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Evaluating African Traditional Knowledge System: A Review of Gacaca Judicial Practice in Post Genocide Rwanda

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Abstract

Culture and traditions have always remained relevant aspects of human existence and world heritage. They distinguish a group of people from other human societies. Unfortunately, colonisation led to the erosion of several valuable aspects of African cultures and traditions. But in post genocide Rwanda, the need to ensure justice, as a precursor to reconciliation and sustainable peace in the country and the lacuna created by the dearth of western oriented judicial officers encouraged the resuscitation of traditional judicial system called Gacaca. This research discovered that even though Gacaca Court system had its drawbacks, it still succeeded in realizing the objectives of fostering reconciliation and the country which was once an albatross of ethnic cleansing later became a beacon of peace, unity and development in Africa. The research recommended that African leaders should exhume, polish and preserve the valuable aspects of their culture which can facilitate their development.

Keywords: *African Culture, Gacaca Courts, Genocide, Traditional Judicial System, Traditional Knowledge.*

INTRODUCTION

Traditional knowledge system implies the unique and distinctive local knowledge that is embedded in the cultural tradition of the people of a society. It is the expertise, skills, know-how and practices which a given community has developed overtime and continues to develop. Thus, it is based on the people's experience, often tested over times of use, adapted to local culture and environment, and subjected to the vagaries of dynamic and change. This is made Ezeanya-Esiobu (2019) posits that indigenous knowledge is a part of the cultural identity of a community that has been built upon and passed from one generation to the other

According to Ouma (2017), Africa, like the other parts of the world, had her own knowledge system that sustained her people for centuries prior to colonialization. Africans were firmly rooted in culture and tradition and this defined the everyday life and activities of the people of the region. Their traditional knowledge encompassed issues such as agricultural system, educational system, marriage system, legislative system, judicial system, healthcare system, religion and belief system as well as some other rich body of indigenous methods which the people have drawn on for centuries to proffer solutions to their developmental and environmental challenges. This is what this study refers to as traditional knowledge system

Regrettably, contact with western civilisation and the resultant colonisation haveled to the erosion of several African traditional knowledge systems. The European colonial powers labelled Africa as a granary of ignorance, and a "dark continent" without its own history, culture, and self-defining memories. While alluding to this, Osman (2010) argues that the European colonialists employed brutal policies and deceitful methods to subdue the African

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

people in order to exercise full control over their lands and resources. The European's methods included the consistent demeaning of local cultures, and determined efforts to erase the existing systems of knowledge and their replacement with Western-oriented belief and knowledge systems. Such orchestrated policies resulted in outright suppression of the local communities and stigmatisation of their knowledge systems which were branded barbaric and uncivilized. Goolam (2013) observes that the abandonment of African knowledge system and the embrace of western imposed political and social economic ways of life by Africans have been identified as the bane of African development. Similarly, Makinde, (1988)states that the fact that Africans have not been able to effectively practice or utilise the new knowledge system which they embraced from the Europeans has put them at the crossroad of development. The culture and traditions of a people mark them out distinctively from other human societies in the family of humanity. It is the commanding force that explains the connection between the past and the present and defines the future as well. Therefore, any society that abandons this important aspect of their existence may find it difficult to progress. Ezeanya-Esiobu (2019) corroborates this as he opines that "the acknowledgement of the significance of Africans indigenous knowledge system is key to the continents advancement.

Nevertheless, there has been a reawakening to share and celebrate the uniqueness of Africa knowledge system in recent years. Scholars like Masango (2020) have emphasised the need to go back to African traditional knowledge system and pick the ones that are relevant to their society. This came on the heel of the fact that the use of indigenous knowledge has been a veritable alternative way of promoting development, especially in some poor rural communities in many parts of Africa; a venture which has led to many success stories.

Rwanda is one of the African countries that have felt the need to revert to African traditional knowledge system to solve a teething problem in contemporary times. The kind of carnage and wanton destruction of properties recorded during the Rwanda genocide in 1994 called for justice in order to achieve, reconciliation and sustainable peace in the country. The leadership of the country felt that their quest to elevate national identity over ethnicity, to promote unity over dissent and to have a future free of violence, division and conflict may be a mirage without ensuring that justice prevailed (Miller, 2017).However, aside the fact that there was a dearth of judicial officers to engage in the trial of the several detainees who participated in the genocide, the government of the nation felt the need to adopt a system that the people could accept as their own and that would serve as a means of true reconciliation to the Rwanda society, which was the main objective of the government. Hence, the country had to fall back on its traditional judicial system known as Gacaca. That was why Schabas (2019) described Gacaca as middle ground where justice and reconciliation colluded. The aim of this research therefore is to examine the potency of the African Knowledge system in solving contemporary challenges, through the perspective of the Gacaca Courts established after the holocaust in Rwanda.

