

The GACACA Model (GSP 2206)

Introduction

Peace is one of the major requisite for any societies' development without which no development can be attained

- Conflict on the other hand is simply inevitable in human life; as such there must be a way of achieving peace and reconciliation.
- There are two major techniques of achieving peace: **Formal and Informal** mechanisms.
- One of the major conflicts that were witnessed in Africa is the *Hutu* and *Tutsi* genocide in Rwanda.
- It was characterised as most devastating and catastrophic conflict that ever witnessed within the African context.
- The conflict started in the early 1990's and between the two major dominant ethnic groups *Hutu* and *Tutsi*. It started as a tribal conflict and later metamorphoses into a full scale political conflict and lasted for almost two decades.
- It was estimated that over 800,000 people were killed.
- Over 400,000 widowed.
- Over 500,000 orphans.
- Over 130,000 imprisoned.
- 244 out of 750 judges were eliminated.
- It was also characterised by serious maiming of individuals, destructions of properties and ethnic cleansing.
- The after math of the conflict left Rwanda with serious needs of solving the conflict with many formal mechanisms put in place failed to work as appropriate. Hence, the need to complement it with the traditional approach.

The Model

- The **Ga-Ca-Ca Model** is a typical traditional model of achieving peace & conflict resolutions.
- It is purely African model and operated in Rwanda.
- The model focused more on 'Restorative Justice'.
- It operates purely at community and neighbourhood level.
- It is purely traditional based approach of achieving peace and conflict resolutions in Rwanda.

Philosophies of the GACACA Model

The Model centred on four (4) main philosophies:

- Confession
- Plea bargaining
- Healing of Victims

- Reintegration

GACACA Courts

- The Ga-ca-ca courts were established.
- They are traditionally established.
- Judges were selected using traditional and community base approach by the community members using traditional approaches:
- Judges were selected on the basis of their commitment to justice, truth and spirit of sharing
- They were required to be 21 years and above
- They must have no previous criminal records
- Not serving in government or political leadership
- They must not have been suspected to participate in the genocide
- More than 250,000 males and females judges were selected to serve under the Gacaca courts in Rwanda.

The Court Procedure

Suspects were categorised into 3 main categories based on what is known as **Organic Laws**:

- **Category I** comprised of: planners/organisers of the genocide; officials and leaders; those that commit rape & sexual torture.
- **Category II** comprised of: Notorious murderers; suspects who killed or have the intention of killing; those served as accomplices.
- **Category III** comprised of: Property offenders.
- The courts operated at cell (smallest administrative regions) *Akagari* and Sector (higher administrative regions) *Umurange*
- Lawyers were not allowed to participate
- The courts operated in class rooms, under the tree or on the open space
- Public confession is the cornerstone of the proceedings
- The most severe sentencing by the **GACACA courts** is life imprisonment recommendation
- Those that confessed were given less sentences
- Fine, community services were some of the punishments
- Appeal can also be done within 15 days

That was how the Rwandan society used their traditional conflict mechanisms to achieve peace and reconciliation after the devastating genocide.

Critiques of the GACACA system

The GACACA Model was criticised as a system of achieving peace and conflict resolutions. Below are some of the criticisms levelled against the Model:

- Traumatic effect of testifying
- Retroactive application of law
- Lack of due process of the right of the accused
- Lack of trial against the members of the RPF (the ruling party officials who participated in the genocide).
- Government officials were accused of conspiracy, concealing of information and destruction of records
- The system was not recognised by the International Organisations.
- The system was characterised with corruption among others.