Access to Reparation for Survivors of the 1994 Genocide in Rwanda

Civil Society Conference organised by African Rights and REDRESS

in collaboration with IBUKA- Rwanda

17 August, 2011 - Kigali, Rwanda

BACKGROUND NOTE

1. Context

More than seventeen years have passed since the genocide of 1994 in Rwanda in which up to one million mainly Tutsi women, men and children, as well as moderate Hutus, were massacred in only 100 days. The genocide left behind orphans, widows and severely handicapped and traumatised individuals. Aside from immense personal losses and physical and psychological suffering, the genocide also caused severe material damage to survivors, who have lost houses, livestock, farmland and other personal possessions.

The Rwandan government has undertaken substantial efforts to hold individuals accused of crimes committed during the genocide to account. Indeed, over the past 17 years, specialised chambers have been established within ordinary courts that tried more than 10.000 persons accused of genocide, while gacaca jurisdictions have handled up to 1.5 million genocide cases.[1] On the international level, the United Nations (UN) Security Council established the International Criminal Tribunal for Rwanda (ICTR) in the immediate aftermath of the genocide, in November 1994, to try those most responsible for the genocide. The ICTR has since heard 65 cases and convicted and sentenced 38 perpetrators.[2] Furthermore, genocide suspects found abroad have been brought to justice in Switzerland, Belgium, Canada, The Netherlands and Finland.[3]

These efforts are ongoing, and do reflect the need and indeed the obligation to ensure accountability for serious human rights violations and international crimes such as genocide, crimes against humanity, war crimes and torture. Accountability can be an important form of reparation for survivors, as it helps to establish the truth and acknowledges the crimes committed. However, some concerns remain about survivors' lack of agency in the discourse on justice and their lack of access to adequate reparation.[4]

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[1] According to the Executive Secretary of the National Gacaca Services, 1.5 millison "dossiers" were handled by gacaca, see Rwanda News Agence, 'Jurisdictions Gacaca : Il reste 99 procès à réviser avant la clôture,' 9 August 2011.

[2] At the time of writing, the Tribunal has convicted 38 perpetrators of the genocide, 19 convictions were pending before the Appeal Chamber, and 8 persons had been acquitted, see website of the Tribunal at http://www.unictr.org/Cases/tabid/204/Default.aspx

[3] See for more details African Rights & REDRESS, 'Extraditing Genocide Suspects from Europe to Rwanda- Issues and Challenges", September 2008, at pp.52-60.

[4] This paper as well as the conference focuses on reparation for genocide survivors. It does not therefore address the right of victims of war crimes and crimes against humanity allegedly committed by the RPF, which to date have rarely been prosecuted in Rwanda or abroad.

Whilst the Rwandan government has established the FARG ("Fonds National pour l'Assistance aux Rescapés du Génocide") it has not adopted a law on compensation or established a compensation fund, despite its stated intention over the years to do so. Similarly, the international community has established the ICTR. Yet survivors cannot participate in proceedings and claim reparation before the ICTR. Despite proposals made by ICTR judges to the UN Security Council, as well as IBUKA's interventions before the UN General Assembly, no compensation fund has been created by the UN.

It is against this background that *African Rights* and REDRESS, in collaboration with IBUKA, are organising a civil society conference on *Survivors' Access to Reparation*, bringing together survivors, civil society organisations and experts. The seminar seeks to provide participants with the opportunity to consider the topic of reparation, to identify any gaps in the current legal and institutional framework to obtain reparation and to explore possible solutions. The meeting builds on efforts and experiences of IBUKA and other civil society organisations with experience in campaigning for survivors' right to reparation in Rwanda.

This conference note provides a framework for the conference and seeks to prepare participants to ensure constructive discussions with concrete recommendations for future action.

2. International Framework of survivors' right to reparation

The right to reparation for survivors of serious human rights violations and gross violations of international humanitarian law is well established in international human rights and humanitarian law. The *UN Convention against Torture* for instance provides that "[E]ach State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible."[5] The *UN Human Rights Committee* confirmed that "states have an obligation to provide reparation under the International Covenant for Civil and Political Rights, which can include restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials… as well as bringing to justice the perpetrators of human rights violations."[6]

In 2005, the UN General Assembly adopted the *UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Humanitarian Law* ("Basic Principles"). The Basic Principles are based on existing international obligations under international human rights and international humanitarian law and provide that adequate reparation should be "proportional to the gravity of the violations and the harm suffered" and that victims should be provided with "full and effective" reparation. Accordingly, states must enable survivors of serious human rights violations such as genocide, crimes against humanity, war crimes and torture to claim adequate reparation, that is, reparation that effectively addresses the harm suffered to the extent possible.