The Remote and Immediate Causes of the Rwanda Genocide

Several remote and immediate factors have been attributed to the outbreak of the Rwanda Genocide in 1994. Prominent among the factors was ethnic identity. An ethnic group can be described as a collection of individuals who are acknowledged by themselves or others as distinct group based on social or cultural features. Hence, ethnicity manifest when a group of people expresses or displays a shared historical experience and a distinctive organisational, behavioural and cultural traits. Sotiropoulou (2004) identifies six key characteristics which define a group sharing the same ethnicity. These are; a collective proper name, shared historical

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

memories, a myth of shared ancestry, association with a particular homeland, one or more distinguishing elements of common culture and a sense of solidarity for sizeable segments of the population. Ethnicity and identity can be described as similar concept. Putting it in another way, identity can be described as the sense of ethnic distinctiveness.

In pre-colonial and early colonial period, Rwanda population maintained a stable social order. Although, there were the Hutu and Tutsi groups, but the names were being used to describe specific people based on ancestry or socio-economic status and not to refer to ethnic identity. As a matter of fact, a change in an individual's status due to marriage, wealth or even poverty could make him to transit from one group to the other. It was the Belgian authority which took over the administration of Rwanda from Germany in 1917 (as a thrust territory), that established a permanent division by categorising the population into permanent ethnic groups in the 1930s as it engaged in divide and rule system in Rwanda. Since then, ethnic division became a sort of identity card which every Rwandan had to carry. That marked the root of socio-political instability in Rwanda (Uvin, 2003). In its administration, of the colony, the Belgians favored the Tutsi minority group by granting its population privileges and power over the majority Hutu population. The Tutsis rose to prominence as a privileged race with access to power, education, and prestige. Ironically however, it was the same Tutsi group that first rose against colonialism. The Tutsi's resistance made the Belgians to withdraw their support from the Tutsi and decided to support the Hutus instead. This created discontentment and a rift that lingered for decades between the two groups (Uvin, 2003).

After Rwanda's independence in 1962, political instability continued as various Hutu-dominated administrations took over power, often using anti-Tutsi rhetoric to rally support. In 1973, President Juvénal Habyarimana seized power in a coup d'état and created a one-party state which consolidated power in the hands of the Hutu elite. Habyarimana's regime was allegedly fraught with corruption, repression, and human rights abuses (De- Forges, 1999). These fuelled opposition from Tutsi rebels who had formed the Rwandan Patriotic Front (RPF). In 1990, the RPF launched an attack on Rwanda; an action which resulted in a civil war that lasted until 1994. As the civil war intensified, Habyarimana's government became increasingly unstable, and the administration began to rely on ethnic politics to maintain its grip on power. The government portrayed the Tutsi rebels as a threat to the Hutu majority and used propaganda to stir up anti-Tutsi sentiment. This further created a climate of dislike and mistrust that eventually lead to the genocide.

Economic issues also constituted a critical factor in the Genocide. The country's economy was heavily dependent on agriculture, with coffee and tea being the major exports and main sources of revenue to the nation. However, the distribution of wealth was heavily skewed in favour of the Minority Tutsi. The Hutu majority, who constituted about 85% of the population, were mostly poor farmers who lacked access to education and economic opportunities while the Tutsi minority which made up about 15% of the population, held a disproportionate amount of wealth. Although, the Tutsi were discriminated against and excluded from the government, politics, and the military, yet a lot of them were still found in better positions because of their educational advantage. This was another reason for resentment among the Hutu population. The Hutu extremists who believed that the Tutsi were hoarding economic wealth and resources saw the Tutsi minority as a threat to their economic well-being and therefore, eliminating them would enable the Hutu to seize control of the nation's assets (Des-Forges, 1999).

In addition, the government under President Habyarimana, who was a member of the Hutu ethnic group, was not proactive in addressing the economic disparities as well as

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

corruption and nepotism which characterised his government. As a matter of fact, the government's economic policies favored the elite, including foreign investors, at the expense of the majority of the population. Uvin (2003) argues that the economic imbalance in the country was compounded by environmental factors such as soil degradation and deforestation which reduced agricultural productivity and brought about food shortages. This created additional pressures on the already vulnerable population and contributed to the existing desperation, anger and resentment that fueled the genocide.

