

## Research Brief

# Transitional Justice and DDR: The Case of Rwanda

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The military victory of the Rwandan Patriotic Front (RPF) in July 1994 finally halted the slaughter of Tutsis in Rwanda. The new Rwandan government focused almost exclusively on criminal accountability for the 1994 genocide. As a consequence of prioritizing retributive justice over restorative justice, the material needs of survivors have not been met by the transitional regime in Rwanda. This concern fits uncomfortably with the success of the country's disarmament, demobilization, and reintegration (DDR) program. While Rwanda has gone further than any other post-conflict state in prosecuting lower-level perpetrators for mass atrocity, transitional justice mechanisms were deliberately kept separate from the DDR program. The Rwandan experience provides a fascinating case where DDR largely succeeded despite a firm policy against amnesty; however, ex-combatants have benefited from quite generous DDR packages, while no funds are available for reparations to their victims.

## Background

Civil war preceded the genocide in Rwanda, where in 1994 Hutu extremists launched an extermination campaign against the Tutsi. By July 1994, at least half a million Tutsi, as well as thousands of Hutu, were slaughtered in the world's fastest genocide. After the RPF invaded to stop the genocide, the defeated Hutu militias fled to Zaire and the conflict continued across borders, spreading throughout the region. Killing and displacing millions, the war finally ended in 1999 with the signing of the Lusaka Peace Accords. However, fighting continues among ethnic militias and government forces.

## DDR

Rwanda has successfully demobilized and reintegrated approximately 54,000 combatants since 1995. The Rwandan Demobilization and Reintegration Commission (RDRC) implemented DDR in two major phases, with both phases involving five sometimes overlapping military forces: the RPF; the Hutu-led government's Armed Forces of Rwanda (FAR); the Rwanda Patriotic Army, later renamed the Rwandan

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## Research Project

### Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ.

Defense Forces (RPA/RDF); the *abacagenzi*, a Hutu insurgency in northwest Rwanda; and the “armed groups” (AG), a term used for all the Rwandan Hutu rebels in the Democratic Republic of Congo (DRC).

During Stage I, Rwanda disarmed and demobilized 18,692 RPA soldiers as well as an estimated 15,000 FAR combatants. Originally budgeted at US\$40 million, Stage I DDR only received US\$18.3 million in financing, half of which came from the Rwandan government. Lack of funding meant the program provided little in the way of reintegration support to RPA ex-combatants and none whatsoever to the ex-FAR.

Stage II began in 2001 when the international community created the US\$500 million Multi-Country Demobilization and Reintegration Program (MDRP) to promote DDR in seven countries affected by the second Congo War. The program aimed to coordinate a large-scale regional demobilization and reintegration program involving 350,000 combatants over the five-year period from 2002–2006. According to the MDRP Monthly Statistical Progress Report from May 2007, in Stage II the RDRC demobilized 20,039 RDF soldiers, 12,310 ex-FAR, 5,873 ex-AG combatants, and 624 ex-AG child soldiers. These totals included fifty-seven women and two girls. Under the Rwandan Demobilization and Reintegration Program, demobilization involved sensitization trainings in “solidarity camps” which covered Rwandan history, civic education, national unity and reconciliation, *gacaca*, micro-financing, and public health.

All ex-combatants in DDR Stage II received reinsertion support packages consisting of US\$100 and basic household supplies. Ex-combatants also received reintegration support consisting of between US\$150 and \$2,000 according to their rank and affiliation. As of May 2007, 38,846 ex-combatants had benefited from reinsertion support while 40,068 ex-combatants had received reintegration funds. In addition, all former professional soldiers receive a Recognition of Services Allowance, which ranges from US\$300 for privates to US\$1,000 for colonels. Finally, the most vulnerable ex-combatants are eligible for a one-time Vulnerability Support Window grant of approximately US\$333.

### **DDR, Women, and Children**

Less than one percent of the demobilized ex-combatants were women. According to the 2004 RDRC report, Stage I provided “no special support” for female soldiers and had no “concern with the gender issues within the communities the ex-combatants resettled.” Overall, DDR was not gender sensitive in Rwanda, with the exception of Vulnerability Support Window grants which largely went to demobilized female soldiers.

