Gacaca Courts in Rwanda:
Explaining Divisions within the
Human Rights Community

BY ANURADHA CHAKRAVARTY

Since the 1990s the nexus between the transnational human rights regime
and the transnational justice network has deepened. Recent years have
seen a string of international judicial proceedings against leaders such
as Chilean dictator Augusto Pinochet, prominent members of the Argentine
military junta, and former Peruvian President Alberto Fujimori. This trend
represents a shift in international norms toward greater protection of human
rights that can be characterized as a “justice cascade” and a “human rights
revival.”1 This renewed emphasis on human rights in international affairs
has been accompanied by a rising wave of democratization, competitive
multiparty politics, and the development of greater rule of law in many
African, Asian, and Latin American states. For international lawyers, this
has been a time to re-think the most fundamental norms of their craft.2

Against this backdrop, the Rwandan government has reinvented traditional
gacaca courts to prosecute genocide and other crimes against humanity.3 International human rights organizations have diverged in their response to this
domestic legal experiment in which survivors, witnesses, and alleged perpetra-
tors converge under the supervision of lay judges from local communities to
determine truth and justice about the genocide. Some human rights non-governmental organizations such as Amnesty International and Human Rights Watch
are extremely critical of the gacaca, while others are more supportive and are
working in collaboration with the Rwandan government. The most prominent
supportive NGOs include Avocats sans Frontières (Lawyers without Borders),
Réseau de Citoyens (Citizens’ Network, or RCN), and Penal Reform Interna-
tional. These organizations have provided legal and human rights education,
supplies such as law books and journals, and assistance in keeping legal records

Anuradha Chakravarty is a graduate student in Government at Cornell University.
and documentation. They also have suggested innovative ideas for improving the gacaca process, exploring a range of methods to ensure fair dispensation of justice and greater public acceptance. This split within the human rights community has important implications not only for the efficacy of justice in Rwanda but for the coherence of international human rights activism as a whole.

In the realm of political theory, this split in the human rights community seems at odds with the world culture institutionalist approach, which predicts that human rights organizations will move toward a unified set of human rights standards. In their influential book *Constructing World Culture: International Nongovernmental Organizations Since 1875*, John Boli and George M. Thomas argue that human rights NGOs produce norms, standards, and principles that they transmit through global networks to inter-governmental organizations and states while simultaneously exhorting these actors to conform to them. In this light, one might expect that human rights NGOs, if they are indeed producers, agents, and enforcers of a unified set of norms and principles, would unanimously seek to distance themselves from a legal experiment that falls short of the universally accepted standards. But this does not happen.

**Gacaca and the Limits of the Law**

More than 800,000 Tutsis and moderate Hutus were killed by the Rwandan army and Hutu militias between April and June 1994. Thousands of Hutu civilians also participated in the slaughter of members of the Tutsi minority. In 2001, almost 120,000 people remained in prison awaiting trial for their role in the genocide. The International Criminal Tribunal for Rwanda (ICTR) had produced only eight sentences and one acquittal after seven years of work, while Rwandan national courts had dealt with about 6,000 cases. In Rwanda, trials are held at the Tribunaux de Premier Instance in provincial capitals. However, like the international tribunal, the proceedings of these provincial trials are not broadcast over radio or television, making justice inaccessible to many survivors and witnesses of the genocide. This inaccessibility is a serious obstacle to the quality of justice. There are only about sixty lawyers in the whole of Rwanda, and most defendants cannot obtain legal assistance. This results in clear violation of international standards for the right to a fair trial, a right that is guaranteed by the International Covenant on Civil and Political Rights, to which Rwanda is a party. Moreover, at the present rate, it could take almost 200 years to try all those accused of participating in the genocide. Attempting to alleviate this problem, Rwanda’s Transitional National Assembly passed the gacaca law in January 2001 in an attempt to eradicate the culture of impunity and speed the pace of justice and reconciliation. (This law was later modified in June 2004.)
Since passage of the law, about 11,000 gacaca tribunals have been established throughout Rwanda. Every cell—the smallest administrative unit in Rwanda, comprising roughly 550 people—has a gacaca tribunal composed of nine lay judges who are elected by the local community on the basis of their honesty, non-participation in genocide, and nonpartisan spirit. The judges received some training before the gacaca courts began their work in November 2002, yet their training was brief, generally ranging from seven to ten day-long sessions and covering topics such as the provisions of the gacaca laws, ethics, and methods of legal practice.