According to Fletcher (2007), the formation and activities of the Interahamwe Militia also played a prominent role in the genocide. The militia which was formed by the ruling Hutu government, in response to the growing political instability (commonly referred to as the Rwanda Civil War) in the country in early 1990s, drew its members primarily from the youth wing of the ruling party. The ruling government formed the militia to supress opposition and consolidate its hold on government. The extremist group was notorious for its anti-Tutsi rhetoric and violent tactics against the Tutsi population and Tutsi-led Rwanda Patriotic Front. The Interahamwe militia was responsible for various violent acts which involved targeted killings, rapes, and intimidation of the Tutsi populations during the genocide

In July 1993, the OAU and the international community organised a peace deal between the Hutu dominated Rwanda government and the rebel Rwanda Patriotic Front. The peace initiative which led to the signing of Arusha Peace Accord or Arusha Declaration between the duo in August 4, 1993, was meant to guarantee power sharing between the government and the Tutsi-led RPF. Despite signing the agreement, President Habyarimana still continued to support the Interahamwe militia and other extremist groups, who were allegedly responsible for much of the violence that facilitated the genocide. Furthermore, the failure of the Arusha Accord to address the underlying grievances that led to the civil war was another factor that contributed to the genocide. Issues such as ethnic discrimination, economic inequality, political exclusion and some other issues that created tension between the Tutsi and the Hutu were not properly addressed by the Accord (Uvin, 2003).

The genocide began in earnest in April 1994 following the assassination of President Juvénal Habyarimana in a plane crash. The Hutus believed that the assassination was masterminded by the Tutsi backed RPF. Hence, for a period of three months, some military personnel, the extremist Hutu groups, including the Interahamwe militia, and some ordinary citizens launched a nation-wide murderous campaign to exterminate the minority Tutsi population in Rwanda. The genocide claimed the lives of about 800,000 people of the Tutsi ethnic group and the moderate Hutu who tried to speak against the genocide or protect the people of Tutsi extraction. The genocide also forced millions of people into exile (Lemarch and, 2002).

Introduction of Gacaca Courts

The Rwanda genocide had a devastating effect on the nation. National cohesion broke down, the economic resources of the nation were destroyed and infrastructures became dilapidated. But while infrastructures like schools, hospitals, roads, bridges and power grids could easily be rebuilt or repaired, the social fabric of the society which was ripped apart by the genocide could be more difficult to sew back together. The strained bonds of trust in the communities mademany Rwandans to continue to view one another through an ethnic lens, with distrust and suspicion. This became more precarious because in most cases, the survivors of the genocide lived alongside the people who attacked them and killed their relations. The

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

adverse effect of this on national cohesion was overwhelming. Consequently, both the government and the citizens of the country felt that people should be held accountable for their involvement in the genocidal and massacre acts in order to condemn the culture of impunity.This made it imperative for the government to roll out the process of guaranteeing justice for the victims of the heinous crime

In December 1996, Rwandan government commenced the process of prosecuting the genocide suspects in the conventional courts. But this was going at a snail speed due to the fact that the judicial institutions were negatively affected by the genocide so much so that they almost ceased to exist. At the end of the genocide, only 20 magistrates were left in the whole of Rwanda. So by early 1998, only 1,292, out of about 130,000 detainees had been tried, with only few people confessing to their crimes. It became abundantly clear that the prevailing justice system in Rwanda could not adequately take care of the justice issue which confronted the country due to the huge number of detainees and few available judges. The Rwandan government which had earlier turned down the overture of bringing foreign judges and legal personnel on board to hasten justice in the nation, realised that it may take a century to prosecute the huge number of detainees, if the Rwanda judiciary was left alone to handle the cases.

In January 1998, the Rwanda Vice President, Paul Kagamelamented that it was becoming increasingly difficult for the country to continue to provide the whooping sum of US$20 million yearly which was needed to support the huge number of people in prison (Hakizimana, Interview 20.12.23). Between 1998 and 1999, the President of Rwanda, Pasteur Bizimungu held series of meetings and consultations with some national leaders to discuss the country's future, particularly, the issue of reducing the massive prison population. The meetings resulted in the emergence of a proposal to revive and adopt the traditional dispute resolution mechanism called Gacaca. Hence, in June 2002, Paul Kagame, who had become Rwandan President then, officially launched Gacaca Courts to handle genocide related cases. Its mandates included the following five objectives:-

(a) To reveal the truth about what happened in Rwanda between 1990 and 1994.

