on cell tribunals, she gave the opening speech and read out the eight rules that must be respected for the *Gacaca* meetings to proceed in good order. These stipulate, for instance, that any person who wishes to speak must request permission to do so from the President and that the topic on which they speak must be directly related to the agenda of the meeting.

She also explained that it was in the interest of all those who were involved in the genocide to confess and plead guilty, as the first consequence would be that they would be pardoned by the victims and they would become reconciled with all the inhabitants of the cell. They would also gain a remission of their sentence with half the sentence being spent in prison and half spent doing community service. The President also emphasised that perjury, refusal to testify and intimidation of witnesses would be severely punished by law.

She also explained to the members of the General Assembly how discussions would proceed in order to allow the panel of judges to establish:

- the lists of persons who lived in the cell before the genocide,
- the lists of persons who had died,
- the records of damages suffered by the victims during the genocide,
- and the lists of the accused.

Finally, she asked the population to say when they would like to see the trials in the cell come to an end. One inhabitant replied: "In a year's time". Another wished to see them end in July of this year. The President told them that this was possible because it only depended on their collective will to reveal the truth. The more people who came to the General Assemblies, the more they would speak and tell the truth, and the earlier they would finish in time to see the innocent released and the guilty pay their debt to the fellow-citizens they had wounded. She concluded by saying that if this was the population's wish, the moment had come to prove it.

After that there were several speeches. An *Inyangamugayo* judge was accused of raping a girl after getting rid of his wife. Another judge was accused of having killed people and two persons confessed to demolishing their neighbours' houses. The President did not want to answer the

other questions and refused to react to the testimonies and accusations by saying that there would be time for that later.

Around 4 pm, the President ended the session and invited the population of the Cyambogo cell to return at 9 am on the 26th of June 2002.

But after this session, the inhabitants of the Cyambogo cell expressed their surprise at not having been informed that the elected President of the *Gacaca* tribunal had been replaced by another person – the wife of the Mayor of Budaha District.

One survivor also said: “I do not see any advantage in the *Gacaca* tribunals, as it is said that those who massacred and demolished our houses are being well looked after for the moment, and they will soon be released and will work instead of being in prison. We, the survivors, feel we are being made fools of’.

2. Cyambogo cell, second session, 26 June 2002: census

The second session was held in a new location – a coffee plantation. Wednesday, which is the day of the *Gacaca* tribunals, coincides with market day and the population started arriving only after 10 am. Even the President of the Tribunal only arrived at 10:50 am and the meeting began at 11:45 am.

During the General Assembly people were whispering and wondering if H (the *Inyangamugayo* who was accused of rape at the first General Assembly), who was helping the President to count the cell members present, would continue to participate as a judge or not.

As in the first session, she asked the audience to observe a minute’s silence in memory of the victims of the genocide, and then read out the eight rules that must be observed in order to speak during the session. She announced the only point on the agenda, to wit, the drawing up of the list of persons who lived in Cyambogo cell between 1 October 1990 and 31 December 1994.

The proceedings were led by the *Nyumbakumi* (heads of the ten families) who, one by one, read the pre-established lists of all the inhabitants of their district. The President insisted on the participation and collaboration of the population to draw up the lists, by mentioning the names of people who had not been included in the list or requesting that those who did not live in the cell at the time of the tragedy be crossed off the list.

There was confusion about who exactly should be included in the list. According to the President, only children who were at least 18 years old should be included. Among the General Assembly, there were people who commented that everyone should be included in the list, even the newly born. A councillor of the *Gacaca* department of the Supreme Court intervened to say that, in fact, all the inhabitants of the cell without exception – including children less than 18 years old – were to be included in the list. After this speech, the President – visibly upset – tried to excuse herself for not having interpreted the law correctly and decided to postpone the drawing up of the list until the next General Assembly, which would be held at 9 am on Wednesday, 3 July 2002, in the same place.

The President strongly deplored the population’s tardiness and proposed changing the day of the *Gacaca* tribunal, but the General Assembly voted unanimously to keep it on that day and insisted that everyone be punctual.

Someone said that the latecomers were generally those who worked in the fields before coming or who preferred to display and sell their produce in the market before coming to the General Assembly. This person said that to put a stop to this reprehensible practice, each person who arrived late should be made to pay a fine of FRW200 (i.e., the equivalent of a worker's daily wages). The population supported this idea and proposed that the fine should be collected by the *Nyumbakumi* who, in their turn, would deposit the money in the sector's coffers.

On the 3rd of July 2002, the first elected President of the Cyambogo cell took over from the then President and finished drawing up the list of persons who lived in the Cyambogo cell between 1st October 1990 and 31 December 1994.

3. Cyambogo cell, third session, 10 July 2002: list of the cell's victims

More than 15 judges arrived on time and it was possible to start the meeting at 10 am – under a blistering sun – with 18 judges and 127 participants present. The judges had already counted six victims. After the introduction (a minute's silence and reading out of the eight rules), the President of the Tribunal asked the population to tell the truth and not to be afraid.