Prisoners are brought to the tribunal, where the community works as a “general assembly of sorts by discussing the alleged acts, providing testimony and counter-testimony, argument and counter-argument.”8 The main aspects of the 2004 gacaca law are summarized in Table 1 below.

**Table 1: Summary of the 2004 Law on the Gacaca**

<table>
<thead>
<tr>
<th>Category 1</th>
<th>Category 2</th>
<th>Category 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genocide charge</td>
<td>Committed homicide; accomplice</td>
<td>Committed assault with intention to kill; accomplice</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>ICTR, regular Rwandan courts</td>
<td>Gacaca court at sector level</td>
</tr>
<tr>
<td>Penalty if confession before accused in gacaca</td>
<td>25-30 years in prison</td>
<td>7-12 years in prison</td>
</tr>
<tr>
<td>Penalty if confession after accused in gacaca</td>
<td>25-30 years in prison</td>
<td>12-15 years in prison</td>
</tr>
<tr>
<td>Penalty if no confession or confession rejected</td>
<td>Life sentence or death penalty</td>
<td>25-30 years in prison</td>
</tr>
</tbody>
</table>

* For category 2 crimes, the second half of the sentence is spent performing community service.

Given that the vast majority of the accused fall into categories 2 and 3, authorities anticipate that thousands of decentralized gacaca tribunals functioning simultaneously will accelerate trials, make justice accessible and directly observable to the masses, diminish the economic burden of maintaining prisons, and destroy the culture of impunity. The government hopes that this will lead to closure, healing, and reconciliation in Rwanda.9
GACACA COURTS IN RWANDA

Charges against the Gacaca

Despite the government’s aspirations for the gacaca process, some prominent NGOs have contended that the system is fundamentally flawed. Amnesty International has argued, “Any criminal justice system, no matter what its form, would lose credibility without an adherence to international minimum fair trial standards.” Specifically, Amnesty International has criticized the extrajudicial nature of the gacaca, and has questioned whether judges with no legal or human rights training can withstand the political pressure to impose retributive sentences.

Under the gacaca system, the state compiles dossiers for prisoners with input from the community during the pre-trial phase. These dossiers are cross-checked and verified before they are presented at the gacaca trials. However, because the tribunal often conducts proceedings in the absence of the defendants in the pre-trial phase and the gacaca law does not allow the defendants to have legal counsel, trial proceedings are weighted heavily against the accused. Amnesty International argues that this procedure institutes a presumption of guilt rather than innocence and risks the miscarriage of justice.

Field research shows that several factors considerably mitigate the risk of unfair trials. The accused have a chance to present their case in front of the community during the pre-trial phase. At this time, and even later on in the information gathering period, witnesses are able to testify for or against defendants. When the actual trial is underway, defendants are informed of the charges against them and are given the right to speak and present their cases. As a matter of procedure, judges give defendants the opportunity to add testimony if they think the record is incomplete in any way. Defendants are even able to contest judges’ categorization of the crimes they are accused of, in which case judges retire to a private room to deliberate on the merits of the claims. The trial reconvenes only after the nine judges arrive at a decision by majority vote on how to proceed. Finally, the sentence is subject to appeal. Defendants are asked whether they are satisfied that the sentence is fair, and if not, they can file papers for appeal on the spot.

