

Introduction to Transitional Justice

How do communities and countries rebuild after genocide?

Learning Objectives

- Students will understand the tools that make up transitional justice.
- Students will be able to identify and analyze the four pillars of transitional justice.
- Students will apply what they learned to the case study of the 1994 Genocide against the Tutsi.

Content Standards

HSS-10.10.1, 2, and 3 HSS-10.4.1 HSS-10.4.3 Acc.MA:Cn1 HSS-11.9.1 HSS-PoAD.12.9.5 HSS-PoAD.12.9.8

Lesson Plan

Teachers should lead students through the following activities.

1. **Warm Up:** Provide a 3-5 minute period for students to engage in a free write and answer: “What does justice look like after genocide?” Students should reflect on the kinds of tools, strategies, and activities that evaluate how a region might reconcile with its violent past.
2. Explain that today’s lesson will focus on how societies and populations reckon with violent pasts. This will include a deep dive into the idea of transitional justice, along with its four prominent Pillars. These Pillars include **TRUTH, JUSTICE, REPARATIONS, AND PREVENTION**. Students should feel comfortable identifying these Pillars, and they will learn more about them over the course of the day.
3. Once this set-up concludes, assign each student to one of these four Pillars. Organize the room so that all of the students assigned to TRUTH are sitting together, JUSTICE are sitting together, REPARATIONS are sitting together, and PREVENTION are sitting together.
 - a. Explain the day’s activity and provide necessary resources for students to learn about transitional justice and its implications in places such as Rwanda.



Lesson Plan

“How Do People and Communities Rebuild after Genocide?”

- Students will read this brief [introduction to transitional justice](#) while filling out “[Introduction to Transitional Justice Worksheet](#).”
- Once students work independently for 10-15 minutes, students should spend 5 minutes in their group discussing their answers and hearing from their peers about how their Pillar is reflected in transitional justice practices.
- Host a brief reflection of the reading, ensuring that every student understands their own Pillar along with the foundational comprehension of transitional justice. See what other transitional justice mechanisms students suggest and encourage them to elaborate on why they provide that recommendation. Engage the room to see if other students agree with these newly introduced mechanisms.

“Genocide in Rwanda”

(teachers can also include a [summary](#) of the Kigali Genocide Memorial as an additional resource)

- Part I: Transitional Justice in Rwanda Reading (15-20 minutes)
 - Students will read this [brief introduction](#) (and Kigali Genocide Memorial summary as an add-on) to transitional justice in Rwanda while filling out “[Genocide and Transitional Justice in Rwanda Worksheet](#).”
 - Once students work independently for 10-15 minutes, students should spend 5 minutes in their group discussing their answers and hearing from their peers about how their Pillar is reflected in transitional justice practices.
- Part II: Understanding Other Pillars of Transitional Justice (15-20 minutes)
 - Then, students will seek out a partner in a different Pillar. They will spend 5-7 minutes discussing with their Pillar partner the questions listed on the worksheet. It is important that students accurately represent their Pillar and work together to think about how their Pillar of transitional justice compares/contrasts with other pillars.
 - If necessary, it is ok to have a group of three, where two students represent one Pillar.
 - Students will complete this practice two more times, ensuring that they have discussed transitional justice with the other three Pillars.
- Part III: Putting the Pillars Together (15 minutes)
 - Towards the end of class, put students into groups of four, where each of the students should represent one of the four Pillars. It is at this part of the activity where students will fill out the end of the worksheet, reflecting on how transitional justice balances and struggles to realize all four Pillars. For example, what practices in Rwanda, if any, support all four Pillars of transitional justice?
 - Students should turn in the “Genocide in Rwanda” Worksheet at the end of class as their “exit ticket.”

Introduction to Transitional Justice

“How Do People and Communities Rebuild after Genocide?”

For much of history, when episodes of mass violence occurred, they were left to be forgotten. No formal processes or efforts were made to help survivors, hold perpetrators accountable, or document the atrocities. This shifted significantly after the Holocaust, and since then, it has been a priority for many post-conflict communities to seek transitional justice.