The President mentioned a woman who was killed in Shyongi, while she was carrying her child on her back. According to one of the participants, the person who was alleged to have killed this woman was called Bag and was currently detained in Kibuye. An elderly mother also spoke of two children who were killed in the same place on 3 May 1994.

The President asked the GA also to tell the truth concerning the persons who were allegedly killed at the Health Centre of Nyange. Only one person spoke of a victim. Many of the participants kept quiet, and only the survivors spoke.

Some persons were asked to give explanations about what happened at the Health Centre, but none of them wanted to say anything: "I don't know anything", "I was not there", "I only took part in the burial of nine persons", etc. It was clear that they were afraid of telling the truth, and the judges did not appear to be sufficiently well prepared or capable of phrasing the right questions to help them speak.

According to one of the persons in charge, people do not speak because they are not sufficiently sensitised. Some people are still unaware of the aims of the *Gacaca* tribunals. According to the official, if people do not want to tell the truth, reconciliation will be difficult. She sees that there is only one solution to this problem – many sessions of sensitisation for the population, more training for the judges and a more active role for the local authorities.

The survivors in general were not satisfied with this meeting: "People did not want to tell the truth". In their opinion, they believed that people were afraid of denouncing family members. They added that some people know very well who was killed, but did not want to say anything because members of their own families were killed by the *Inkotanyi* and they wanted the latter to be denounced as well.

According to these survivors, it was mostly the prisoners who had confessed, in collaboration with the survivors, who could bring the truth to light. The families of detainees declared that saying nothing was not a solution, particularly as the detainees had already spoken of their crimes.

4. Cyambogo cell, fourth session, 17/07/02: Drawing up the list of victims killed outside the cell

The meeting started at 10:30 am in the presence of 17 judges and 106 members of the population. This session was scheduled to complete the list of the preceding session and to draw up a list of people killed outside the cell. The heads of the ten families – *Nyumbakumi* – in collaboration with some members of the population, had already prepared some lists.

Three persons who worked in the Health Centre of Nyange were invited, but one after the other, they declared that they had hidden when they saw the attackers and that they could therefore not identify the criminals. However, Esp. said he saw Fel. leave with two girls.

One of the *Inyangamugayo* called Hit. was accused of raping one of the three girls who had fled, but he did not confess.

Kag. said that a certain Chris did not want to tell the truth about what happened at the Health Centre because there was a mass grave close to his home in which many people were buried. The Vice-President requested that the mass grave close to Chris' home should be identified as soon as possible. According to one woman, there was also a mass grave where other people had been buried who were not victims of the genocide.

The councillor of the 6th Chamber, R., expressed his concern about the silence and anonymity of some people: "Nyange was chosen as a pilot sector for the success of the *Gacaca* tribunals. You should set the example", he said. He continued, "Even the dogs, if they could speak, would testify". A survivor said "Some people do not want to tell the truth and therefore remain silent. People think that we are going to have them imprisoned".

According to the councillor of the Nyange sector, on 20 July 2002 the meetings of the *Gacaca* tribunals were progressing well. Many inhabitants came, even if they arrived very late. But the objective of the *Gacaca* tribunals had not yet been well understood and the training of judges and sensitisation of the population were still essential. People were still afraid of telling the truth and did not want to testify. There was also the problem of the authorities and educated people who did not come to the meetings. It was noticeable that only the survivors spoke, but even they were afraid of the consequences.

5. Cyambogo cell, fifth session: the list of victims and destroyed property

PRI was unable to attend the two meetings of the fifth session, which involved establishing the lists of victims by family and destroyed property. Yet, based on discussions with members of the General Assembly, we ascertained that during this session the first problems arose.

For example, this was the testimony of the relative of a prisoner:

"I don't know..., we were told to compensate the families of the victims whereas we have already paid the survivors. And they tell us that we must speak in particular of the survivors (of the Tutsi ethnic group) and not of any other ethnic group. Yet, we too have had people of our own families massacred during these tragic times". She went on to say "Much of the property belonging to the detainees is in the hands of the survivors, and this was wrested by force". She concluded by saying that in her opinion, the situation looked as if it might get worse.

However, it was particularly after the meetings of the 6th session that the problems became more obvious.

6. Cyambogo cell, sixth session: list of accused (many meetings from the end of July 2002 to the beginning of 2003)

Cyangugo, 31 July 2002: List of accused

The meeting started late, at noon. After counting those present, 123 persons, of whom 17 were *Inyangamugayo*, a minute's silence was observed and the eight rules for those who wanted to speak were read out.