Despite these precautions, Alison Des Forges, an expert witness for the prosecution at the international tribunal and a senior advisor to Human Rights Watch, maintains that the gacaca courts are often unfair to both victims and perpetrators of the genocide. The government’s refusal to allow the gacaca to judge crimes against humanity perpetrated by the rebel soldiers in 1990-1994 leads to the charge that the courts represent a victor’s justice enforced by a Tutsi-dominated state. Furthermore, Des Forges argues that crimes of genocide necessitate more than community-healing mechanisms. Killers are “deliberate, immoral actors.”
she writes, and should not escape punishment for their crimes. Why are some human rights NGOs harshly critical of the gacaca while others are more supportive and even cautiously optimistic about its prospects?

In Search of an Explanation

The first possible explanation for the split among these groups is that Avocats sans Frontières, Penal Reform International, and Réseau de Citoyens are categorically different from other members of the human rights community such as Amnesty International and Human Rights Watch. There is a tendency in the literature on transnational movements to treat individual organizations as participants in discrete types of activism. There are well developed and separate literatures for at least seven different types of transnational activism by NGOs: human rights, development, environment, peace, labor, gender, and humanitarian aid. What has not been explored in depth is the agenda and activism of NGOs located at the interstices of two or more of these sectors. In the humanitarian aid sector, for instance, the range and scope of activism has increased greatly—from emergency aid to conflict mediation, human rights-related fact finding, monitoring, advocacy, rehabilitation, and reconstruction.

Penal Reform International was established in 1989 in London and works primarily on issues such as legal rights of prisoners, enforcement of human rights standards within prisons, and support of penal reform activists for setting up NGOs in their own countries. It produces training materials, circulates newsletters, organizes seminars on human rights and penal reform, and has projects in sub-Saharan Africa, South Asia, Eastern Europe, and the Middle East. In Rwanda, Penal Reform International monitors, documents, and researches not only the system of prison reform but also restorative justice and alternative dispute resolution mechanisms, and makes recommendations to the government for systematic improvements. The organization also has working relationships with the UN and its specialized agencies, the Council of Europe, the African Union, the African Commission on Human Rights, and the Organization of American States.

Avocats sans Frontières is an international network of lawyers, founded in 1992 in Belgium with the aim of ensuring the fundamental human right to equitable justice. Avocats sans Frontières uses its legal skills to support the rule of law in fragile political systems, train and support local lawyers, and advocate respect for human rights. The organization has been working in Rwanda since 1996, becoming progressively more engaged in activities such as representing defendants accused of genocide in national courts, and pressuring the government to consider the vulnerable situation of female
prisoners and those prisoners who were minors at the time they allegedly participated in the genocide. The organization also defrays a portion of the costs of providing legal defense in the formal court system, providing technical assistance and much-needed judicial counsel.\textsuperscript{17}

Réseau de Citoyens was founded in 1994 in response to the Rwandan crisis with the purpose of supporting the development of legal infrastructure needed for genocide trials. Its statute makes a commitment to promote justice that values human rights. Its volunteers use their legal skills and experience to train court clerks and magistrates, to produce code books and facilitate access to legal manuals, to organize seminars on law and human rights, and develop syllabi for legal training at local institutions. RCN has projects in Rwanda, Burundi, the Democratic Republic of the Congo, and Haiti, working in partnership with local and international organizations in conflict zones.\textsuperscript{18}

The agendas of NGOs such as Avocats sans Frontières, Penal Reform International, and RCN offer insight into whether they perceive themselves as full members of the transnational human rights movement. Their respective charters reveal that all three NGOs are members of the transnational law and justice movement and seek to protect human rights by consolidating legal processes and supporting the rule of law in conflict ravaged zones. This undermines the argument that a fundamental theoretical split explains their disagreement over the gacaca courts.

**Variation in Human Rights Advocacy**

A second possible explanation for the divergence in the human rights community’s response to the gacaca is that while Avocats sans Frontières, Penal Reform International, and RCN are members of the same general community, they adhere to conceptions of human rights that are essentially different from the models, standards, and principles advocated by Amnesty International and Human Rights Watch.