(b) To accelerate genocide trials

(c) To eradicate the culture of impunity

(d) To reconcile Rwandans and reinforce their unity

(e) To prove that Rwandans have the capacity to provide solution to their own problems (Haskell, 2011)

Asides other reasons for the adoption of Gacaca judicial system, the government of Rwanda thought that the traditional court system would involve the local community members as main actors in dispensation of justice and this would not only give them ownership of the process, it would also convince the people that justice was being served. That, in turn would facilitate healing process and help to reunite local communities.

Traditional Gacaca System

Gacaca was a traditional community technique for resolving disputes amongst kinsmen in Rwanda before the arrival of the European colonialists. It was literally translated "small grass" after the lawns where community elders gathered to resolve disputes within or between families or between community members. Whenever societal standards were violated or

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

conflict erupted such as property damage, claim over property ownership, marital issues, breach of a promise, unpaid debt, land disputes or struggles over inheritance, the parties involved would be called together at informal meetings usually presided over by the people that were noted as men of integrity in the local community usually called *Inyangamugayo*, (which can be translated as those who hate disgrace), to resolve the issue. According to Mugabowagahunge, (Interview 20.12.2023) the main objectives of the Gacaca meetings were to put an end to the breach of shared values and to restore social harmony by reintegrating those who had violated community norms.

During the colonial period, Gacaca system became infamous as the Western-style judicial system was implemented in Rwanda. This continued even after the nation's independence. However, Gacaca system remained a crucial component of customary practice as the system continued to deal with some small disputes as enumerated above. If the verdict of the *Inyangamugayo* was acceptable to both parties in any case, the matter would end there. But if one of the parties disagreed with the decision of the *Inyanganmugayo*, the case would be taken before the regular court (REDRESS, 2012)

Renewed Gacaca System

Suffice it to say that the original traditional Gacaca system was not to entertain serious cases such as war crime and genocide. But the renewed or modern Gacaca Courts combined the powers of the traditional Gacaca system with those of the regular courts and even the State Prosecutor which gave them jurisdiction over war crime and genocide. The law empowered them to issue summons, conduct investigations, order preventative detentions, determine the guilt or innocence of the accused, and impose penalties where an accused was found guilty. The sentences hinged on the perpetrator's involvement and the gravity of the offense. Longman (2009) states that the new Gacaca courts had the power to impose imprisonment, community service, fines, or other forms of punitive measures. They were imbued with the mandate of full-fledged criminal tribunals with a wide range of jurisdictional authority. The mandate of the court also included assessing the losses suffered by survivor, facilitating reparation and compensation for the victims of the genocide, and to foster reconciliation and healing in the country.

The genocide cases which the modern Gacaca courts were to try were initially categorised into 4.

Category 1: The people that were grouped in this category were the planners, organisers, instigators, and ringleaders of the genocide as well as those who committed rape or sexual torture. The category also included well-known murderers and those that engaged in dehumanising acts on dead bodies. The suspects that belonged to this category were tried by ordinary courts.

Category 2: This included those who committed or assisted in committing murder or attacks against persons that resulted in death. It also included those who, with the intent to kill, caused serious injuries or committed other acts of serious violence that did not result in death.

The maximum punishment proffered in this category was 25 to 30 years' imprisonment, with the loss of civil liberties such as the right to vote. Offenders were also to lose their eligibility to apply for public service jobs

Category 3: This category covered those who committed serious attacks without the intention of killing their victims. In view of the difficulty involved in identifying the culprits

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

in this category, the category was eliminated under the 2004 amendment law and the people associated with the category were placed in category 2.

Category 4: The fourth category included those whose offences had to do with the destruction of property. Penalties at this level were reparation to the owners of the property damaged.

By the provision of the Organic Law No. 10/2007 of March 1, 2007, some major adjustments were made to the classification of offenders and the punishment allotted for each offence. The adjustment reduced the categories to three. Some crimes were reclassified from category 1 to category 2. With this adjustment, the new category 1 included cases of people that were engaged in torture, murder, and those who committed degrading acts on dead bodies. Although this undoubtedly increased the workload of the Gacaca courts, but it further empowered them to convict defendants to life imprisonment, once their culpability had been established.

The new Category 2 included a well-known or zealous murderer, someone who committed the act of torture against others, an individual whose criminal acts or participation in criminal conspiracy placed him among the killers or those who engaged in serious attacks with the intention to kill but who did not achieve their aim, someone who committed or took part in criminal acts against persons without any intention of killing.