The prisoners who had confessed were allowed to speak. For instance, Hab.:

“I come from Cyambogo cell. I have confessed! I was councillor of Nyange sector from 20 November 1990. Here, the murders started on 14 April 1994. The attack came from Zegenya cell. After killing Sah, the attackers gathered together with those from Cyambogo to kill and loot at Mush's house. When they arrived at Kayi's house, a policeman shot at them and they fled. Among the attackers were End., Bic., Ruk., all those who lived near the area. All of them looted. At the barricade of Byapa, there were Kab. and some twenty others (whose names he gave) from the cells of Cyambogo, Ngobagoba and Murambi. When I arrived in Byapa, I met an old woman for whom I was sorry because all her children had been killed and her land was occupied by order of the OPJ Kay. Ten to 25 people died in the dispensary. They were killed on the 27th of April 1994 and I had them buried on the 29th”.

It was noticed that quite frequently the people who confessed described the killings with arrogance, in very general terms, without explaining their own involvement in the crime, but giving the names of the other participants.

After this meeting, the Vice-President of the *Gacaca* tribunal said that he thought that the 6th sessions would take a long time because the population did not want to tell the truth and that those who dared speak often lied. In fact, it was actually an obstacle to reaching the truth. This usually angered the survivors and often provoked an exchange of insults. But the Vice-President explained that he had ordered them to cease their bad attitudes. Nevertheless, in spite of these incidents during the *Gacaca* sessions, people shared and helped each other out as usual. Even the accused did not have any major problems.

Among the population there were many who said the testimonies of the prisoners were full of lies. They also said that many people who took part in the genocide were killed by soldiers in collaboration with the survivors.

There were also some witnesses, such as Frod., who were not safe. His little brother even wanted to attack him with a hoe because he did not want Frod. to accuse other people who, in their turn, were taking revenge on him by insulting, attacking and intimidating him after Frod. testified.

Nyange, 11 September 2002: sensitisation meeting

Due to the national census that took place during the second half of August, the activities of the *Gacaca* tribunals were suspended for a few weeks. On 11 September 2002, a meeting to recommence the *Gacaca* tribunals' work was held in Nyange sector in the presence of several of those in charge and some detainees.

The Mayor opened the meeting by reminding everybody of the objectives of the *Gacaca* tribunals. He also spoke of the security problems for witnesses for the prosecution. He brought up the case of Andre, who was poisoned, and this was confirmed by the doctors of Kabwayi Hospital who carried out the autopsy. He was allegedly poisoned by Z. and his mother. The main reason for the poisoning was that he had declared everywhere he went that he was going to accuse Z. His wife was also afraid of suffering the same fate as her husband.

It is said that others were killed in order to get rid of witnesses. The case of a teacher called Felix from Gasave sector was mentioned, who was given Fenegan (an anti-malaria medication). Some people (especially among the survivors) also spoke of a pre-established list of persons who were to be killed. A certain K. had confirmed this; he was to be the second after Andre. Another boy who came to testify said that he also lived in fear for his security, as a certain H. was pursuing him for having testified in the case of the Abbot S. and in various other cases relating to the genocide. He had received pamphlets that were pushed under his door, threatening him with death.

The Coordinator of the *Gacaca* tribunals at provincial level then spoke. He welcomed the observers and encouraged the persons who witnessed not to be afraid to tell the truth. He said that on the 5th of September 2002, he and some other persons (survivors) visited the detainees, with the purpose of receiving clarifications about what had happened during the genocide among other things. The prisoners also told them about their specific problems – their fields which had been sold and their wives who had behaved badly.

Finally, the Prosecutor spoke. He said that the first time he came to Nyange was when he brought some detainees in order to release those who were innocent. He said that on that day, the population of Nyange was sincere and honest and that therefore he had decided that the sector of Nyange should be a pilot sector for the *Gacaca* tribunals.

He gave the example of a girl from the Muganza Cell who had testified against her brother because he had killed two girls with acid (poison): “Only my mother, who is already dead, and myself knew about this affair”.

The Prosecutor added that the detainees had already testified and that it was now the population’s turn to do so. He gave an example from Nsibi Cell where the detainees had already drawn up a list of 120 persons. He said that they would begin to bring in the detainees so that the population should say who was innocent. According to him, there are genocide killers still at liberty and he gave some examples. The Prosecutor encouraged the witnesses not to be afraid for their security, as they would be protected.

T., a prisoner, said that nearly all the persons who were present originated from Kivumu and that they were nearly all in the parish when the church was demolished.

“Why don’t you want to confess?” he asked. He advised them to tell the truth and asked B. to speak about the mass grave in which some Tutsis were buried. “Why not say it?”

He told all those present to beware of certain women who told their husbands not to confess: “I am President of the *Ukuli* Committee – a *Gacaca* committee in Kibuye prison – and if you do not want to tell the truth, we the prisoners will do so; we are sufficiently prepared”. He also said that he had always told the Prosecutor that people from outside did not tell the truth. “We were

together with women who looted the loincloths from corpses, particularly N. who went around with stones and a stick”.

