

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 47/005/2002 (Public)
News Service No: 229
17 December 2002

Embargo Date: 17 December 2002 00:01 GMT

Rwanda: Gacaca tribunals must conform with international fair trial standards

As Rwanda starts the full implementation of the *gacaca* traditional justice system, to try suspects of the 1994 genocide, Amnesty International is calling on Rwandan authorities to ensure that *gacaca* trials conform with basic international standards of fairness so that the government's efforts to end impunity are effective.

In a report published today - - *Rwanda: Gacaca: A question of justice* - - Amnesty International examines the *Gacaca* Jurisdictions, the legislation establishing them, their organization and various phases of implementation. It also attempts to compare *gacaca* jurisdictions in relation to international fair trial standards and the Rwandese human rights environment in which they will operate.

"*Gacaca* represents an opportunity for genocide survivors, defendants and witnesses to present their cases in an open and participatory environment. This could be an important step towards national reconciliation and resolving Rwanda's prison crisis," the organization said.

The huge number of detainees charged with genocide-related offences has proved an impossible task for the country's formal judicial system. The new system, loosely based on a traditional mode of settling disagreements within local communities, would try tens of thousands of detainees.

"Any criminal justice system, no matter its form, would lose credibility without adherence to international minimum fair trial standards. It is therefore imperative that both the Rwandese government and the international community take steps to ensure that *gacaca* complies with these minimum thresholds," the organization said.

Legislation establishing the *gacaca* tribunals was enacted in early 2001. In late 2001, 260,000 adults of "integrity, honesty and good conduct" were selected by local communities to serve as magistrates on the more than 10,000 *gacaca* tribunals. These magistrates received limited training in early 2002.

It is also essential that the state adopt measures to protect the personal safety of witnesses and experts, without affecting the guarantees of due process. The rights of victims and other witnesses to be protected from reprisals and from unnecessary anguish have to be balanced against the right of the accused to a fair trial.

"Justice and national reconciliation can only be achieved if the government ensures that fair trial safeguards are strictly adhered to in the conduct of *gacaca* trials of suspected *genocidaires*," Amnesty International said.

There is room for the Rwandese government and the international community to improve *gacaca* and establish accountability for all past and ongoing human rights abuses in Rwanda. The Rwandese government must:

ensure that *gacaca* defendants, especially those facing long terms of imprisonment, have the right to appeal to the formal court system;

establish an effective, independent and transparent monitoring programme to ensure that *gacaca* fulfills its promise to provide justice and national reconciliation; and

open investigations into human rights violations committed by their own forces before and since coming to power.

Amnesty International is also calling on the international community to support the Rwandese government in establishing a monitoring program for *gacaca*, ensuring that it is independent, effective and transparent; to ensure that the Rwandese authorities take prompt action to address violations of fair trial standards arising during *gacaca*; and to provide all necessary support to enable the Rwandese government to meet its obligations under international standards regarding conditions of detention.

Background

As many as one million Rwandese were brutally killed by their fellow Rwandese during the 1994 genocide and its aftermath. These killings were accompanied by numerous acts of torture, including rape.

The burdens faced by the post-genocide judicial system in Rwanda have proved insurmountable. Rwanda's special genocide chambers have tried less than six percent of those detained for suspected genocide offences. There are now approximately 110,000 Rwandese in the country's detention facilities, the vast majority of them still awaiting trial. Many were arbitrarily arrested and have been unlawfully held for years with minimal or no investigation of the accusations lodged against them. The overcrowding and unsanitary conditions within detention facilities amount to cruel, inhuman and degrading treatment with deaths resulting from preventable diseases, malnutrition and the debilitating effects of overcrowding.

Gacaca draws upon a customary system of community hearings used to resolve local disputes. The new *gacaca* tribunals, however, merge customary practice with a formal court structure. *Gacaca* tribunals are legally established judicial bodies and their judges can impose sentences as high as life imprisonment.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>