The obligation to provide reparation rests on the state, as well as the individual perpetrator of the violation. According to the UN Basic Principles, "a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law." The principles provide further that in cases where a natural or a legal person is found liable for reparation to a victim, "such party should provide reparation to the victim...".[7]

[5] Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, General Assembly Resolution 39/46 of 10 December 1984, entry into force 26 June 1987, Article. 14 (1).
[6] UN Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc CCPR/C/74/CRP.4/Rev.6 (2004), para.16.
[7] UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Humanitarian Law, adopted by the UN General Assembly Resolution 60/147 of 16 December 2005, principle 15.

In cases where the perpetrators are unable or unwilling to provide for reparation, states should establish national programmes for reparation and provide other assistance to victims.[8]

It is important to note that states are obliged to provide victims with both, procedural and substantive reparation. The obligation to afford victims with adequate relief, for instance compensation, and the obligation to afford an effective route to obtain such relief are both part of the general obligation to afford reparation.

Reparation may take a number of forms, including:[9]

- *Restitution*- while it is generally not possible to restore victims to their original situation before the violations occurred, restitution can include restoration of liberty, return to one's place of residence, restoration of employment and return of property;

- *Compensation* can include any 'economically assessable' damage resulting from the crimes, including physical and emotional pain and suffering ('moral damage'), material damages and loss of earnings, including the loss of earning potential and costs required for legal or expert assistance, medicines and medical service, and psychological and social services; compensation can be particularly important in cases where restitution is no longer possible due to the nature of the crime, such as for instance rape or torture.

- *Rehabilitation* can include legal, medical, psychological and other assistance;

- *Satisfaction* and *guarantees of non-repetition*, including measures such as public apologies and acknowledgment, commemorations and memorials dedicated to victims, and investigation and prosecution of those responsible.

3. Reparation in the context of the 1994 genocide in Rwanda

The genocide and massacres that took place in Rwanda in 1994 decimated a population and caused about two million Rwandans to flee. It completely destroyed the infrastructure of the country, leaving the justice system in tatters. Rebuilding communities and indeed, Rwandan society, was made ever the more difficult in light of the huge number of perpetrators, often living next to those who survived the genocide.

To speak of reparation, and more specifically of compensation, in the face of the magnitude of the genocide therefore may seem to be inappropriate, yet survivors interviewed by *African Rights* and REDRESS in Rwanda over the past three years emphasized that justice plays an important role in dealing with the consequences of the genocide. In this context, they stressed that justice must include accountability of perpetrators, as well as adequate reparation.

Aside from its significant efforts to ensure accountability of those responsible for the genocide, other reparation efforts within Rwanda include the annual commemoration of the genocide in April where victims and survivors of the genocide are publicly honoured, as well as the establishment of hundreds of memorial sites throughout Rwanda,[10] which can provide survivors with a place to mourn and remember.

In 1998, the Rwandan government established FARG, which seeks to rehabilitate 'needy' survivors of the genocide as well as survivors of "other crimes against humanity", i.e. individuals persecuted not

[8] Ibid, principle 16.
[9] See Basic Principles, principles 19-23.
[10] See Project by Harvard University, "Through a glass darkly- Genocide Memorials in Rwanda 1994- Present, at http://genocidememorials.cga.harvard.edu/data.html.

because of their ethnicity, but because of their or their relatives' opposition to the genocide.[11] Needy survivors include orphans, elderly, handicapped, widows and widowers.[12] The government currently contributes 6% of its annual budget to FARG, with other funding coming from individual donations, grants from foreign countries and "damages payable by persons convicted of participating in Genocide."[13] FARG provides critical assistance in the areas of education, housing and health to a large number of survivors- the government in a census in 1998 identified 282, 000 "most needy" survivors. However, while significant, the huge number of survivors of the genocide also means that the vast majority of survivors does not qualify as beneficiaries of FARG.[14] Furthermore, concerns about FARG's management and a lack of accountability and transparency, and a discrimination of FARG against survivors of "other crimes against humanity" have hampered its activities and impact in the past.[15] Reforms are currently under way to address these issues.

