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Rwanda's Grass Courts

In just 100 days in 1994, Rwandan Hutus murdered 800,000 of their Tutsi and moderate Hutu countrymen. Today, a Tutsi-led government is still wrestling with how to do justice after a genocide in which tens of thousands committed murder and hundreds of thousands participated indirectly. An international tribunal has tried 20 individuals accused of orchestrating the atrocities, and Rwandan courts have tried 6,000 others.

But that leaves at least 80,000 Rwandans awaiting trial. Some were imprisoned on the flimsiest of accusations; many have already waited for what would amount to their whole sentences if convicted.

Rwanda needs an alternative to the hugely expensive and slow process of justice in the courts. It has turned to a variation on a traditional justice system known as "gacaca," or grass, courts, because they meet outdoors. Such a court seeks to bring an entire village together to hear from all the parties where a crime took place, with respected villagers acting as judges. For two years, several hundred villages have gone through the early stages of gacaca (pronounced ga-cha-cha) trials, roughly equivalent to indictment and discovery. Late last month, the government announced that it would now expand these courts nationwide. Gacaca courts are probably the only reasonable solution for Rwanda now, but the government must make them fairer and more independent.

Traditional justice mechanisms, shaped in villages over centuries to resolve conflicts and maintain harmony, have been used elsewhere to deal with crimes committed during wars or dictatorships. But the Rwanda situation is different. So many people participated in the nation's genocide that the "low level" criminals being judged by gacaca courts include thousands of murderers. The courts can sentence them to as much as 25 years.

In this context, the procedural shortcomings of traditional village justice are alarming. The accused have no lawyers, and some witnesses may be more interested in settling private grudges than in speaking the truth. Others are afraid to testify. Many judges are illiterate or barely know the law.

The gacaca courts have also been manipulated by Paul Kagame, Rwanda's increasingly totalitarian president. After the genocide, Tutsis committed widespread crimes of revenge against Hutus, but the people who try to talk about these crimes in gacaca courts are not allowed to speak. A committee of Rwanda's Parliament — also controlled by Mr. Kagame — has recommended shutting down the independent human rights groups, which have, among other things, monitored the gacaca courts.

The government needs to bolster gacaca justice by training judges, establishing a system of roving auditors, protecting witnesses and designating advocates for the accused. Alas, Mr. Kagame betrays no intention of relaxing his political control over gacaca, or anything else in Rwanda.

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