Alfred, a detainee, said he was arrested on 8 September 1994 and that he directly acknowledged all he had done: “It was the government of Habyarimana who told us that the Mututsi were a common enemy”. He asked G., whose two children he had killed, for forgiveness, but G. refused saying that he was now asking for pardon in public when he should have written him a letter to ask for pardon while he was in prison.

Alfred also spoke of some persons together with whom he had committed genocide but who were at liberty to this day, such as K., the president of a Gitwenge militia group called Abamana. He also gave the names of persons who threw explosives into the church at Nyange, such as V., helped by many others.

In the Murambi cell there was an association of killers: “We shall accuse you if you do not confess. You should not say that the Tutsis fled to Kabgayi when you threw them into Nyabarongo River. It was not only 231 detainees who demolished the Church of Nyange”.

The Prosecutor started speaking again and called on A., the secretary of Nyange sector, who is also the President of the *Gacaca* tribunals in Nsibo cell. A. is among the people who attacked the refugees in the Church of Nyange. He is included in the list drawn up by the detainees. The detainees wanted to have him arrested on the spot, but the Prosecutor refused to do so.

The Prosecutor also called on S., who had confessed – after the prisoners spoke – that he had accompanied a group of genocide killers when he was returning from the dispensary. They killed two women and a woman who was thought to be mad in Marebe. Another person of the Mwendo sector called Si. denied being involved in the genocide under the pretext that she did not come from Nyange sector.

An official continued to call on people to come and tell the truth about what had happened, as the genocide was carried out in the presence of everybody. He ended by saying that he knew that some among them were forced by their fellow citizens to kill the Tutsis who they had hidden at the beginning of the genocide.

R., a detainee said: “I am a prisoner and I have confessed ... we should thank this government because the crime we committed was excessive and we should find solutions. The State is like a parent: When a child commits a fault, a parent does not abandon it, he punishes it and it comes back to the fold. We the detainees, we are determined to sensitise you so that you shall tell the truth. In the prison of Kibuye, 845 prisoners have already confessed. The people who destroyed the house of God deserve punishment. That is why we the detainees have a message for you. Get down on your knees and beg for pardon! There are people who did not kill, but who participated in the attacks together with the others. If they do not tell the truth about what they saw, they will be punished. To kill is not only to take up a machete, but also to incite others to kill”.

The Mayor closed the meeting saying that the 7th session would soon begin, and he invited everybody to contribute by telling the truth.

Cyambogo, 2 October 2002: drawing up the list of the accused

At 11:30 am, the person in charge of the cell gathered together the people who were present and spoke to them of the general insecurity caused by alcohol. At that moment, there were 110 persons present, of whom 15 were judges.

The presiding judge opened the meeting by saying that the Secretary of the Tribunal, H., had been arrested and was being replaced by F. This was followed by the election of a new President and Vice-President, as their mandates had come to an end. The elections were held by secret vote. The new Secretary was sworn in before beginning work.

After a minute's silence, the first Vice-President announced the agenda, which was to draw up the list of the accused, and read out the eight rules that had to be followed by the participants who wanted to speak. He then explained that during the preceding meeting, some persons had intimidated others and that this must not happen again. Finally, he said that the judges who were absent during the last meeting must pay a fine of FRW500, which would be deposited in the district's coffers.

The President continued, saying that the work that day would be to establish the list of the accused. He gave the name of a person who had been killed, Engerbert, and asked who had killed him. Inno. said that he saw the people who buried him, and that it was Mba. who would therefore know best who killed him. Rut. said that Niy. knows very well how Engerbert died. The following comments were recorded:

Niy: "My wife saw the attack in which Mba. and Big. took part".

Jeanne: "Mug. was in on this attack, as he came to ask us for a hoe in order to bury him".

Without trying to obtain further details from these witnesses, the President asked: "Please tell us about the death of Marie Gorethie".

Oliv: "She was in the Health Centre, wounded. There I washed her as well as other children. She was wounded after being attacked by Hit., Tel. and other people, including women such as Muk.. It was after this last attack that she died".

Presiding judge: "The girl whose name is not known, who was killed at Mbonyi's home – tell us who killed her below my banana plantation. It was morning, Esd. was among those who buried her".

Esd: "She was a girl around 14 years old. Bish., who is in prison, and Mash., whose whereabouts I don't know, killed her, and I had to lend a hoe to bury her. She was wearing a poplin dress with red stripes".

Presiding judge: "There was a man whose name is not known, who was killed at Mbonyi's place".

Mbonyi: "These people were coming from the church and were put in a room by the nurse Nku., under the guard of policemen. When I returned to the Health Centre that evening, I found them dead. You can ask those who worked there during the daytime".

Presiding judge: "There was a certain Jos. who said last time that he would confess. He has not yet done so. I don't know why".