Today, the term *transitional justice* refers to a wide range of tools used to help people and societies reconcile with violent or repressive pasts. There are many different forms that transitional justice mechanisms can take, such as truth commissions, judiciary practices, community-based dialogues, and memorialization. For example, courts have increasingly held people responsible for genocide and other human rights abuses accountable for their actions. These different mechanisms provide potential paths for forms of justice and healing for past abuses. Many of these tools might depend heavily on what the society looks like after a violent past, including factors like who is in power, how the government is structured, and what damage remains after an atrocity.

Transitional justice relies on four pillars: truth, justice, reparations, and prevention. The first pillar, truth, focuses on establishing an accurate record by uncovering and documenting the truth about the crimes committed, the people and institutions involved, and the experiences of victims. The second pillar, justice, emphasizes holding perpetrators accountable. Justice may be *retributive*, focusing on the punishment of perpetrators through criminal prosecution, or *restorative*, focusing on restoring the relationships between perpetrators and victims through dialogue and apology. The third pillar, reparations, includes providing a range of material benefits (e.g., money, housing, aid) and symbolic benefits (e.g., acknowledgment, apologies, memory efforts) to victims. The fourth pillar, prevention, focuses on the prevention of future atrocities by transforming government and social institutions in ways that limit the future possibility of violence and provide protection for civilians. It also provides education for local, national, and international populations to teach about empathy, belonging, community-building, and other preventative measures.

Transitional Justice Mechanisms

There are many transitional justice mechanisms, or tools, that communities, countries, and institutions can employ to help in the recovery from genocide. Each has different goals, processes, and implementation strategies in pursuit of upholding the four pillars of transitional justice. Often, one or more tools are implemented in the wake of a genocide to address many different needs and interests in the aftermath. The type of mechanisms chosen depends on the context, especially how the genocide ended. For example, if the major perpetrators remain in power after a genocide, criminal prosecution punishing those who committed atrocity crimes is unlikely. Some of the major transitional justice tools are outlined below.

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Trials

Trials are judicial proceedings that aim to hold individuals accountable for atrocity crimes, human rights abuses, and violations committed during periods of violence. Trials became popular after the Nuremberg Tribunal and other post-World War II trials, which represented a watershed moment in international justice and set several fundamental precedents in international law. Trials pursue punitive justice, emphasizing punishment over reconciliatory aims. They weigh the testimony provided by various sides of the atrocity and can take time to coordinate and execute.

Trials can be conducted at domestic, international, or hybrid courts, depending on the nature of the crimes and the jurisdiction. While domestic trials are preferred, when a particular state is unwilling or unable to prosecute the perpetrators of atrocity crimes within its borders, the international community is empowered to do so. For instance, during genocides of the 1990s, the United Nations created international tribunals to respond to major genocides, including the Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Today, there is also a permanent International Criminal Court (ICC). This court was established in 2002, and it has trials for war crimes, crimes against humanity, crimes of aggression, and genocide.

Truth Commissions

Truth commissions are non-judicial bodies that investigate past human rights abuses and violations. Unlike trials, they are not designed to establish the guilt of perpetrators for the sake of punishment, but rather they aim to establish an accurate historical record, provide a platform for victims to share their experiences, and contribute to societal healing and reconciliation. Often organized in public settings, truth commissions emphasize coming together as a community to reckon with past harms. As such, truth commissions are often seen as more victim-centered and as a restorative form of justice.

Truth commissions gather testimonies, conduct investigations, and often produce comprehensive reports documenting the truth about the crimes committed, including recommendations for the future. Although truth commissions can help transform society with adequate political support, research has also shown that truth telling is not as therapeutic as practitioners often assume, especially when it occurs as an isolated instance. Nevertheless, approximately 70 truth commissions have been conducted worldwide. Notable examples include the South African Truth and Reconciliation Commission, the National Commission on the Disappearance of Persons in Argentina, and the Truth and Dignity Commission in Tunisia.

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Amnesty

Amnesty refers to the granting of legal forgiveness or immunity for past crimes, typically in exchange for truth-telling, cooperation, or a transition to a more peaceful and stable society. Amnesty measures aim to balance the pursuit of justice with the goal of fostering peace and reconciliation. Amnesty has the potential to promote compromise, as well as being a pragmatic and quick approach to facilitate a societal transition. However, the decision to grant amnesty can be contentious, as it contributes to impunity, or exemption from punishment, and involves weighing the rights of victims and the need for accountability against societal healing and stability. Amnesty might also be granted by a governing body that still resembles the power structure from the violent past, or amnesty might be used as a strategy to leave the past behind, challenging abilities for affected populations to heal.

