



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

The Board		31 March 2010
About the Board	RWA103427.FE	
Biographies		
Organization Chart	Rwanda: The minimum age that a person must have been at the time of the genocide in 1994 to be able to testify before the gacaca courts; cases of people who were asked by gacaca court authorities to bear false witness and recourse available to such people (2005-March 2010)	
Employment		
Legal and Policy		
References	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Publications		
Tribunal	Minimum age of witnesses	
Refugee Protection Division	In correspondence sent to the Research Directorate on 12 March 2010, an assistant professor of political science at the University of South Carolina, whose doctoral thesis is on the <i>gacaca</i> courts, explained that Rwandan law on the gacaca courts does not specify a minimum age that a witness must have been at the time of the genocide in 1994 in order for that person to testify before the gacaca courts (Assistant Professor 12 Mar. 2010). According to an undated manual published by the Supreme Court of Rwanda regarding the law on gacaca courts, [translation] "even minors who might have information can participate" and speak before the general assembly of the gacaca court in the cell (Rwanda n.d., 34). The general assembly of the gacaca court in the cell is the most local gacaca court authority (ibid., 13), where the accent is on the participation of all those concerned or interested in [translation] "telling the story of the genocide " and in [translation] "bringing the truth to light" (ibid., 34).	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics		
Research		
Research Program		
National Documentation Packages	The Assistant Professor stated that in 2005, she personally observed a court proceeding in which a young girl of about 12 years old, who was therefore a baby at the time of the genocide, was authorized by the judges to testify (Assistant Professor 12 Mar. 2010). The Assistant Professor stated that the child had testified before a lower court a few months earlier (ibid.). Other examples of testimony from minors could not be found among the sources consulted by the Research Directorate. However, the minimum age that an accused person must have been during the 1994 genocide in order to be judged before a gacaca court is 14 years (ibid.; University Researcher 10 Mar. 2010; Rwanda n.d., 100).	
Issue Papers and Country Fact Sheets		
Responses to Information Requests		
Recent Research		
Media Centre	False testimony	
News		
Information Sheets		
Media Relations		
Proactive Disclosure	In correspondence sent to the Research Directorate on 10 March 2010, a university researcher from the Centre for Socio-Legal Studies at the University of Oxford who is an expert on gacaca courts stated that, despite his extensive research in Rwanda since 2003, he has never heard of people being asked to bear false witness by gacaca court authorities (10 Mar. 2010). The University Researcher noted however that both the accused and the survivors of the genocide sometimes	

pressure witnesses into modifying or falsifying their testimony (10 Mar. 2010).

The Assistant Professor noted that she was not personally aware of any specific cases in which gacaca court authorities have tried to influence witnesses (or judges) (12 Mar. 2010). However, she stated that it is possible that that happens because representatives of the local political authorities “often intervene directly into local gacaca court processes” (Assistant Professor 10 Mar. 2010). According to the same source, that kind of intervention is more likely in cases that the government considers to be “sensitive” or in cases that could have political consequences (ibid.). The Assistant Professor also stated that some judges who were involved in certain cases over which they were presiding have manipulated the proceedings (ibid.). In one case, the president of a tribunal tried to suppress witnesses’ testimony against a member of his family in 2004-2005 (ibid.).

In its annual report, Human Rights Watch also indicates that [Human Rights Watch official English version] “[c]orruption and undue influence by local authorities and other prominent community members marred gacaca proceedings, undermining trust among victims and the accused” (Jan. 2010). In an article published on 5 December 2009, the Rwandan daily, *The New Times*, reported that survivors of the genocide were accusing the Busanza gacaca court, in the district of Kicukiro, province of Kigali, of failing to act with impartiality because it was attempting to re-try a case and had stated that the witnesses had given false testimony (*The New Times* 5 Dec. 2009).

Information on recourse available to people who are forced to bear false witness could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Assistant professor in political science, University of South Carolina. 12 March 2010. Correspondence sent to the Research Directorate.

Human Rights Watch. January 2010. “Rwanda.” *World Report 2010: Events of 2009*. <<http://www.hrw.org/fr/world-report-2010/rwanda-0>> [Accessed 19 Mar. 2010]

The New Times [Kigali]. 5 December 2009. Ignatius Ssuuna. “Genocide Survivors Up in Arms against Gacaca Court.” <<http://www.newtimes.co.rw/print.php?issue=14204&print&article=23361>> [Accessed 19 Mar. 2010]

Rwanda. N.d. Supreme Court. *Manuel explicatif sur la loi organique portant création des Juridictions Gacaca*. (Avocats sans frontières, ASF) <http://www.asf.be/publications/publications_rwanda_manuel_gacaca_FR.pdf> [Accessed 17 Mar. 2010]

University researcher, Centre for Socio-Legal Studies, University of Oxford. 10 March 2010. Correspondence sent to the Research Directorate.

Additional Sources Consulted

Oral sources: Attempts to contact a representative of the Service national des juridictions gacaca du Rwanda were unsuccessful. Three experts on human rights or on Rwanda were not able to provide information within the time constraints for this Response.

Publications: *Addressing Crimes Against International Law: Rwanda's Gacaca in Practice*, *The Adjudication of Genocide: Gacaca and the Road to Reconciliation in Rwanda*, "The Gacaca Courts in Rwanda" in *Traditional Justice and Reconciliation after Violent Conflict*, *Perceptions about the Gacaca Law in Rwanda: Evidence from a Multi-method Study*, *Reconciliation and the Gacaca: the Perceptions and Peace-building Potential of Rwandan Youth Detainees*.

Internet sites, including: AllAfrica.com, Amnesty International (AI), *The Business Daily* [Nairobi], *Dissent*, European Country of Origin Information Network (ecoi.net), *The Guardian* [United Kingdom], *Journal of International Criminal Justice*, Public Radio International (PRI), Rwanda - Service national des juridictions gacaca, Social Sciences Research Network (SSRN), United Nations (UN) Integrated Regional Information Networks (IRIN).


[Top of Page](#)

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