Jos: “Big. and others came to my place. They found me tending my fields. They took me back home to show them where a certain Andre was who they thought I was hiding in my house, but they did not find him. They beat me up and took me by force on the pretext of having been ordered to do so by the OPJ Kayi. When we arrived in the parish, I threw four stones at them, and after that I managed to escape and ran back home. Two days later, I found out that a machine had destroyed the parish. I managed to hide one child”.

Presiding judge: “Your confession is not well-founded and is not accepted because you are not telling the truth. Many people accuse you and your story does not refer to these accusations”.

Bas.: “People refuse to talk during the meetings, but they do talk in the bars. Chrys. said in the bar that he took part in the genocide. Gas., Lin, and the first Vice-President heard him; we were together. Everybody confirms what he said”.

Presiding judge: “Regarding the death of Nta., has nobody testified?”

The Presiding judge closed the meeting, reminding people that the deadline for confessions was nearly over. He announced that very soon some prisoners would come to help draw up the list of the accused, and that this would make it possible to proceed to the next stage of the *Gacaca* tribunal. The next meeting was set for the 9th of October 2002.

Remarks:

Only three judges – the President, Vice-President and the Secretary were active. The others behaved like observers. The meetings were generally well directed, but the President appeared to be doing most of the talking. He is authoritarian and sometimes intimidates those who don't know anything or those who he thinks do know something but don't want to speak.

Cécile, a survivor, commented: “We are beginning to have a clear idea of what happened and we are gradually getting to know the criminals, even those who were not known up till now. After a few meetings, we now know them.

“Unfortunately, they do not ask us for pardon. At the moment we are living well as neighbours, both survivors and Hutus, as we did before the events, because up until then we had not had any conflicts. Anybody who asks for forgiveness by confessing deserves mercy. Even the Bible teaches this.

“Thus, we will live well with those who will soon be released if they come back humbled. They must not accuse us of having put them in prison, but rather (they must admit) that their crimes did. The innocent detainees, they should be aware that what they were accused of actually existed, but those who accused them falsely should also ask them for pardon. There are many such persons because in the past people were imprisoned without reason and sometimes only out of anger”.

Although the presiding judge had already announced the next phase of the *Gacaca* tribunals, a few months later (beginning 2003), discussions about the lists of the accused had not yet come to an end. Gradually, the population would arrive later and later to each meeting (often after 1 pm). When the list of the accused was read out, they were given time to explain themselves. But according to some, the presiding judge appeared to favour the survivors too much and would try to force someone who was defending himself to accept all the accusations against him.

There is a problem with the survivor Kag. He has accused other people to such an extent that he has created disorder and insecurity. He went to Calix's house at night when the baby was being given a name. He believed that there was a person there called Rib., who had been freed after having been suspected of involvement in the genocide and imprisoned. Kag. said that he was sitting in the midst of genocide killers.

The others made him get out and took him back home. From his house, he followed them back saying "The *Interahamwe* wanted to kill me so that I would not testify". He did all this on the pretext that he was a survivor and sometimes his testimony only created a feeling of insecurity. The affair of Kag. and Calix was tried at the OPJ and Kag. was found guilty.

Frod.: "He also has problems with his family, especially with his mother, and only because he is testifying. He even accused a member of his family who had given his father a cow. He went against the pact (*yatatiye igihango*) and his mother demands that he should submit to it and leave his family".

In March 2003 the 7th session finally began: making individual records for and categorising each of the accused.

7. Cyambogo cell, seventh session: making individual records for the accused and categorising each one (March – October 2003)

Although the *Gacaca* Department had decided that the 7th session of the *Gacaca* tribunals no longer required the presence of a minimum of 100 persons, the participation of the population was much reduced during this phase. The minimum number of judges required was still 15, but as in the preceding phase, this number was often not achieved. Consequently, at the end of September 2003, the seventh phase of the *Gacaca* tribunals had not yet ended, either in the Cyambogo cell, or in any of the other cells of Nyange sector.

Cyambogo cell, 02/04/2003, 7th meeting

The meeting started nearly three hours late. The General Assembly was made up of 49 persons (28 men and 21 women) and there were 16 judges in the panel (nine men and seven women).

As always, the meeting started with a minute's silence in memory of the victims of the genocide and by the President's reading of the eight principles for anybody who wanted to speak. The President urged the General Assembly to provide information and reminded them that refusal to testify or perjury were punishable by law. The agenda was to provide information about four accused persons.

The charges against the first of the accused were:

- having participated in the massacre of Nyange Church,
- illegally carrying firearms (grenades).

After giving his name, the first of the accused denied the accusations, saying that Kag., who had supplied this information, had asked him for money after the genocide, when he was a local policeman. He had refused. At the time of the massacres at Nyange Church, he added, he was at home taking care of the security of Tutsis who were in hiding in his father's house. He named witnesses for his defence, two of whom were present at the meeting. They confirmed that he had never left his house during the massacres.