Reparations

Reparations involve providing compensation, restitution, rehabilitation, and other forms of redress to victims of human rights abuses. Reparations attempt to acknowledge the harm suffered by victims, support their recovery, and address the material and psychological consequences of the violations. Reparation measures can include monetary compensation, medical and psychological support, educational opportunities, and symbolic gestures of acknowledgment.

Memorialization

Memorialization initiatives, such as the construction of memorials, museums, and commemorative events, play a crucial role in preserving the memory of past atrocities and ensuring that future generations remember the lessons learned. Memorials serve to construct a collective memory of the genocidal event, provide a grieving space for loved ones and survivors, and often support education for prevention of future atrocities. Memorials can occur on the international, national, regional, or local level and range in scale from museums to mass grave sites to 4-inch x 4-inch *Stolpersteine*, or “stumbling stones” embedded in pavement. They also might exist digitally, especially in spaces where the full context of an atrocity is not accepted by those in positions of power. Notably, memorials can also often be contentious, as there are often disagreements about how to tell the story of a genocide or whose voices should be heard. Memorials are often limited by available physical space and budgetary constraints.

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Governance and Security Sector Reform

Institutional reform and vetting processes aim to address the systemic causes of human rights abuses by reforming and restructuring institutions such as the judiciary, police, and security forces. This can include the screening of public officials, disqualification from certain positions, and disclosure of collaboration with the former regime. In the aftermath of mass violence, many countries also re-write their constitutions or other governing documents to help build safeguards against future atrocities. For example, equal rights for all and the protection of minorities may be written into law as a means of combatting divisive ideologies. These practices also legitimize the fact that human rights violations did, in fact, happen, combatting the potential for denialism.

Dialogue and Reconciliation Programs

After genocides, communities can be divided along identity lines made more pronounced by the violence. Efforts to promote social cohesion involve fostering dialogue, reconciliation, and community engagement to bridge divisions and promote peaceful coexistence. These can be official processes conducted by the state, but more often are initiatives led by civil society, religious groups, and community organizations to help people live side-by-side. Dialogues in particular focus on sharing narratives and perspectives across groups to help humanize the “other” and find common ground for future cooperation. For some, justice is best served by restoring the bonds between people.

Trauma-Healing and Psychosocial Support Services

Survivors of genocide and human rights abuses often suffer from trauma, psychological distress, and other mental health challenges. Efforts to provide mental health support, counseling, and psychosocial services are an increasing focus for organizations and individuals working to support the healing and well-being of individuals and communities. Additionally, support groups can provide a meaningful source of social connection with others who have experienced a collective trauma. This is especially important given that, in many societies worldwide, mental health issues are still highly stigmatized.

Conclusion

Usually, transitional justice measures are implemented by a combination of international, national, and local actors, sometimes working together and sometimes competing with one another based on their differing perspectives and demands. Top-down transitional justice processes emanate from leadership at the national or international level, whereas bottom-up transitional justice processes capture the activities of activists, civil society groups, community organizations, and other local actors. Ordinary people can play an important role in advocating for their governments to create or support specific mechanisms or by working on grassroots justice efforts. There is no perfect formula for transitional justice. The tools listed above should be viewed as a non-exhaustive list that can be employed in various cases according to the needs and makeup of the community and to reach context-specific goals and needs.

The Kigali Genocide Memorial

Adopted from <https://kgm.rw/about/our-story/>

The Kigali Genocide Memorial is the result of collaboration between Rwandan authorities and the Aegis Trust for Genocide Prevention, born from the National Holocaust Centre in the UK. Opened in 2004, the Memorial became the starting point for peace and values education now built into Rwanda's national school curriculum. Strengthening community resilience against division, it is ripe for adaptation and use internationally.