4. Survivors' access to compensation in Rwanda: legal framework

The efforts of the Rwandan government to provide reparation to survivors went further, and initially also included the possibility for survivors to claim compensation against individual perpetrators as well as the State. Prior to the introduction of gacaca, survivors, just as victims of other crimes prosecuted under Rwandan law, could join criminal proceedings against perpetrators as civil parties, and thereby claim compensation for moral and pecuniary damages and for restitution. The 1996 Organic Law on the "*Organisation of Prosecutions for Offences constituting the Crime of Genocide, Crimes against Humanity committed since October 1 1990*" provided that damages awarded to survivors who had not been identified should be deposited in a victims compensation fund, "*whose creation and operation shall be determined by a separate law."* Until the creation of such a fund, all damages awarded by the courts were to be deposited in a special account at the National Bank of Rwanda.[16]

Survivors participated in approximately 2/3 of all criminal cases before specialized chambers in ordinary courts as "partie civile" or civil claimants. Approximately 50% of survivors who lodged complaints for compensation against individual perpetrators were awarded compensation for material prejudice and/or moral grief. Initially, courts awarded very generous amounts of compensation, with reportedly close to U.S. $ 100 million having been awarded after only about 4000 people had been tried.[17] The basis for awards is not clear, as court judgments differed substantially in the awards made (e.g. for the loss of a husband, courts awarded between 250.000 and 8.000.000 Rwandan Francs), and often did not provide reasons for such awards.[18]

Civil claimants also lodged claims for compensation against the Rwandan state. Even though the state was declared jointly liable with the accused in at least 7 cases, and compensation awards were made against the state, none of these civil verdicts were enforced.[19] In 2001, Organic Law 40/2000 introducing gacaca jurisdictions declared civil actions against the State inadmissible "on account of it [the government] having acknowledged its role in the genocide and that in compensation it pays

[11] Heidy Rombouts and Stef Vandeginste, "Reparations for Victims in Rwanda: Caught Between Theory and Practice", in K. De Feyter et al. Eds., 'Out of the Ashes: Reparation for Victims of Gross and Systematic Human Rights Violations, p. 336.
[12] Law No 69/2008 of 30/12/2008, Law relating to the establishment of the Fund for the support and assistance to the survivors of the Tutsi genocide and other crimes against humanity committed between 1st October 1990 and 31st December 1994, and determining its organisation, powers and functioning, Article 26.
[13] Ibid, Article 22
[14] Heidy Rombouts and Stef Vandeginste, "Reparations for Victims in Rwanda: Caught Between Theory and Practice", in K. De Feyter et al. Eds., 'Out of the Ashes: Reparation for Victims of Gross and Systematic Human Rights Violations, p. 310.
[15] See for instance Lars Waldorf, 'Reparations in Rwanda's Community Courts", in "Reparations for victims of genocide, war crimes and crimes against humanity- Systems in place and Systems in the Making", p. 522.
[16] Organic Law No. 08/96 of 30 August 1996, Article 32.
[17] International Crisis Group, Africa Report No 30, 7 June 2001, p.33.
[18] Stef Vandeginste, 'Reparation pour les victimes de genocide, de crimes contre l'humanite et de crimes de guerre au Rwanda', in 'L'Afrique des Grands Lacs. Annuarie 2000-2001', p.10.
[19] Ibid, pp.12, 13.

each year a percentage of its annual budget to the Compensation Fund. This percentage is set by the financial law."[20]

To date, none of the compensation awards by national courts against individual perpetrators or the state have been enforced. This is due to a number of reasons, mainly the inability of indigent perpetrators to pay the awards or an unwillingness to pay the awards. In some instances, according to interviews with survivors by *African Rights* and REDRESS, perpetrators who were able to pay, avoided payment by bribing those responsible for the enforcement of compensation awards.

The introduction of gacaca jurisdictions in 2001 meant that with the exception of category I perpetrators, accused of being most responsible for the genocide, all other genocide related cases were to be tried before gacaca jurisdictions. While survivors could still make civil claims for compensation before gacaca by virtue of Articles 64 and 65 of Organic Law 40/2000, such compensation was limited to material losses and "body damages". Gacaca jurisdictions could not decide upon claims for moral damage.[21]

Gacaca jurisdictions were to draw up a list of victims who suffered material losses or bodily harm and make an inventory of those losses, as well as allocate damages. All judgments by ordinary and by gacaca courts awarding compensation for material "and body damages" were to be forwarded to "the Compensation Fund for Victims of the Genocide and Crimes against Humanity", with the Fund to "fix the modalities for granting compensation"[22]. Accordingly, the establishment of a Compensation Fund would have enabled survivors to enforce their reparation award against the Compensation Fund, rather than against the individual perpetrator.

