

force have been brought to trial. The struggle against impunity must ensure that no group is favoured above another or the credibility of the justice system will be at risk.

## F. THE CHALLENGES FOR THE FUTURE

### 1. The future of justice related to the genocide: 125,000 detainees waiting for trial

What measures are required to speed up the system in regard to the huge numbers of detainees?

This is a singularly difficult problem to resolve. Some advocate a general release of all detainees except those in category one. But how could freeing tens of thousands of killers in any way contribute to ending the culture of impunity, or do anything to appease the victims and encourage social harmony and mutual respect between the communities. This would be no less than an amnesty in disguise, rightly regarded as unacceptable. However, neither is it advisable to continue with the present situation whereby it could take 20 years to bring to trial thousands of detainees while the others remain locked up indefinitely and many die in prison.

Under the impetus of the President and the leadership of the Minister of Justice, the government began a wide-reaching debate on the political and technical aspects of this problem. This reached the conclusion that what was required was an alternative system of justice in which citizens would actively participate. The main suggestion is to release all detainees, except those held under category one. Those released would then be interrogated in public on the site of their crimes. This is somewhat similar to the Rwandan tradition of *gacaca* (the literal meaning is 'turf justice'). Assemblies of 100 to 120 elected citizens will form arbitration tribunals that will operate simultaneously, hearing witnesses and passing sentence. Sentences could include work on behalf of the community.

It is not hard to imagine that such a system of 'people's justice' will inevitably face strong resistance from those calling for the rigorous application of judicial guarantees. Nevertheless, this is an interesting approach that deserves consideration, although it raises many questions and has some obvious grey areas. Informal soundings among the populace show that it is far from hostile to the idea. Some of the reactions are interesting. *"This would be our Truth and Reconciliation Commission."* *"Finally, our voice will be heard."* *"This is what we need. There will be no lies in front of a public assembly."*

However, there can be no miracle solution for what appears to be an irresolvable contradiction between rigorous respect for procedures and the reality of 125,000 people waiting to be put on trial. The line so far taken indicates a desire to respect the justice process while carefully looking for culturally appropriate solutions. The Ministry of Justice is presently drafting a bill. It is taking a bold gamble in this move, which certainly merits constructive, but prudent consideration. Although the initiative does away with a formal interpretation of judicial guarantees, respect for human