After the Genocide against the Tutsi was stopped by the RPF in 1994, Kigali's authorities chose this hillside in Gisozi for mass graves where 250,000 residents murdered during the genocide could have their final resting-place. Memorial buildings were put up beside the mass graves, but the question remained: what should go in them?

In 2002, Kigali's Mayor – along with Rwanda's Minister of Youth, Sports and Culture – visited the UK National Holocaust Centre, created by the founders of the Aegis Trust. They identified this as a valuable model. A place to honor those murdered in the past, it is also one where young people meet survivors and explore important questions for the present and future. So, Aegis Trust was invited to establish the Kigali Genocide Memorial.

Aegis was briefed to establish the Kigali Genocide Memorial as a place confronting the ideas which lead to genocide; not one which could alienate the children of perpetrators. This commitment to remembrance as a starting point for Rwandan unity and global learning tied in with the Aegis model for genocide prevention. It also laid the foundation for the Memorial to become a place with truly global vision.

Survivors, including their experience and testimony, are at the heart of the Kigali Genocide Memorial, which also hosts the Genocide Archive of Rwanda. Many survivors speak of it as their home. Honoring the memory of those murdered had to begin with listening to those who survived, but it could not stop there. Somehow it needed to become a starting-point for learning which could make communities resilient against identity-based violence in the future.

When the Kigali Genocide Memorial opened, there was nothing in Rwanda's national school curriculum about the Genocide against the Tutsi. An educational approach was needed to help young people learn from the past without blaming anyone or being traumatized. Aegis adopted a storytelling methodology, building a peace education program around stories of real people students could identify with. It promotes three core values: critical thinking, empathy and personal responsibility.

The Kigali Genocide Memorial

Aegis Trust launched Peace and Values education at the Kigali Genocide Memorial in 2008. In conjunction with Rwanda's Ministry of Education, in 2013, the program expanded to 22 of Rwanda's 30 districts. Independent analysis showed success in changing attitudes and behavior among students and their communities. In 2014, the Rwanda Education Board included Peace and Values education in Rwanda's new school curriculum. Today, what began as a pilot in the Memorial impacts the education of 2.5 million Rwandan students every year.

If peace and reconciliation are achievable after genocide, they are achievable anywhere. That's the hope born from the success of peace and values education in Rwanda. Today, leaders in communities at risk of identity-based violence outside Rwanda are calling on the Kigali Genocide Memorial to partner in development of locally tailored peacebuilding. From the Central African Republic to South Sudan, Kenya and beyond, such work has already saved lives – but much remains to be done.



Genocide and Transitional Justice in Rwanda

[Content warning: sexual violence]

Context in Rwanda

Rwanda was named a German colony in 1884, though colonialism became particularly consequential, or significant, when Belgium took over the country after World War I (see Des Forges, 2011; Newbury, 1988; Vansina, 2005). Belgian officials established a policy of indirect rule through the existing monarchy, which ruled Rwanda through a system of chiefs and sub-chiefs. The new colonialists also mandated that Rwandans carry identification cards that classified each citizen as belonging to one of three ethnic groups: Hutu, Tutsi, or Twa. Although these ethnic groups existed prior to colonialism, Belgian colonialists racialized existing identities to create internal division. These colonials suggested that Tutsis were taller and had lighter skin than Hutus. They also enacted policies that benefited Tutsi, who dominated positions of power despite comprising no more than 15 percent of the population (Lemarchand, 1970; Mamdani, 2001; Newbury, 1978). This established a precedent of difference between these ethnic groups envisioned and executed by colonialists.

The Tutsi monarchy in Rwanda remained intact throughout the colonial period (Newbury, 1988). During the early 1950s, however, Rwandan Hutus began to express discontent at years of marginalization despite their numerical majority representing around 85% of the Rwandan population. The colonial administration shifted its support toward Hutus, trying to dispel the power that Tutsis had garnered. A Hutu emancipation movement emerged, culminating in Rwandan independence (1962) and the institution of a Hutu-led government. Violence and discrimination against Tutsis became common, and tens of thousands of Tutsis fled Rwanda as a direct result of Hutu-led independence in Rwanda (Des Forges, 1999; Hintjens, 1999; Reyntjens, 1995).