However, as mentioned above, no compensation fund was ever established, which meant that the majority of survivors have not received any, or only a fraction of the actual compensation award for pecuniary damages. Aside from the inability of perpetrators to pay awards, survivors are frequently threatened when seeking to enforce awards against perpetrators, or find that those in charge of assisting with enforcement of "civil" gacaca decisions – usually officials in the cellule where the relevant gacaca court is based- have been bribed by the perpetrators so as not to enforce an award. All survivors interviewed expressed frustration about the lack of support when seeking to enforce judgments.

Current legislation governing the jurisdiction of gacaca is silent on survivors' right to claim damages, and relevant provisions of Organic Law 40/2000 and subsequent legislation on gacaca have been repealed. Furthermore, since 2009, only FARG can undertake civil action against persons convicted of crimes classifying them in the first category.[23]

The government seeks to close gacaca jurisdictions by the end of 2011. After the closure of gacaca, genocide cases are to be prosecuted before ordinary courts and military courts and it is unclear how this will impact upon survivors' right to claim for compensation. Furthermore, the government is in the process of drafting legislation to establish a mechanism that will handle issues that have not

[20] Organic Law No 40/2000 *Setting up Gacaca Jurisdictions and organising prosecutions for offences constituting the crime of genocide or crimes against humanity committed between October 1, 1990 and December 31, 1994*, Article 91.

21 Ibid, Article 90, limiting the possibility for survivors to claim reparation to restitution of property or, alternatively, claim for compensation for property and bodily related damage only.

22 Organic Law No 40/2000 of 26 January 2001 Setting up Gacaca Jurisdictions and organising prosecutions for offences constituting the crime of genocide or crimes against humanity committed between October 1, 1990 and December 31, 1994, Article 90; a subsequent reform of Organic Law No 40/ 2000 in 2004, provided that "other forms of compensation for victims are to be determined by a particular law," thereby opening up the possibility for survivors to claim for non-pecuniary damages, subject to the adoption of a particular law, see Art. 75 of Organic Law No. 16/2004 of 19 June 2004 Establishing the organisation, competence and functioning of gacaca courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994.

23 Organic Law No 69/2008 of 30 December 2008 relating to the establishment of the Fund for the support and assistance to the survivors of the Tutsi genocide and other crimes against humanity committed between 1st October 1990 and 31st December 1994, and determining its organisation, powers and functioning.

been addressed by gacaca.[24] Given its early stage (the Executive Secretary of the National Service of Gacaca refers to an "avant – projet de loi", i.e. it is not yet a draft bill), this may present an opportunity for civil society in Rwanda to advocate for an inclusion of the right of survivors to compensation in draft legislation.

Questions to consider for participants:

What are the positive steps taken within Rwanda that addresses survivors' right to reparation?

What more needs to be done in Rwanda to improve survivors' access to such adequate reparation?

In light of the international framework on reparation, and the experiences made in Rwanda up to date, what would constitute adequate reparation for the 1994 genocide, including adequate compensation?

What are the opportunities for Rwandan civil society to provide relevant input in draft legislation on the follow up to gacaca?

5. Compensation Law and Compensation Fund

As outlined above, relevant legislative provisions allowing survivors to claim compensation before national courts and before gacaca jurisdictions were to a large extent based on the establishment of a compensation fund. With the introduction of gacaca jurisdictions in early 2001, the government of Rwanda therefore presented a draft law on compensation, seeking the input of survivor organisations such as IBUKA, with a view to implement the relevant provisions of Organic Law 40/2000. The draft law set out in detail how a compensation fund could be established, managed and made to dispense money to identified beneficiaries.[25]