Kag. answered that he preferred not to declare anything as he was being threatened everywhere and that now, even the panel of judges was going to do the same. A judge replied: “Speak or sit down! *Wa kantu we* (You, tiny object – to make him feel small), or we will put you in prison”. Kag. said that he was a survivor of the Church of Nyange. After the FPR’s victory, he became a local policeman in Kivumu (currently part of Budaha district).

According to some people among the population, it is said that Kag. had a lot of people thrown into prison, some of whom were innocent, in revenge against the Hutu ethnic group. Today, with the beginning of the *Gacaca* tribunals, he is still accusing people and even some who are still free. Of late, he said he was being threatened by Hutu families. Yet at the last *Gacaca* meeting of Cyambogo, on 26 March 2003, he had defended one of the accused. After this, he says he was threatened by all the families of the survivors who accused him of having received money from the Hutus to clear them.

The President managed to bring the meeting back to order, as the General Assembly were stunned by the judge’s arrogance and Kag.’s reply. The public asked the judge not to go too far in the way he spoke and asked Kag. to testify freely. Kag. said that he had seen the accused himself, with grenades, in the Church of Nyange at the time of the attack. He added that he had never approached the accused to ask for money as he was a policeman and received a salary. Before the massacres in the church, he said that the accused, together with his accomplices, had killed a shop owner in Nyange and looted his shop.

A member of the General Assembly (from the family of the accused) asked the President if the accused could explain this new accusation. The panel of judges refused because this was not the time for the trial.

After the meeting, Kag. declared that he could not clear a criminal, whomsoever he might be. Even if the survivors accused him of being paid by the Hutus, and particularly by the intellectuals, he confirmed that he could not clear a criminal.

The second accused was blamed for:

1. The Prosecutor’s indictment:

- having taken part in the massacre at the Church of Nyange in April 1994,
- having killed an (unknown) person at the barricade of Nyange,
- having been an accomplice in the death of Mar. at the Church of Nyange.

2. Accusations made in an anonymous letter:

- having killed an unknown person at the barricade of Rufungo by stoning,
- having delivered Mar. to a band of killers, who was then bought by her husband, a Hutu.

The accused, called Nyi – deputy Mayor, responsible for Women’s Promotion – first requested that the accusations be clarified, as they seemed contradictory: The accused had been accused of having killed Mar. together with her accomplices and of having delivered her into the hands of the killers, whereas she is aware that Mar. is alive.

The President asked her to explain the indictment of the prosecution. As there was a conference on the genocide which was to start at 2 pm, the President adjourned the meeting, saying that they would continue at the next meeting with the same persons. The session was closed at 2:30 pm.

Remarks:

Only three judges and the President asked any questions.

During the meeting, the survivors supported the accusations. The non-survivors moderated them. If somebody was acquitted, they would shout for joy and one of the judges who was a survivor then said severely, "You are happy about having carried out the genocide!" They immediately fell silent. After the meeting, the atmosphere returned to normal.

Cyambogo, 16/04/2003, 7th meeting

Scheduled start: 9 am

At 10am, it started raining and continued until 1 pm with a few short interruptions. This meant that the judges and the population only arrived at the meeting place at 1:10 pm. The President and two judges who had taken shelter half-way there, arrived and found only five persons present, so they went back home. There were three observers but no authorities.

Remarks:

The meetings were held in the open air. During the rainy season it was difficult to meet.

Of the six accused about whom information had been gathered, only two were classified in categories. One was put in the second category and the other in the third category. The judges still need to find more information about the four others. The judges did not classify people in categories immediately after the meetings as required, but rather a few days later. The judges said that they were too busy with other activities.

Cyambogo cell, 23/04/2003, 7th meeting

Scheduled start: 9 am. Time the session started: 12:30 pm. Time the session closed: 14:50 pm.

General Assembly: 36 persons (20 men and 16 women). Panel of Judges: 15 (eight men and seven women). The meeting started with a minute's silence in memory of the victims of the genocide and the reading by the President of the eight rules for those who want to speak.

The agenda was to gather information about the four accused, one of whom was Nyi. The panel of judges had just decided that she should appear together with witnesses at the meeting of 30 April 2003. The meeting of the panel was held behind closed doors at the same place. The coordinator of the *Gacaca* tribunals at district level and his assistant participated.

They spoke of the letter Nyi. had written to the panel of judges regarding the anonymous letter that she considered to be propaganda. This was debated during the session of 2 April. Nyi. and Mar. (see below) should have been heard on 23 April, but this was not possible because Mar. did not turn up. The panel of judges therefore called Nyi. and the witnesses again for the meeting of 30 April. As observers, there were the provincial coordinator of the PAPG, a monitoring agent of the PAPG district, a representative of Liprodhor and one from PRI.