This assertion seems incorrect, however, because the NGOs sympathetic to gacaca are not uncritical of its shortcomings. Avocats sans Frontières, Penal Reform International, and RCN are fully aware of the diverse ways that the gacaca courts fall short of universally accepted human rights standards. On most counts, they raise the same issues as Amnesty International and Human Rights Watch with regard to the human rights deficit in the institution. In its project report, Avocats sans Frontières states that it was approached by the Rwandan government for assistance in elaborating legal documents to put gacaca jurisdictions in place as an alternative justice system inspired
by Rwandan tradition. Aware of the deficiencies of the system, Avocats sans FRONTIÈRES was hesitant to accept the government’s request. It was deeply concerned about the presumption of guilt of the defendants, threats to the independence of lay judges, and the possibility that rumor and malicious denunciations could lead the justice process away from concrete evidence and impartial handling of the cases. These criticisms echo the position of Amnesty International and Human Rights Watch. Although Avocats sans FRONTIÈRES pointed out that the gacaca represents a unique chance to dispense justice, they warned that failure of the popular courts threatened to discredit the entire justice apparatus within Rwanda.

In its activities report, Penal Reform International states that it seeks to uphold the system of human rights as embodied in UN treaties, declarations, and other international legal instruments. The report asserts, “The standards provide clear and detailed guidance for agencies seeking to uphold human rights, and provide benchmarks by which performance can be measured.” In a research study conducted from July to December 2001, Penal Reform International undertook a comprehensive appraisal of the shortfalls of the gacaca. The report contained more questions than answers. Was the electoral process for gacaca judges acceptable? Will people tell the truth about what happened in 1994 or will there be a spate of reprisals? What kind of security problems and new traumas may open up for people? Will the authorities interfere in the judicial process or will this really be peoples’ justice?

RCN has expressed many of the same concerns, criticizing the slow and ad hoc manner in which dossiers of the accused have been compiled. Through a project known as Accélération de l’instruction de dossiers-préparation aux juridictions gacaca [speeding up the compilation of dossiers in preparation for the gacaca jurisdictions], RCN monitors the completion of dossiers throughout the country and works to register the confessions of those who admit guilt. It also conducts education campaigns in prisons so that detainees are aware of the procedures and their rights under the gacaca process. There are no fundamental disagreements between Amnesty International and Human Rights Watch on the one hand and Avocats sans FRONTIÈRES, Penal Reform International, and RCN on the other, at least on the issue of the human rights deficit of the gacaca as designed.

A stark contrast between these two sets of groups is revealed, however, by their positions on the institutionalization of the gacaca system. Amnesty International has persistently pointed out that the state’s control of the gacaca risks subverting the judicial process. Amnesty International observers at pre-
trial gacaca sessions noted that the process was marked by intimidation and haranguing of defendants. This concern is shared by Human Rights Watch, which views the gacaca in its present form as a “highly structured state-organized form of popular courts.” In a report titled “Protectors or Pretenders: Government Human Rights Commissions in Africa,” Human Rights Watch notes that despite its early commitment to a national human rights commission, it took a full five years for the transitional government to establish the commission, and then only with a brief mandate. Amnesty International and Human Rights Watch have pointed to serious human rights abuses by the state in counter-insurgency operations against Hutu militias attacking from the Democratic Republic of the Congo. The state’s military actions in the northwest, stringent limitations on press freedom, and the clampdown on political dissent are all seen as signs of a dictatorship asserting itself.

