

Nonetheless, Rwandan justice relative to the genocide represents a unique attempt to reconcile truth and justice, fight impunity and resist calls for a general pardon, record history and promote social harmony. Starting from scratch, the results achieved in less than five years are impressive. Rwanda, together with the various countries and organizations that have helped to ensure the prosecution of many involved in the genocide and massacres, all have the right to feel pride in their efforts. The whole enterprise merits respect and consideration. It must continue, but with more emphasis on achieving the desired social and political effects.

From this point of view, the initiative taken by the authorities to develop a system of citizens' assemblies to judge most of the suspects in the genocide and massacres may resolve the problem. However, if justice is to play its full role, there must be peace in the region.

In regard to the administration of ordinary justice, unrelated to the genocide and massacres, the problem is quite different. The whole judicial system has benefited from the international effort in response to the genocide. Except at the most local level, the rehabilitation of the judicial machinery has reached the end of the emergency phase. However, from an internal point of view, the system is not yet operating as efficiently as it should. The administration of justice is generally expected to be an important, although not the determining, factor in creating an environment conducive to social development. In Rwanda this social dynamic has hardly begun to see the light of day. Until it does, we will not see the wider effects expected from investments in the judicial machinery.

Rwanda's appalling economic situation and a population too large for its meagre resources provided the conditions that made the genocide possible. These are undeniable facts; and the situation is no better today. Justice, even the best justice, cannot substitute for what is lacking: a minimum level of material well being in order to ensure social harmony and good human rights practices.

Finally, the question of justice in Rwanda also affects the countries in which *génocidaires* have sought refuge. Some governments prefer to keep their eyes closed. Others try, more or less successfully, to respect their international obligation to take action against these criminals. However, it is clear that the political will is not always present.

## **II. RWANDAN JUSTICE**

### **A. THE RWANDAN JUSTICE SYSTEM**

#### **1. Pre-1994: a culture of impunity**

The Rwandan justice system was inherited from Belgium in the 1950s. The courts are organized on a pyramid system. There are 146 local courts (*tribunaux de canton*) at the level of the communes, 12 district courts (*tribunaux de première instance*) at the level of the prefectures, four appeal courts (*Cours d'appel*) and a Court of Final Appeal (*Cour de cassation*). There are no individual courts or tribunals for labour, commerce or youth