A 1973 coup brought President Habyarimana to power in a continuance of the Hutu-led government, and his regime continued to discriminate against Tutsi. Meanwhile, some of the Tutsi who had fled the country began forming an armed liberation movement known as the Rwandan Patriotic Front (RPF) in neighboring Uganda. On October 1, 1990, this army attacked Rwanda's northern border. Propaganda against the RPF swept through the country's radio stations and newspapers, and soon all Tutsi were considered to be "the enemy" (Straus, 2006). In an effort to end the civil war, the Habyarimana government and the RPF signed several peace protocols known as the Arusha Accords in 1993. Sporadic violence nonetheless continued, and an economic downturn, fragmentation between and within ethnic groups, and the looming potential acceptance of the RPF threatened those in power (Des Forges, 1999; Guichaoua, 2010; Longman, 2011; Verwimp, 2013).

Genocide and Transitional Justice in Rwanda

On April 6, 1994, President Habyarimana's plane was shot down as it was landing in Kigali, the capital, killing all occupants upon impact. It is still not known who exactly shot down the plane, but it provided a rationale for Hutu extremists to begin labeling Tutsi as "the enemy." This event marked the beginning of the genocide, and soon violence targeted Tutsi and Hutu moderates throughout Rwanda. Specifically, local leaders encouraged civilians to join killing groups and target their neighbors. Hundreds of thousands of people—most of whom had never before committed violence—joined these groups, traveling around their neighborhood and "hunting" Tutsi. The RPF also re-initiated their war within Rwanda, and several months later, up to one million people had been killed. By the end of the genocidal period, at least two million were displaced, and millions had also borne the brunt of property violence and gender-based violence. The country was completely in shambles when the genocide ended in July of 1994.

Transitional Justice in Rwanda

In November of 1994, the United Nations created the International Criminal Tribunal for Rwanda (ICTR), an international tribunal established to try suspected perpetrators of the genocide. It focused on suspects it deemed most culpable, or at fault, for the violence, like government ministers and army commanders. However, the majority of the people who participated in the genocide were soldiers in the Rwandan military, members of militias, and several hundred thousand civilians. They participated in a number of ways, including but not limited to directly killing, encouraging others to kill, or looting victims' homes. These individuals did not fall under the jurisdiction of the ICTR, meaning that Rwanda itself was left to decide whether and how to hold them accountable.

The Rwandan government initially decided to try people accused of genocide in the national court system. When it became clear that this court system could not handle such a large caseload, the government turned toward a hybrid system that drew inspiration from a pre-colonial form of dispute resolution known as gacaca. In this pre-colonial system, when a community member committed a petty crime, elders would publicly congregate, or assemble, to discuss his or her actions. Other community members would also be present, and the accused would typically ask for forgiveness and provide food or drink to restore social harmony.

Because gacaca had only been implemented after minor crimes or disagreements, the government had to modify the system to address crimes of genocide. This involved creating a new system of laws, since genocide was not in Rwanda's criminal code. There was not even a word for "genocide" in Kinyarwanda, the language spoken in Rwanda. So, during the late 1990s and early 2000s, the government created a series of laws that established three categories of genocidal crime:

- i. Planning, organizing, or supervising the genocide or committing rape or sexual torture,
- ii. killing, conspiring to kill, or committing other crimes against people, and
- iii. committing crimes against property.

Genocide and Transitional Justice in Rwanda

As there were few judges remaining in the country after the genocide, Rwandans elected the *gacaca* courts' judges from their own population. Judges needed to be Rwandan citizens, at least twenty-one years old, and with "good character." In fact, the Kinyarwanda word for this type of judge was *inyangamugayo*, or "person of integrity." The judges did not need legal training, but they could not have participated in the genocide or have spent more than six months in prison. Several hundred thousand women and men were chosen to serve as *inyangamugayo* as an attempt to try the many people involved with the genocide. After these judges received some training, pilot *gacaca* court trials began in 2002. The courts opened in 2005, with weekly trials between 2005 and 2012.