Avocats sans Frontières, Penal Reform International, and RCN engage in a more sympathetic and complex analysis of the current political situation in Rwanda. Along with observers such as Ian Martin, they argue that, while the scale of crimes dictates the urgent need for justice, the number of direct participants in the genocide imposes a severe constraint on the capacity of any justice system to bring the perpetrators to account. The Hutu insurgency in the northwest of Rwanda leaves the government little choice but to break up refugee camps controlled by Hutu extremists, counter propaganda, and check the actions of those who collaborate with the insurgents. Martin contends that the government faces enormous challenges in state building, economic development, social reconstruction, and reconciliation—none of which is possible without achieving domestic stability. Conflicting requirements render the absolute application of human rights principles virtually impossible. The Rwandan state urgently needs the support of the international community, rather than escalating criticism and reluctance to understand its dilemmas. Criticism and alienation from the international community may push the Rwandan government into doing what it can to preserve itself in the face of resource scarcity and security threats. This isolation could have the unintended consequence of pressuring the state into a self-help mode by resorting to further domestic political clampdown and human rights abuses for the sake of stability and security.

Other independent sources have expressed optimism in the prospects of the gacaca. Harvard University’s interim report on the gacaca jurisdictions notes...
the generally high level of trust in gacaca expressed by ordinary Rwandans. The report finds that the general confidence of lay judges in administering gacaca meetings and the considerable extent to which men and women work together in the system may assure its success.28 That some of those who had managed to get themselves elected as judges despite participating in the genocide came forward and confessed to their crimes was a hopeful sign, although such a situation raises serious questions about the manipulation of gacaca elections in various areas.29

Peter Uvin, author of a book on the linkages between development aid and genocide in Rwanda, writes that several practical arguments may be sufficient to defend the gacaca system. Uvin recognizes that full and formal justice may be an impossible goal in Rwanda, and the gacaca may be the best option that respects the spirit of justice “in a locally appropriate form” where the “play of argument and counter-argument and of witness and counter-witness by the community basically amounts to a fair defense, possibly producing better results than the formal justice system has until now been able to achieve.”30 Journalist George Packer goes even further in highlighting the ways the gacaca may transform Rwandan society. He suggests that once people start talking at the trials, no one knows where the conversation will stop. This could be a chance for authority to flow from the bottom up, a dramatic change for the traditionally authoritarian Rwandan state.31 Based on field research observations, however, it appears that the revolutionary potential of the gacaca is limited. The gacaca courtroom is a regulated forum where argumentation and discussion is restricted to the genocide-related case at hand and other topics are not encouraged.32

Avocats sans Frontières, Penal Reform International, and RCN have expressed a commitment to maintaining a working relationship with various Rwandan NGOs and government departments, particularly the Ministry of Justice and the Sixth Chamber of the Supreme Court, which is in charge of gacaca coordination. However, this decision was not an easy one to make. For instance Avocats sans Frontières claims in a report that the organization shoulders a heavy responsibility in supporting and assisting the gacaca process. The organization only decided to support the process after making it clear to the government that it would continue to preserve its independence and exercise considerable vigilance.33

Flexible Agendas

The final and most satisfactory explanation for the differing approaches is that organizations at the intersection of sectors tend to be more flexible and innova-
tive in their responses to complex post-conflict situations than organizations that are solely focused on human rights. Promoting multiple agendas requires making difficult choices and encourages innovative solutions. Single-sector NGOs have no other major goals at stake and are presumably more inflexible toward institutions that fall short of international standards. Single-sector human rights NGOs instead prefer to focus their attention on exposing and critiquing rights violations. In this respect, Amnesty International and Human Rights Watch are unburdened by the need to build working relationships with governments. This strategy resonates with their traditional philosophy of human rights as essentially negative freedoms, such as freedom from abuse, oppression, cruelty, and interference by the state.34 The state is perpetually an object of critique as human rights advocates exercise eternal vigilance against the state’s expanding sphere of control.

This does not mean that multi-sector human rights NGOs are less authentic in their commitment to human rights. On the contrary, multi-sector NGOs engage in a daily, complex negotiation with the state as they simultaneously partner with and critique it. They operate from the premise that fundamental human rights are best secured through the state and are jeopardized if the state is indifferent or weak. Human rights activism as principled issue advocacy is deeply political in its methods.