During the civil war and genocide, the RPF came to include 2,364 child soldiers, though only a third of them were actually registered in the army. Some child soldiers were placed in a special school (the Kadogo School) created in June 1995. Later on in the conflict, the government sent the child soldiers to *ingando*, where they received training and sensitization for two to four weeks, and they were later sent to the Gitagata rehabilitation center to receive further education before being reintegrated.

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## Transitional Justice

Implementing an effective transitional justice strategy in Rwanda is an incredible challenge given the scale and brutality of the 1994 genocide, the high degree of public participation, and the geographical and economic constraints that force perpetrators and survivors to live side by side in the aftermath. Other post-conflict states with similarly overwhelming numbers of perpetrators to contend with have opted for amnesties or selective prosecutions. In contrast, the Rwandan government is committed to holding those responsible for genocide accountable in criminal trials; however, this largely leaves out those who committed crimes during the years of civil and regional conflict.

### Prosecutions

**Gacaca.** In 2002, Rwanda launched the most ambitious transitional justice measure ever attempted: 11,000 community courts (*gacaca*) have been created to try lower-level genocide suspects. Nearly 800,000 Rwandans—one-fifth of the adult population—have been accused before these courts. The local court system adjoins national and international tribunals mandated to prosecute the most grave atrocities and higher-ranking officials implicated in the genocide.

**National courts.** National courts prosecute higher-ranking officials implicated in the genocide and suspects accused of serious atrocities. Rwanda's national courts tried approximately 10,000 genocide suspects between December 1996 and mid-2006. The quality of justice in these trials was relatively poor, though some improvements are notable following the controversy that arose from the public execution of twenty-two convicted *génocidaires* in April 1998. Rwanda abolished the death sentence soon afterwards in hopes of persuading foreign states to extradite suspects to Rwanda for trial.

**International Criminal Tribunal for Rwanda.** The International Criminal Tribunal for Rwanda (ICTR), founded in 1994, has furthered stability in the Great Lakes Region by apprehending or marginalizing most of the presumed leadership of the genocide. Though instrumental in founding the ICTR, the Rwandan government has since taken a fairly antagonistic position toward it. The genocide trials have proceeded slowly and the ICTR is faulted for an absence of a clear prosecutorial strategy, poor case management and courtroom control by the judges, and a largely incompetent administration. Furthermore, Rwandan survivors are upset by the treatment of victims and witnesses during trials and disappointed by the fact that the ICTR Statute makes no provision for compensation.

### Truth-Telling

The Rwandan government rejected the idea of a truth commission, vowing that retributive justice was required to end the culture of impunity that culminated in the 1994 genocide.

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### About the Author

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## Reparations

The 1996 Genocide Law and *gacaca* laws called for a Compensation Fund for Victims, which is intended to cover judicial awards to genocide survivors in cases where convicted *génocidaires* would or could not pay the awards demanded of them. In the thirteen years since this law was passed, millions of dollars have been spent incarcerating and trying genocide suspects; yet, there is still no compensation fund for survivors. Survivors find that their demands for reparations go unheeded while generous demobilization packages are funded for ex-FAR and other ex-combatants. Despite the lack of a compensation fund, *gacaca* still provides limited reparations to genocide survivors such as restitution to survivors for their loss of property. Convicted perpetrators unable to compensate stolen or destroyed goods are often required to work off their debt through unpaid labor for the survivors. *Gacaca* also offers symbolic reparations by requiring the suspects who plead guilty to reveal the whereabouts of their victims' remains before they are eligible for reduced sentencing.

## Conclusion

DDR and transitional justice were deliberately kept separate in Rwanda due to a combination of logistical and policy concerns. The RDRC does not screen ex-combatants for abuses, nor does it share any information on demobilized combatants with the justice sector and ICTR investigators. Effective and quick disarmament and reintegration were viewed as imperative to stability. Practitioners worried that linking transitional justice with DDR would render the process overly holistic and hence unmanageable. There is an inherent tension between DDR and the *gacaca* court system considering that, in most cases, DDR programs aim to reassure ex-combatants they will not be punished if they agree to lay down their arms. In contrast, Rwandan ex-combatants must pass through *gacaca*, where they risk being accused of genocide. Astonishingly, ex-combatants report that the prospect of appearing before *gacaca* does not discourage demobilization. This surprising finding suggests that DDR and criminal accountability may not be as much in tension as they appear.

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