Across Rwanda, hundreds of thousands of people were tried in 1.96 million trials. That does not mean that 1.96 million people committed murder during the genocide. Many people underwent multiple trials for crimes committed in different locations. Because of the community focus of this system, *gacaca* trials took place in the location of the suspected crime. Those found guilty of crimes against people (Categories 1 and 2) were typically given prison sentences, and those found guilty of crimes against property (Category 3) were often given fines that were meant to be paid back to victims or their families. Most of the people who went through *gacaca* were found guilty of Category 3 crimes, including the act of looting victims' homes.

Completing 1.96 million trials is a big accomplishment, but Rwanda's *gacaca* courts are heavily critiqued. Using a Western legal lens, academics and human rights activists criticize the lack of due process rights, the use of pre-trial detention, the reliance on eyewitness testimony, the likelihood of false confessions, and the involvement of the state. While the *gacaca* court process had many challenges, it is important to remember it was not designed to be a Western judicial system. It was designed as a hybrid system adapted from traditional conflict resolution practices.

Genocide and Transitional Justice in Rwanda Worksheet

Part I: Transitional Justice in Rwanda Reading

Your Pillar: _____

Define your Pillar in relation to transitional justice.

What context is important to understand the causes of the genocide in Rwanda?

What kinds of crimes were committed during the genocide in Rwanda?

Identify and describe the transitional justice mechanisms applied in Rwanda after the genocide.

Do the transitional justice mechanisms listed above support your Pillar? Why or why not?

Through the lens of your Pillar, what other transitional justice mechanisms would you like to see? Why?

Genocide and Transitional Justice in Rwanda Worksheet

Part II: Understanding Other Pillars of Transitional Justice

Your Pillar: _____ Partner #1 Pillar _____

Define Partner #1's Pillar in relation to transitional justice.

How did the transitional justice mechanisms that do/do not support your Pillar compare and contrast to those that do/do not support Partner #1's Pillar?

What strategies or tools might allow both of these Pillars to be represented in Rwanda's transitional justice practices?

Your Pillar: _____ Partner #2 Pillar _____

Define Partner #2's Pillar in relation to transitional justice.

How did the transitional justice mechanisms that do/do not support your Pillar compare and contrast to those that do/do not support Partner #2's Pillar?

What strategies or tools might allow both of these Pillars to be represented in Rwanda's transitional justice practices?

Your Pillar: _____ Partner #3 Pillar _____

Define Partner #3's Pillar in relation to transitional justice.

How did the transitional justice mechanisms that do/do not support your Pillar compare and contrast to those that do/do not support Partner #3's Pillar?

What strategies or tools might allow both of these Pillars to be represented in Rwanda's transitional justice practices?

Genocide and Transitional Justice in Rwanda Worksheet

Part III: Putting the Pillars Together

Do any transitional justice mechanisms in Rwanda meet all four Pillars? Defend your answer.

Is there a Pillar that is most important to transitional justice? Why does your group think so?

What are the benefits of considering all four Pillars simultaneously? How about the challenges?

How can top-down transitional justice honor all four Pillars? How can bottom-up transitional justice honor all four Pillars? Can they work together?

What strategies do you recommend in Rwanda to support an appropriate transitional justice journey?

Glossary

Transitional Justice: A set of processes and systems used by societies after periods of violence (like genocide) to address past crimes, support victims, and rebuild trust while moving forward.

Pillars of Transitional Justice: The four main approaches used to help societies recover: Truth, Justice, Reparations, and Prevention.

Truth: Efforts to uncover and acknowledge what really happened during a time of violence. This can include testimonies, investigations, and historical records.

Justice: Holding individuals accountable for crimes, often through courts or legal systems.

Reparations: Measures taken to repair harm done to victims, which can include financial compensation, public acknowledgment, or access to services like education or healthcare.

Prevention: Actions and reforms (such as education, policy changes, or institutional restructuring) aimed at ensuring that similar violence does not happen again.

Reconciliation: The long-term process of rebuilding relationships, trust, and coexistence between individuals or groups affected by violence.

Human Rights: Fundamental rights and freedoms that all people are entitled to, including safety, dignity, equality, and freedom from violence.

Gacaca Courts: Community-based courts established by the government in Rwanda after the genocide to process a large number of cases, encourage truth-telling, and involve communities in justice.

Memorialization: The act of preserving the memory of past events and honoring victims through memorials, museums, ceremonies, or education.