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7 September 2010

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Rwanda: The existence and number of false documents in circulation that concern the 1994 genocide; description of the documents issued by the gacaca courts, including notices to appear, genocide survivor certificates (certificats de survivant du génocide) and death certificates

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Sources consulted by the Research Directorate stated that various types of documents concerning the 1994 genocide are issued by the traditional *gacaca* courts (Rwanda 4 Aug. 2010; LIPRODHOR 4 Aug. 2010; LDGL 4 Aug. 2010).

During a 4 August 2010 telephone interview with the Research Directorate, a representative of the League for Human Rights in the Great Lakes Region (Ligue des droits de la personne dans la région des Grands Lacs, LDGL) stated that there is no document entitled [translation] "genocide survivor certificate" (certificat de survivant du génocide) and that documents issued in connection with the genocide include [translation] "the file of the accused, the record of disclosure, the notice to appear, the arrest warrant, the order for release, and the certificate of genocide survival" (attestation de rescapés du génocide). Sources stated that death certificates are not issued by the gacaca courts, but rather by the hospitals and, in rare cases, by administrative authorities (Rwanda 4 Aug. 2010; LIPRODHOR 4 Aug. 2010).

Existence of false documents concerning with the 1994 genocide

Information concerning the existence and number of false documents in circulation that concern the 1994 genocide was scarce among the sources consulted by the Research Directorate. According to the LDGL Representative, numerous cases of counterfeit documents in connection with the 1994 genocide involve the certificates of genocide survival that are issued by local authorities to genocide survivors in order to give them access to the Assistance Fund for Genocide Survivors (Fonds d'assistance aux rescapés du génocide, FARG) (LDGL 4 Aug. 2010). The Rwandan government created this fund to provide financial assistance, food, clothing, medical care, education and housing services, among other things (ibid.). The LDGL Representative added that between 2006 and 2009, it was discovered that numerous cases of fraud were occurring through unofficial channels that were manufacturing false certificates of genocide survival (ibid.). According to a 6 May 2010 article published by Inter Press Service (IPS), the FARG discovered that in some high schools, [translation] "not only were some principals entering names of fictitious students on the lists, but also, in collusion with local authorities, survivor papers were being issued to those who had no right to them

and these individuals were receiving money”; as a result, the FARG intensified its checks on the students that it has been helping since 2006. Corroborating information could not be found among the sources consulted by the Research Directorate.

Description of notices to appear

According to the sources consulted by the Research Directorate, the notices to appear issued by the gacaca courts are no different from the notices to appear issued by regular courts; they contain information such as [translation] “the person’s name and address and the reason they are being called to appear” (Rwanda 4 Aug. 2010; LIPRODHOR 4 Aug. 2010; LDGL 4 Aug. 2010). Information on a physical description of a notice to appear or of other documents in connection with the 1994 genocide 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

Inter Press Service (IPS). 6 May 2010. Fulgence Niyonagize. “Des riches profitent des aides destinées aux plus démunis.” <http://ipsinternational.org/fr/_note.asp?idnews=5835> [Accessed 5 Aug. 2010]

Ligue des droits de la personne dans la région des Grands Lacs (LDGL). 4 August 2010. Telephone interview with a representative.

Ligue rwandaise pour la promotion et la défense des droits de l'homme (LIPRODHOR). 4 August 2010. Telephone interview with a representative.

Rwanda. 4 August 2010. Ministry of Justice. Telephone interview with a representative.

Additional Sources Consulted

Oral sources: Attempts to contact representatives at Agence Hirondelle in Tanzania and officials at the National Service of Gacaca Courts (Service national des juridictions gacacas, SNJCG) and the Association IBUKA in Rwanda were unsuccessful.

Internet sites, including: Africa Governance Monitoring and Advocacy Project (AfriMAP), Afrik.com, Agence rwandaise d'information (ARI), AllAfrica.com, Amnesty International (AI), Association Ibuka, Education International (EI), Forced Migration Online (FMO), France24, The Heritage Foundation, Human Rights Watch, International Crisis Group, Migration Policy Institute (MPI), Minority Rights Group International (MRG), *The New Times* [Rwanda], Office of the United Nations (UN) High Commissioner for Refugees (UNHCR), Organisation internationale de la francophonie (OIF), PANApres (PANA), Radio Netherlands Worldwide (RNW), Reporters sans frontières (RSF), Rwanda - Ministry of Local Government, Good Governance, Community Development and Social Affairs (MINALOC), Rwanda - Service national des juridictions gacacas (SNJG), UN Children's Fund (UNICEF), UN Development Programme (UNDP), UN Integrated Regional Information Networks (IRIN), United States (US) Department of State.

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