Category 3 was limited to those who committed offences against property only. (Rwanda Organic Law, 2007).

Stages of Gacaca Courts

The Rwandan government decided to implement Gacaca Court system gradually rather than allow it to start instantaneously all over the entire nation. In other words Gacaca went through stages/phases in order to give room for amendments and fine-tuning before it was rolled out nationwide. The first stage commenced in 80 communal cells spread across the 12 pilot sectors in June 2002. This implied that each pilot sector was created in each province of the nation. The government decided to initiate the pilot phase cautiously so as to experience and conduct evaluation of the operation of the process. This evaluation enabled the government to know the amendment needed to improve the process and to guarantee efficacy and efficiency before they rolled out the project nationally. The success of this pilot stage led to the extension of the coverage of gacaca court system to the second pilot stage which covered 751 cells out of the 10,000 countrywide cells. It was after then that the coverage of the system extended all over the country.

The Structure of Gacaca

Gacaca courts operate in many layers. There were the cell courts, Sector Courts, District or Town Courts and the Courts of the Province or Kigali City. The Cell is the smallest political unit in the country. Citizens in the Cells performed the function of electing the panels of 19 judges called *inyangamugayo*. The judges in turn selected representatives to the 1,545 Sectors level and 106 District level courts. Each Gacaca court was composed of a General Assembly, a Bench and a Coordination Committee. The General Assembly of each court usually met once in a month, although, an emergency meeting of the court could be summoned whenever the need arose. The General Assembly of the Cell Gacaca Court functioned to give information about the perpetrators and victims of the genocide (HRW, 2007). At this level, everybody living in the cell was expected to give information as regards where he or she was residing before and

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

during the genocide. The individual was also expected to testify on whatever he or she knew about the crime of genocide perpetrated in that particular cell. The decisions of the General Assembly were taken either by consensus or by absolute majority of its members.

The Bench

The Bench was composed of 19 men of integrity commonly referred to as *Inyangamugayo* Judges who adjudicated on cases referred to them. They were elected by the General Assembly of the Cell where they resided. General training sessions were held for the *inyangamugayo* throughout the country. Extra training session were organised where that was necessary. In most cases, school teachers, civil servants and business men and women were elected as *inyangamugayo*

The Coordination Committee

The Coordination Committee was made up of a President, 2 Vice Presidents and two Secretaries elected by members of the Gacaca Court Bench. The Coordination Committee performed the following functions:-

(a) To convene, preside and coordinate over the meetings and activities of the Bench for the Gacaca Courts and its General Assembly.

(b) To document complaints, testimonies and evidences given by the people

(c) To accept and document files for suspects answerable to Gacaca Courts.

(d) To register petitions filed against judgement passed by Gacaca Courts.

(e) To send the files of Gacaca Courts judgements which were appealed against to the Gacaca Court of appeal.

(f) To document decisions made by organs of the Gacaca Courts

(g) To generate reports of activities of Gacaca Courts

(h) To execute the decisions of the General Assembly and those of Gacaca Courts Bench, and

(i) To transfer the report of activities ratified by the General Assembly of the Gacaca Court to superior Gacaca Courts (Right for Education, 2020).

How Gacaca Courts analysed the Cases Presented to them.

After gathering the necessary information about a case, the *inyangamugayo*of the Gacaca court at the cell level would analyse it. The judges would then prepare a file for those who were alleged for committing crimes. The accused persons would be put in one of the categories earlier described. Thereafter, the case would be submitted to the court that was competent to handle it. Cases that fell within the first and second categories were submitted to the Gacaca Court of the Sector. But any case that fell in the third category was left to be decided at the Gacaca Court of the Cell.

The hearing was usually done in the public glare, except any interested party made a special request to the contrary. Judgements were also pronounced after every hearing in order to instil confidence in the minds of the people as regards their activities. However, the deliberations of the *inyangamugayo* were done in private. Anybody summoned by Gacaca Court, whether as witness, victim or accused was given at least seven days' notice before the trial date. At every hearing, the President of the court usually requested all those present at the

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

trial to observe a minute silence in memory of the genocide victims. This also went a long way to mollify the grief of those who lost their loved ones in the genocide and facilitated healing and reconciliation process. In addition, the Participants were also made to observe the rules that governed the sessions.By the time the courts wound up their activities in 2012, the 12,000 community based courts had tried about 1.9million cases because the number of accused persons increased significantly beyond the number of detainees in prison as the trial proceeded (HGI, 2015).