The fund was to be established specifically to enforce judgments rendered by ordinary courts and gacaca courts.[26] Material and human losses were to be compensated, including death and injuries.[27] The draft law identified various categories of material losses, including crops and fruits (per kilo or piece), plants, animals, domestic objects (e.g. tables, chairs, radio) and houses. Each such loss was quantified in an Annex, with for instance a stone brick house in an urban area being valued at 320.000 – 600.000 Rwandan francs. For human losses, the law introduced various parameters. In the case of death, survivors were to receive a lump sum payment depending on the degree of kinship. For the loss of a spouse, an amount of 3.000.000 Rwandan Franc was determined, for a child 2.000.000, for relatives of the first degree or adoptive parents, 1.500.000.[28] Lump sums were also determined for those who survived the genocide, subject to the degree of the incapacity (ranging from 1% to above 80%) and the age of the victim (below 18, ranging from 18 to 55, and above 55). Family members of survivors were also entitled to compensation, subject to the degree of kinship, including spouses, parents, relatives of first and second degree (e.g. brothers, sisters and uncles and aunts).

The lump sums were calculated on the basis of insurance legislation and cases of accidents or physical attacks causing bodily harm or material damages.[29] Resources of the Fund were to come

24 Rwanda News Agence, 'Jurisdictions Gacaca : Il reste 99 procès à réviser avant la clôture,' 9 August 2011.
[25] Projet de Loi No…..Du….. Portant Creation, Organisation et Fonctionnement du Fonds D'Indemnisation des Victims des Infractions Constitutives du Crime de Genocide ou de Crimes Contre l'Humanite commisses entre le 1er Octobre 1990 et le 31 Decembre 1994.
[26] Chapter I, Article 2.
[27] Chapter 5, Articles 16-19.
[28] Chapter 5, Article 16 (1).
[29] Expose des Motifs, pp.3/4.

from a variety of sources, including a fixed percentage of the state's annual budget and voluntary contributions of third states, private individuals and others.[30]

While the draft law was debated in public and civil society was consulted widely, it was eventually not adopted, and no compensation fund has to date been established. When interviewed by *African Rights* and REDRESS in November 2010, representatives of the government argued that, at the time, the establishment of a compensation fund was unrealistic, given the constraints of the government's resources, and its already considerable contribution to FARG with 5% of its annual budget. It was seen as unrealistic to find the resources for a fund that could compensate all survivors, and even though the draft law set out specifically who could benefit from compensation, the group of beneficiaries was considered too broad.

Questions for participants:

What aspects need to be taken into account when considering submitting a new draft law on compensation, taking into account the closure of gacaca at the end of 2011?

What role can civil society in Rwanda play in advocating for survivors' access to reparation?

Who are the institutional actors civil society should address and work with on reparation?

What opportunities exist at present and in the future to advocate for the right of survivors to compensation and restitution?

What are the consequences of the failure of the government to set up a compensation fund, considering that gacaca and national court judgments could not be transferred to a compensation fund?

6. The role of the international community

The establishment of the ICTR in November 1994, significant as it recognises the gravity and the scale of the human rights violations committed in Rwanda in 1994, had relatively little impact on survivors.[31] The limited mandate of the ICTR does not include a right to reparation and survivors are not entitled to participate in proceedings in their own right. Its statute and rules allow ICTR judges to order the return of any property and proceeds acquired by the criminal conduct of the individual perpetrator, to their rightful owners. While 38 perpetrators have been convicted to date, the Tribunal has not relied upon its authority to order such restitution.[32]

Rule 106 of the ICTR's Rules of Procedure and Evidence stipulates that survivors seeking compensation against a perpetrator convicted by the ICTR must apply to a court in Rwanda or "other competent body", and that they may rely on judgments of the ICTR in such proceedings. The judgments of the ICTR are to be considered final and binding as to the criminal responsibility of the convicted person for such injury.[33] In the absence of funds available to enforce any compensation awards, however, this has so far not assisted survivors in Rwanda.

The then President of the ICTR in her address to the UN Security Council in October 2002 reminded the Council that "compensation for victims is essential if Rwanda is to recover from the genocidal experience" and that a proposal had been submitted by the ICTR to the Secretary General that victims of the genocide should be compensated.[34] According to the proposal, ICTR judges agreed

[30] Chapter 10, Article 10
[31] See African Rights and REDRESS, supra, n.2, pp.55-72.
[32] See Article 23 (3) of the ICTR statute and Rule 105 of the Rules of Procedure and Evidence.
[33] Rule 106 of the ICTR's Rules of Procedure and Evidence.
[34] Statement by Judge Navanethem Pillay, President of the ICTR, to the United Nations Security Council, 29 October 2002, at http://www.unictr.org/tabid/155/Default.aspx?id=1086.