Some judges left the panel before the end of the session. They were not replaced until the end of the meeting.

The provincial coordinator of the PAPG asked a question as if he were a participant in the General Assembly. He then explained that there was no law forbidding an observer from asking questions during the session. After the session, the panel of judges left without meeting to decide on the category of the accused. It was said that recently some *Inyangamugayo*, who were not present at the meeting to define categories, were asked to sign the records of the accused, but had refused to do so.

A few months later, the cases of Nyi. and Mar. had still not been settled (discussions of 2 July 2003):

The Coordinator told the *Inyangamugayo* present that he had gone to Gitarama to see Mar., the witness who could indict or acquit Nyi., and the Vice-Mayor responsible for Women's Promotion, regarding the accusation made during the meeting of 2 April 2003. He said that Mar. is a Secretary at the School of Nursing Sciences/ESI in Gitarama. He told her to go and testify in Cyambogo. Mar. had refused to come to Cyambogo for fear of being poisoned and said that even if the President of the Republic had asked her, she would have refused. She added that some people accused her of having received money from Nyi. in order not to charge her. The Coordinator added that Mar. said a lot of things that he could not repeat and in such a way that made him believe that she was traumatised. It was the second time that somebody had gone to fetch her. The first time, it was the assistant coordinator. She had also refused to appear when he asked her to.

A Judge: "It is not trauma. It is categorical refusal".

Another Judge: "If she were traumatised, she would have been dismissed from her job".

A participant: "Should the panel of judges fine her?"

The Coordinator: "I shall first of all speak to my superiors".

A participant: "No, the panel of judges is independent".

A Judge: "Mar. is afraid of coming and refuting what she said".

Another judge: "But the other lady had the courage to say that she accused Nyi. after being beaten up by the soldiers".

Another participant: "Mar. should be sued for refusing to testify".

Frequently, the people who are called to testify come but are not heard because many of the meetings are postponed to a later date. How many times must witnesses present themselves? And if they refuse to do so alleging that they are wasting their time, will they be sanctioned as stipulated in the *Gacaca* law?

Cyambogo cell, 7th meeting: June

On the 28th of May 2003, the meeting of the *Gacaca* tribunal of the Cyambogo cell did not take place for lack of quorum of *Inyangamugayo*.

On the 3rd of June 2003, there was the same problem. At 10:00 am there were only nine judges, among them the President and two inhabitants of the Cyambogo cell. At 11:10 am the *Inyangamugayo* retired to meet behind closed doors although their number had not reached 15.

The meeting (7th session) of the *Gacaca* tribunal of the Cyambogo cell, scheduled for 25 June 2003, was interesting because it demonstrated certain problems that can explain the lack of participation of the population in general and some judges in particular, such as the lack of motivation of the *Inyangamugayo* and also the lack of interest by the authorities. The population feels abandoned and thus lacks motivation to continue the *Gacaca* on their own.

At 12:00 noon, the assistant coordinator arrived at the meeting place:

Assistant Coordinator: “What happened? Will your meeting take place?”

A Judge: “You should ask yourself that question, as you are always absent”.

Assistant Coordinator: “I see six *Inyangamugayo* here, are the others going to come?”

President: “Six others wrote to say they would be absent. It is no longer necessary to reach the quorum as only 13 of the 19 judges are left”.

President: “One should send an *Inyangamugayo* to fetch the two women teachers, as the pupils of the primary school have just left” (It was midday and he left immediately.)

A Judge: “It is midday, I shall take a rest. Even those who work for money are entitled to a rest”. He left and did not return.

District Official (he had come to fetch the motorbike of the Assistant Coordinator): “These people of Cyambogo should be fined”.

A farmer: “Even we who are here?”

Official: “You have chosen badly. Wednesday is market day. How many *Inyangamugayo* are in the market at this time? You will not find many people in the meeting!”

A farmer survivor: “It is lack of motivation”.

Official: “Do you want to be paid to come to the *Gacaca* meetings?”

The farmer survivor: “I am speaking of the *Inyangamugayo*, not myself”.

Another farmer who had just arrived (testimony): “The judge who was sent to fetch the two teachers *Inyangamugayo* arrived at the market place, saw a lorry loading sacks of sweet potatoes and hired himself out just like the others, and did not return”.

President (addressing the Assistant Coordinator): “You must tell us what to do”.

Assistant Coordinator: “You should tell us what measures you have taken”.

President: “I sent a report to the *Gacaca* Coordination to let them know the day of the meeting and other necessary information for the population”.

Assistant Coordinator: “I shall therefore write a report for the provincial authority, at the Supreme Court, with a copy for the district authority, saying that the *Gacaca* is no longer being held in Cyambogo”.

President: “I think that we should call for a General Assembly to elect a new panel of judges to replace the current one”.

A judge: “I shall write and resign”.