Table 1: The numbers of Cases tried by Gacaca Courts are presented in the table below

Category	No. of cases	Total found guilty	%	Confessions	%	Acquitted	%
One	60,552	53,426	88.3%	22,137	41.4%	7,126	11.7%
Two	577,528	361,590	62.6%	108,821	30%	215,938	37.4%
Three	1,320,554	1,266,632	96%	94, 054	7.4%	54,002	4%
Total	**1,958,634**	**1,681,948**	**86%**	**225,012**	**13.3%**	**277,066**	**14%**

Source: Administrative Report on Gacaca from the National Service of Gacaca Courts

It can be seen from the above table that only 277,066 people were acquitted out of the total number of 1,958,634 people tried. Clamping the huge number of people in prison would have been a very difficult situation for Rwandan authority to manage. That is why one cannot agree less with the fact that one of the ingenious initiations of Gacaca Law was the provision it made for Community Service as part of its working instrument. Anyone convicted could opt for community service as an alternative to prison sentence. But by the provision of the Organic Law No. 40/200 of 2004 and its subsequent amendment, convicted persons lost their right to refuse community service (Amnesty International, 2010). The provision of the Law stated that community service was to replace the prison penalties earlier imposed. The implication of this was that a large number of persons found guilty and sentenced to different jail terms had their sentences converted to community service jobs without pay.

Community service was implemented in two different ways. These were camp-based system and the neighbourhood model. The offenders in the camp-based system were required to work for six days in a week in camps that were located in communities far away from their own communities. On the other hand, the "neighbourhood" model of community service entailed prisoners living with their families and working in their communities for a period of three days each week. Initially, the consent of the offender was required to commute his sentence from incarceration to community service. Later on, the option for criminals to refuse community service was abolished and a presidential directive made it compulsory (Haskel, 2011).However, minors between ages 14 and 17, at the time of the crime who were found guilty of genocide offences, were given half of the adult penalty for the same offence, while minors who were less than 14 years at the time of the commission of the offence were not subjected to prosecution.

Advantages of Traditional Court over the Regular Court System

The Rwandan government adopted Gacaca Court system because it believed that the system had several benefits over the western type form of justice. The government held the notion that the traditional court system would dispense justice more quickly than the regular court which could make suspects to spend a long time awaiting trial. Second, it was believed that Gacaca traditional court would reduce the cost which the government would have incurred if all the suspects were to be tried in the regular court. The government also believed that the best way to determine the truth would be through community participation.The outstanding

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

success achieved in rebuilding the country after genocide is a cogent evidence to justify the aforementioned notions.

First of all, the system saved the government a lot of public finance that would have been spent in taking care of the prisoners, hiring of judicial officers and other logistics involved.Moreover, many Rwandans applauded the establishment of Gacaca Courts and regarded them as a genuine attempt to adapt traditional Rwandan institution to modern social needs. The facts that the courts proceedings took place within the communities, encouraged extensive public participation and guaranteed fair trial made both the victims and perpetrators of heinous crimes to repose confidence in the courts. Knowing that the punitive measure was not severe encouraged some suspects to voluntarily confess the details of their level of involvement in the genocide and as well promise to live by the society standards which they had broken. This reduced long term jail sentence and helped to decongest the prisons. In addition, the idea that confessed suspects could obtain fewer sentences and early freedom was widely applauded by the people, many of whose family members have been detained in prison for many years. All of these helped to douse tension, discouraged bitter animosity and the spirit of retaliation (Westberg, 2010)

Furthermore, the procedure of the court system made it easy for the nation to have the true knowledge of what transpired which facilitated the development of a proper record of the genocide. Even, if not all the truth was told, the people still felt that what was revealed shed light on certain issues that were shrouded in mystery before the establishment of Gacaca. Even heated altercations between suspects and witnesses or survivors still turned out to be positive engagement because they brought hidden grievances and resentment to the fore and decreased the weight of the memory of the heinous crime committed during the genocide. This was considered a great milestone by a lot of Rwandans. Some survivors believed that one of the most outstanding success of Gacaca was that it enabled them to unearth the bodies of their family members, buried them with dignity and mourned them properly. This is an integral part of Rwanda culture which could leave someone depressed or bitter for the rest of his or her life if not done.This also played a critical role in restoring social harmony and repairing broken relationship between victims and offenders. A survivor of the genocide made the following statement