"with the principle of compensation for victims", yet believed that the responsibility for addressing claims for compensation should lie with other agencies within the UN system. It was feared that for the ICTR to handle compensation claims would severely hamper the everyday work of the Tribunal and would be "highly destructive" to the mandate of the Tribunal, also taking into account that the resources available to the Tribunal would not allow it to properly handle claims for compensation in a timely fashion.[35] The Judges of the ICTR therefore proposed to consider other options, including a specialised agency set up the United Nations "to administer a compensation scheme or trust fund that can be based upon individual application, or community need or some group based qualification". [36]

Subsequently, neither the proposal nor the ICTR's judges' call for a greater role of the UN in providing compensation to victims of the genocide were addressed, and no steps were taken at UN level to assist survivors in obtaining compensation. A resolution adopted by the General Assembly on 10 December 2004 on the *"[A]ssistance to survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence"* does not address the right to compensation and restitution.

IBUKA intervened before the UN General Assembly, calling on the United Nations and its member states to assist survivors in obtaining reparation.[37] According to IBUKA, the failure of the UN, and of third countries generally, to prevent and later to intervene and to stop the genocide, imposes a responsibility upon the international community towards survivors, including a responsibility to provide reparation. In March 2004, the UN Secretary General Kofi Annan, who was head of the UN peacekeeping agency at the time of the genocide, acknowledged institutional as well as personal blame for the genocide.

Under general rules of international law, the UN as an entity benefits from extensive immunities, which will make it virtually impossible for it to be successfully sued. Yet, the acceptance of institutional failure of the UN in 2004, the proposals made by the ICTR judges, as well as the recognition of moral responsibility by the UN inquiry on the Rwanda genocide, may, if explored and pushed by civil society, lead to an increase of UN efforts to assist survivors in accessing adequate reparation.

In regards to proceedings in third countries on the basis of universal jurisdiction, some survivors participated as civil parties in proceedings in Belgium and were awarded some compensation, yet enforcement of these awards in Rwanda against assets of the perpetrators proved difficult, and no award has yet been paid to survivors. In The Netherlands, survivors who participate as civil parties in proceedings against Joseph Mpambara on 7 July 2011 were awarded compensation of approximately U.S. $ 1000, though it is not clear how and whether this award will be enforced.[38]

While heads of state and governments of third countries apologised for the genocide and recognised that "mistakes" were made[39], no third country has to date been held responsible. In Belgium, a group of eight survivors filed a civil suit before a Belgian court against three senior members of the Belgian army and against the government of Belgium for a failure to protect 2000 refugees who had sought protection of the Belgian peacekeepers at the "l'Ecole Technique Officielle" (ETO) in April

[35] Letter dated 9 November from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary- General, U.N. Doc. S/2000/1198, 15 December 2000, ANNEX.
[36] Ibid, page.5.
[37] See Letter sent by IBUKA and AVEGA to the Secretary General of the United Nations on XXXX, "Indemnisation des Victimes du Genocide des Tutsi par l' Organisation des Nations Unies, Droit Inalienable.
[38] REDRESS and African Rights,'Justice for Rwandan Genocide Victims',7 July 2011, at http://www.redress.org/downloads/JUSTICE%20FOR%20RWANDAN%20GENOCIDE%20VICTIMS.pdf.
[39] The Belgian Prime Minister Guy Verhofstadt apologised in April 2000 for his country's failure to prevent the genocide, while the President of France, Nicolas Sarkozy, in February 2010, acknowledged that France (and the international community) made "mistakes" during the genocide, see http://news.bbc.co.uk/2/hi/8535803.stm.

1994. The plaintiffs alleged that the soldiers and the Belgian government incurred responsibility for the killing of the 2000 refugees, which followed after the Belgian government decided to withdraw its peacekeeping forces from the school. The court in March 2011 declared the lawsuit against three soldiers admissible and considered that the Belgian government could be held indirectly responsible for the actions of the three soldiers. The appeal will be heard in October 2011.

***Questions for participants**:*

How can the international community support domestic reparation efforts in Rwanda?

What opportunities exist on an international level to advocate for survivors' right to reparation, including compensation?

How can compensation awards by courts abroad benefit survivors in Rwanda?