Assistant Coordinator: “Write to whom?”

The judge: “I know who to write to”.

Assistant Coordinator: “You will get into a lot of trouble if you dare to write”.

In the Cyambogo cell, as well as the farming population, there are teachers, people who work in the Health Centre, district officials, Canton Tribunal agents and tradesmen. The latter never come to the meetings. If anyone from this group comes to a meeting, it is to listen to witnesses and accusations. The population has imitated them.

The government postponed the date for the beginning of the third phase of the *Gacaca* tribunals (when they were to become nation-wide) alleging that it could not be carried out properly during the election period. This also means that the phases that have already been started cannot proceed as usual.

According to the President of the Cyambogo *Gacaca* tribunal, there were 85 accused on the list of this cell and in July 2003 only 19 had been mentioned. Among those 19, only five were classified into categories. Of the 85 accused, there were 29 prisoners, 11 of whom had died and 10 who had left before the *Gacaca* began. Thirty-two accused therefore appeared still to be at liberty.

After the presidential and legislative elections, the meetings of the 7th session should start again.

CONCLUSION

The development of the GT in the pilot sector of Kibuye is similar to what occurred in other *Gacaca* tribunals in other parts of the country, as has already been analysed in other PRI reports:

1. **Lack of participation of the population** in the sessions, both in terms of a physical presence and in efforts to contribute towards establishing the truth. Only the survivors and the prisoners who had confessed were not afraid of testifying. In particular, participation of the local Hutu population left a lot to be desired.

This non-participation and the silence of the majority had very negative consequences for the 6th and 7th sessions, which were supposed to establish the lists of accused, prepare individual records and categorise the accused. It is obvious that the use of force to make the population take part in the meetings has not had good results.

Explanation:

In the other reports, several possible reasons have already been suggested. A strong feeling of insecurity (real or imaginary) was expressed; the fear of testifying and suffering the consequences, or even the climate of suspicion between the different groups. All of these factors are to be found within the *Gacaca* tribunals of Kibuye and result in widening the gap between survivors and non-survivors. This has the opposite effect of the desired objective of reconciliation of Rwandans and the strengthening of their unity.

2. **More intensive**, more interactive and more consistent **sensitisation** of all the groups involved (survivors, non-survivors, authorities and detainees), appears to be crucial to solve part of the problems mentioned.
3. **Judging all the crimes**: a problem that always appears – particularly at the beginning of the meetings of the *Gacaca* tribunals – is that of crimes of revenge committed by the soldiers of the FPR or the survivors. The recent study of Verwimp, mentioned above, shows very convincingly that in Kibuye there was not a double genocide and that the crimes of revenge against some Hutus were not of the same order – either in structure or in number – as the extermination of the Tutsis in this province. A discussion on this subject is always nigh impossible. Nevertheless, a more open discussion on this subject could improve the participation of the population as a whole, showing them that justice in Rwanda is impartial.
4. **Participation of the elites and the intellectuals**: The functioning of the *Gacaca* could also doubtlessly be improved if more members of the elite, or “intellectuals”, took part and if the local authorities showed more involvement and interest. The participation of the latter – when present – appears actually to have made a strong impact on the population and the judges.
5. **Participation of the judges**: What is most remarkable is that in the pilot sector of Kibuye the participation of the judges (“persons of integrity”) is very poor. In order to optimise the functioning of the *Gacaca* tribunals, we think it is crucial to consider the

work conditions of the *Gacaca* judges, their motivation and their mode of participation during the sessions. To motivate the *Inyangamugayo*, it would be necessary, for example, to pay them a stipend, which would also prevent corruption. The *Gacaca* judges should also receive additional training. The ideal would be to provide continuous training throughout the *Gacaca* process.

6. **Slowness of the process:** One of the consequences of the lack of participation is the slowness of the process, contrary to the initial expectations of the participants. The members of the *Gacaca* tribunals spoke – as we saw earlier – of a process that should take one or two months, or at most half a year. After 18 months, the *Gacaca* tribunals of the pilot sector of Nyange are still in the preparatory phase and no trials have started. The fact that the *Gacaca* tribunals stop each time there is a referendum, elections or other events considered more important has not helped to maintain local interest.
7. **Compensation for the victims and Community Services:** the *Gacaca* is in principle accompanied by two other programmes that also aim to reconcile Rwandans and strengthen their unity:
 - compensation for the victims of the genocide,
 - and the programme of Community Service – CS.

The development of these two programmes currently appears to be at a standstill. We hope that this is not a sign of lack of will to set them up on the part of the government. However, reconciliation is in fact a long-term process and this could explain the fact that these programmes are not yet operational. Furthermore, these two programmes require considerable investment in terms of financial resources and this is doubtless also an obstacle to their successful development. If these two programmes were to be put into effect, they could also have a positive effect on the functioning of the *Gacaca* tribunals.