The experience of Réseau de Citoyens in Rwanda usefully illuminates the political nature of this kind of human rights work. RCN works with the Rwandan government to ensure regularization of the dossiers of the accused. In February 2001, the process was dragging on, with thousands of dossiers incomplete and hundreds missing. Mass arrests had been made by the transitional government without following appropriate judicial procedures. While the gacaca law provided incentives for the accused to confess in return for a reduced sentence, a great number of confessions had not been recorded. Prisoners had no recourse to the advantages that the system allowed, exacerbating their vulnerable condition. Even those who had their confessions recorded never had a chance to see the actual records. A campaign to educate prisoners on their rights under the gacaca law became a priority for the organization. But tensions developed with the state and a major part of RCN’s program was shut down between September and November 2001.

The state also responded by delaying RCN’s applications for work authorizations for its personnel. Despite difficult circumstances, the organization continued to work and rode out the tensions in due course.35 On other issues, RCN was more successful. It pushed for the state to provisionally release prisoners against whom concrete evidence was unavailable, as well as the
elderly, sick, and minors among the prison population. This pressure worked, and in 2003 the government released 23,000 prisoners accused of crimes in categories 2 and 3 under gacaca law, pending future trials.36

This kind of complex negotiation with the state requires what Avocats sans Frontières calls “des maitres-mots” [the master words]: patience, rigor, respect, partnership. This ethos seeks to protect and enforce human rights by cooperating with the state, while not ceding independence. The political relationships between human rights NGOs and states may best be thought of in terms of four categories, as mapped out in Table 2.

Table 2: Human Rights NGOs, States, and the Politics of Engagement

<table>
<thead>
<tr>
<th>NGO relationship with state</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of sectors</td>
<td>Single-sector NGOs</td>
<td>Multi-sector NGOs</td>
<td>Multi-sector NGOs</td>
<td>Multi-sector NGOs</td>
</tr>
<tr>
<td>Type of state</td>
<td>Consolidated states</td>
<td>Consolidating states</td>
<td>Collapsed states</td>
<td>Consolidating states</td>
</tr>
<tr>
<td>Models of activism</td>
<td>Boomerang model37; Five-stage spiral model38</td>
<td>Complex negotiation model</td>
<td>Exercising power and making decisions in war zones</td>
<td>Failed critical partnership leading to loss of NGO independence and increase in state control</td>
</tr>
</tbody>
</table>

In contrast to the critical partnership approach taken by Avocats sans Frontières, Amnesty International and Human Rights Watch pursue a confrontational model of engagement. Human rights activism by these NGOs operates through a process Keck and Sikkink describe as a “boomerang,” whereby NGOs amplify demands of domestic groups and pressure states from outside. Risse, Ropp, and Sikkink describe this as a “five stage spiral model” of human rights change including state repression of rights, denial by state, tactical concessions by state to human rights groups, formal acceptance of human rights norms, and emergence of rule-consistent state behavior.

The third type of political engagement is the “dominant initiative” that is increasingly employed in conflict-ravaged areas. For example, in East Timor, human rights organizations were present as part of the UN Transitional Administration. In situations of state collapse, NGOs have a great deal of opportunity to emerge as important political actors. In the 1990s, some scholars viewed the increasing power and influence of NGOs in disaster areas as de facto “shadow states.”39 The fourth relationship conceives of a potential reversal of the “critical partnership” dynamic resulting in the loss of independence by human rights NGOs and appropriation of power by the
state. The example of Rwanda in the early post-independence era comes to mind, when donor agencies and relief organizations did not challenge the state on the issue of anti-Tutsi pogroms.