> Before Gacaca, was introduced, we had no hope and confidence.
>
> The repatriated refugees were not willing to give any information
>
> Or tell the truth about how people had been killed, those who killed them and where the bodies were dumped. But the introduction of
>
> Gacaca, and the system of its operation made people to reposed
>
> Confidence in the system and truth was gradually coming out.
>
> More truth also came from those who were in prison. Eventually, people grew closer together and everybody was willing to forgive
>
> his/her neighbors. That’s how we made progress: thanks to those
>
> who confessed after they understood that they should tell the truth
>
> (Mukeshimana, Interview 20.12.23)

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

In addition, Gacaca system encouraged dialogue between perpetrators and victims. That made the identification of victims and evaluation of their losses easier. It helped survivors to advocate for restitution and compensation which were direly needed as a form of support to alleviate their suffering. Reparation has been proved in various situations to be a crucial component of healing injury suffered and hastening the process of reconciliation. Whatever form it takes, reparation has a special import since it serves as a way of "symbolically healing" for the losses sustained. It is also a way of demonstrating that the society acknowledges the suffering of the survivors, particularly in the situation under review.

Aside victim compensation plan, the creation of community service programme by Gacaca Courts went a long way to help the country achieve the level of success which it had. In the words of Geraghty (2020), the work related sanction called Community Service, introduced by Gacaca served as a solution to the critical issues of overcrowded jail system and enabled criminals to be reintegrated into the community easily. Hence, the initiation of this method played a significant role in bringing about justice, healing and reconciliation in Rwanda which constituted the major focus of the government of the nation.

In addition, the value inherent in African culture contributed to this measure of success achieved by Gacaca courts. African tradition is weaved around community involvement, and since everybody in a community is interested in every other individual in the society, it is a lot easier for people to request and accept forgiveness and move on with their life. In addition, the influence of religion on the reconciliation process within a population that is over 90% Christian, could not be underestimated. Rwanda people place God factor at the centre of most of what they do and this helped a lot of them to imbibe the spirit of forgiveness. The clergy frequently discussed forgiveness at every religious gathering. It was also a key topic in political discussion of the Gacaca process. President Paul Kagame expressed the significance which the government placed on the concept of forgiveness while speaking at the Official opening of the preliminary Gacaca Courts in June 2002 as he said:

> The sins that were committed must be condemned and punished, but must also be forgiven. If there was no Gacaca, there would not be justice, and if there was no justice, there would always be anger. But when there is justice, you pardon and you move forward. Those who killed also feel bad because they now realise the evil in what they did (Reporters Without Borders,2011)

One cannot dispute the fact that what was paramount to the government of Rwanda and in the minds of many citizens of the country in post genocide period was how to achieve reconciliation, peace, stability, future development, healing and national cohesion. Several surveys conducted revealed that Rwandans had a positive attitude towards the courts, owned them and gave them their unalloyed support. In its effort to ascertain the extent to which the Rwandan population believed that Gacaca system had been successful, based on the objectives set before it, the Centre for Conflict Management at the University of Rwanda conducted a research which revealed the following result-:

Objective 1- to find out and disclose the truth about the genocide: 84% success

Objective 2- to speed up genocide trials: 87% success

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

Objective 3: to end the culture of impunity: 87% success

Objective 4: to strengthen unity and reconciliation: 87% success

Objective 5: to demonstrate the capacity of Rwanda to solve their own problem: 95% success. ((HGI, 2015)

The average percentage of all of these was 88% which shows that most Rwandan citizens were satisfied with Gacaca Judicial system. They believed that it actually succeeded in fulfilling the purpose for which it was created. There were some other researches which corroborated the percentages listed above.This kind of positive spirit and support could not have been secured by western styled legal system.

Criticisms of Gacaca Courts

Despite the celebrated achievements of Gacaca system in many quarters, some critics have faulted the system for being an imperfect method of justice administration, plagued with many limitations. One of the limitations was government undue interference or subtle government intimidation which compromised the integrity of the system. Resultantly, it was alleged that thousands of people were convicted on erroneous allegations and limited evidence. For instance many people were accused, not because of their involvement in killing but because they just participated in barricading the road which was an assignment that the genocidal government required all adult men to be involved in. Thus, Gacaca created an impression of collective guilt among the Hutu and that made many Hutu to lose confidence in the system.

Gacaca was faulted for its violation of the right to fair trial. It was said that the accused persons were not given the privilege of effectively defending themselves through legal representations. They also lost the right of being presumed innocent until otherwise proven by a competent court of jurisdiction. In addition, Gacaca Court system did not give enough time to the accused to prepare their defense. This was not in tandem with normal judicial process (Ingabire, Interview, 20.3.2023)

Critics also said that the system was fraught with procedural irregularities which are needed to unearth the truth in conventional court system. There were allegations of miscarriage of justice occasioned by the pre-conceived views of what transpired during the genocide. For instance, the Human Rights Watch alleged that Gacaca Courts tried some people on trumped-up charges linked to the government’s bid to silence critics such as human rights activists, journalists and public officials.

Another criticism of the system was the limited training given to the Gacaca judges who lacked any prior legal knowledge or training in evidentiary rules. This made the judges to rely on common sense and general principles of fairness in giving judgement. This, in some cases, made them half-baked and erratic in their judgement.

One other serious criticisms against Gacaca was that it failed to provide equal justice to all perpetrators of killings and crimes in 1994. For instance, soldiers of the Rwanda Patriotic Front (RPF) which brought the genocide to an end and formed the new government were not allowed to be tried by Gacaca Courts for policy reason, even though there were several evidences of their involvement in war crimein 1994. Similarly, some officials of the ruling Patriotic Front Party who were accomplices in revenge killings were not also tried by Gacaca Courts. Hence, many Hutu viewed Gacaca as a form of victors' justice, which was meant to exercise government power rather than to promote accountability and the rule of law.

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

Gacaca judges were not financially remunerated by the government and this made a lot of them vulnerable to corruption. There were allegations that some Gacaca Courts judges demanded gratifications from some accused persons.

The idea that Gacaca trials took place in the same communities where both the accused and potential witnesses lived made some witnesses to withdraw due to the fear of recriminations for witnessing against their neighbors

Concluding Remarks

There is no gainsaying the fact that Rwanda experienced one of the most violent conflicts in Africa in the 20th century. But unlike other conflict ridden countries which still experience intermittent outbreak of conflict, Rwanda has achieved remarkable success in reconciliation, reconstruction, development and national cohesion since the end of the country's genocide. This has been attributed to a combination of leadership dexterity and the innovative traditional approach which the government instituted to proffer solution to the conflict. The introduction of the indigenous Gacaca Court system served as a mechanism of truth, transitional justice, accountability, peace, healing, forgiveness and reconciliation.

Although fraught with many limitations which made it an imperfect system as discussed above, yet, Gacaca has presented an intriguing judicial precedence with enduring effect of holding Rwanda society together for over two decades after the genocide. It has been to Rwanda a peace building process which has succeeded in helping the country in the task of reconstruction of sustainable reconciliation, restoring trust in state institutions and overcoming ethnic divisions so much so that open discussion of ethnicity in the country is now regarded as a taboo. Many researchers and political observers have opined that modern Rwanda could be attributed to the success of Gacaca Courts system. The success of the system has attracted considerable attention from the international community and made Rwanda a beacon of peace, stability and national cohesion to other post conflict societies in Africa.

Rwanda would not have achieved this kind of feat if it has not rejected foreign offer of judicial and legal assistance to try genocide suspects. The retributive procedural western-style judicial system would not have facilitated dialogue, reconciliation and social cohesion as Gacaca did. Therefore, the success of Gacaca system is a clear demonstration of the fact that Africa nations are rich in traditional cultures and practices which could be deployed to overcome societal challenges. The government of Rwanda described its choice to result to Gacaca system to prosecute genocide cases as "Reverting to our traditional methods of conflict resolution" (Haskell, 2011). In like manner, the President of Rwanda, Paul Kagametermed the initiative as an "African solution to African problems." Theses are indicative of the fact that Africa needs to fashion their own modern culture by engaging in a blend of some useful western practices with treasured traditional African elements.

This study therefore concludes that there is a need for Africa nations to cherish, preserve and protect their traditional knowledge in every way possible. There is no gainsaying the fact that African societies have always had their own values, models, principles and mechanisms for addressing the various conflicts which confront them. Therefore, every effort should be made to resuscitate, regurgitate and romanticise all the valuable aspects of their traditions.

The Universities in the region have a critical role to play in this important task. They could set up research centres dedicated to promoting Africa knowledge system and constantly publicise and preserve their outputs. Some universities in Southern Africa such as the University of Botswana, University of North West, Limpopo and University of Venda in South

Volume 63 | Issue 09 | September 2024
DOI: 10.5281/zenodo.13889272

Africa have made some efforts in this regard. Others are expected to emulate these positive efforts. The government of each country in Africa region can also institutionalise Indigenous Knowledge System by establishing National Centre for Indigenous Knowledge System like the one that exists in Ghana to examine, adapt and employ the traditional knowledge of the various communities in every nation in the region.

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