**Competition and Collaboration**

Multi-sector NGOs have different notions of how fundamental human rights ought to be secured. In pursuit of protection and enforcement of human rights, NGOs at the intersection of sectors tend to develop working relationships with states, while single-sector human rights NGOs typically pursue more confrontational strategies. In the short and medium term, the support of the transnational human rights community for the gacaca process, however critical, lends itself to the idea that there is indeed a plurality of functioning human rights models. In the long run, however, local models of human rights would likely conform in significant ways to the universal standards.40

For justice to be done in Rwanda as fairly and effectively as possible, the supportive role of multi-sector NGOs is crucial. While acknowledging the vital work of single-sector human rights NGOs, their persistent criticism of the gacaca may condemn them forever to the status of outsiders focused on universal standards and legal rules, overlooking local processes, knowledge, and relationships. Such an approach also overlooks the possibility that things could be fairer in practice than it would appear on paper. This does not imply that local processes should be unaccountable to universally held minimum standards of fairness. Indeed, multi-sector human rights NGOs such as Avocats sans Frontières, Penal Reform International, and RCN have teams that monitor the gacaca trials and their recommendations. These teams’ critiques often bring them into conflict with the state. The success of the gacaca depends in large part on how well these NGOs are able to negotiate the fine line between supporting and critiquing the state project, without slipping into either naïveté or cynicism.

Systematic attention to questions of diversity within transnational regimes, particularly to processes of conflict, competition, and collaboration between NGOs and states, would pay rich dividends. The development of varieties of transnational human rights NGOs and their relationships with states are a particularly promising venue for further research.
NOTES

8 This paper is based on research conducted in Rwanda between 2002 and 2005 with the support of grants from the Workshop on Transnational Contention, The Mario Einaudi Center, and the Peace Studies Program at Cornell University.


11 Organic Law 16/2004 of 19 June 2004 establishing the organization, competence, and functioning of Gacaca Courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed from 1 October 1990 to 31 December 1994.

12 The author conducted ethnographic research on the tribunals of the pilot phase of the gacaca process, which have since begun the formal trials. For much of the country, although the information gathering process has started, trials are yet to be launched.

13 Stef Vandeghinste notes that one of the only points in the 1993 Arusha Accords that the Rwandan government has not implemented relates to Article 16, on establishing an International Commission of Enquiry to investigate human rights violations during the war. S. Vandeghinste, “Rwanda: Dealing with Genocide,” 284.


15 Katarina West, Agents of Altruism—the expansion of humanitarian NGOs in Rwanda and Afghanistan (Burlington, VT: Ashgate, 2001).


17 ASF. “Justice Pour Tous au Rwanda” (Brussels: Avocats sans Frontières, 2000). See also, ASF website. www.asf.be/FR.


19 ASF. “Justice pour Tous,” 43.

25. Freedom House, “Freedom in the World (1999-2000),” ranked Rwanda among those countries whose status is “Not Free.” The polity was characterized by Freedom House as “dominant party—military dominated.” However, in the 2003 annual report, Freedom House observed that Rwanda is not among the countries where “State control over daily life is pervasive and intrusive, independent organizations and political oppositions are banned or suppressed, and fear of retribution is a feature of daily life.” http://www.freetheworld.com/release.html.
32. Nevertheless, because the pursuit of justice through the gacaca is upheld as a national goal, ordinary Rwandans, mostly Hutus, wonder why the cases of those Hutus who were victims of war-time atrocities committed by the RPF are not similarly brought to trial. This could lay the groundwork for a growing disaffection against the state.
39. Katarina West, Agents of Altruism, 204.
40. Perhaps it could be that the substance of the universal laws could simultaneously undergo some marginal change, drawing toward a new convergence in the long run. For example, while bringing international human rights standards to the gacaca, PRI also seeks authentic inputs for the reform of law and human rights systems at the global level. PRI campaigns for worldwide acceptance of community service (encouraged by early success in Zimbabwe) as a viable alternative to prison sentences and is working to develop “new models of criminal justice,” which may be applicable across countries.