



RWANDA INVESTIGATION BUREAU
Delivering Justice in Rwanda

THE
2017-2023

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THE
RIB
100



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CID:	Criminal Investigation Department
CSI:	Crime Scene Investigation
CRC:	Citizen Report Card
DMI:	Department of Military Intelligence
DGIE:	Rwanda Directorate General of Immigration and Emigration
DPU:	District Police Unit
EAPCCO:	Eastern Africa Police Chiefs Cooperation Organisation
FBI:	Federal Bureau for Investigation
FIC:	Financial Intelligence Centre
GBV:	Gender-based Violence
GMO:	Gender Monitoring Office
ICT:	Information Communication and Technology
IECMS:	Integrated Electronic Case Management System
IGP:	Inspector General of Police
INTERPOL:	International Criminal Police Organisation
IOSC:	Isange One Stop Centre
IPJ:	Inspecteur de Police Judiciaire
JPO:	Judicial Police Officer

MINIJUST:	Ministry of Justice
MINADEF:	Ministry of Defence
MINALOC:	Ministry of Local Government
MINISANTE:	Ministry of Health
MFI:	Micro-finance Institutions
NCB:	National Central Bureau
NISS:	National Intelligence and Security Service
NPPA:	National Public Prosecution Authority
NGO:	Non-governmental organization
OPJ:	Officier de Police Judiciaire
RDF:	Rwanda Defence Force
RFI:	Rwanda Forensic Institute
RGB:	Rwanda Governance Board
RIB:	Rwanda Investigation Bureau
RNP:	Rwanda National Police
RPA:	Rwandan Patriotic Army
RPF:	Rwandan Patriotic Front
RPU:	Revenue Protection Unit

INTRODUCTION

This book unveils the journey of RIB and sheds light on the evolution of Rwanda's justice institutions, narrating the transformative post-genocide reforms that gradually shaped RIB into the investigative entity it is today. Indeed, while RIB originated from the National Police, it has also inspired the establishment of other justice institutions as the quest to better serve the Rwandan people continues.

Central to this narrative is the concept of restorative justice, a humane and equitable approach championed by the post-genocide government in addressing criminal acts. It embodies a justice system deeply rooted in Rwandan culture and home-grown solutions.

Through this lens, the book captures the essence of a society committed to accountability, unity, and ambitious aspirations. The Rwandan doctrine, as succinctly encapsulated in President Paul Kagame's poignant speech in 07th April 2014, revolves around three fundamental choices: "Being accountable, Staying together, and Thinking big".

It is a book about the creation of RIB in its formative years. However, it is a forward-looking endeavour. It fits into the Rwandan doctrine as defined by those three choices. It is in that sense, a reflection of Rwanda's political pursuit of excellence and impact.

"Rebuilding the Justice system, like rebuilding the country, will require patience" – Gen. Paul Kagame, RPA Commander, 1994



*"We made three choices:
Being accountable,
Staying together, and
Thinking big"*

FORWARD

It is for me a privilege to welcome this important book on the creation of the Rwanda Investigation Bureau (RIB).

The importance of criminal investigation cannot be overstated. It is the foundation upon which the criminal justice system is built. Investigation prevents and limits crime, and whenever a crime occurs, investigation helps uncover it, gather evidence, and identify suspects. It is only with effective investigation that a fair trial, conviction, or acquittal can be achieved.

This book is an important resource that will help the public understand how institutions in Rwanda are conceived with the goals of professionalism and independence, pursued by the leadership. Beyond a report card of RIB's performance and impact, one of the key aspects of this book is its focus on doctrine. Rwanda's political doctrine has been at the heart of the reformist post-genocide government.

As the first stage in the chain of justice, RIB is at the forefront of the efforts to ensure that justice is served, and the rule of law is upheld in our country. This book captures the commitment and dedication that the RIB team has shown in making sure that our criminal justice system is effective and efficient.

This book provides a case study of how RIB is a result of continuous justice reform. RIB's creation has empowered vulnerable people to report criminal practices that were hitherto tolerated or underreported and enhanced justice delivery in Rwanda.

However, we acknowledge that there is still much work to be done. The world is changing rapidly and criminal investigations must keep up. RIB is still relatively new, and must continue to evolve and adapt to challenges posed by emerging crimes, such as cybercrime, terrorism, and other transnational organised crimes. To do so, it must remain at the cutting edge; continue to innovate, and embrace new technologies and techniques to enhance its investigative capabilities.

In conclusion, I would like to express my gratitude to the authors of this book, I hope that it will serve as a source of inspiration for all those who are committed to promoting justice and upholding the rule of law in Rwanda and beyond.

Thank you.

*Minister of Justice and Attorney General,
Dr. Emmanuel Ugirashebuja.*



ACKNOWLEDGEMENTS

In marking the fifth anniversary of the Rwanda Investigation Bureau (RIB), we are delighted to publish a book that chronicles our journey thus far. This comprehensive book encompasses various aspects of RIB's formation, development, and mission to become a modern and dependable institution that serves the judiciary and the Rwandan people in general.

We consider it a great honour to serve the Rwandan people and have had the privilege of collaborating with esteemed institutions in the judiciary and the security sector. This book provides us with an opportunity to express our gratitude for the valuable guidance and support that we have received from our leadership and partners since our establishment. We hope that this book will be worthwhile to all those who have generously shared their knowledge and time.

SUMMARY

The book primarily focuses on the evolution of crime investigation in Rwanda. However, it also provides a broader context by examining the evolution of justice delivery through significant political events that shaped our nation in the aftermath of the Genocide against the Tutsi. It introduces key stages of justice delivery, including the Gacaca traditional courts for trying genocide perpetrators, collaboration with the International Criminal Tribunal for Rwanda, and subsequent reforms, up to the present day.

The vision of the leadership in establishing RIB was that of a highly professional and independent criminal investigative body. Our goal is to offer readers a unique and extensive understanding of criminal investigation in Rwanda, and mechanisms in place to combat impunity and provide protection to victims.

This book highlights RIB's essential collaboration and complementary with the Rwanda National Police (RNP), National Public Prosecution Authority (NPPA), and the Judiciary as part of the justice sector.

Additionally, the book depicts RIB's pivotal role as the initial link in the chain of justice and as a bridge between justice and security organs. It also defines RIB's collaborations with bilateral and multilateral investigative bodies and its engagement with the public in fulfilling its mission.

The authoring of this book involved extensive consultation with various stakeholders, including policymakers, justice sector practitioners, security organs, scholars, historians, civil society organisations, and individuals with institutional memory about the administration of justice in Rwanda. Their contributions and insights have greatly enriched the content of this publication.

Ultimately, we believe that our success will be measured by the satisfaction of those seeking justice in Rwanda. The true testament to our achievements lies in the quality of casefiles submitted to the Prosecution, the integrity of evidence presented in court, as well as the services offered by Isange One Stop Centres, namely: the protection, empowerment, and legal services provided to individuals facing gender-based violence.

We hope that this book will serve as a valuable resource for all those interested in the history and evolution of crime investigation, justice delivery, and our efforts to safeguard the rights and security of the Rwandan people.



BACKGROUND



The Rwanda Investigation Bureau is a specialised organ established by the law N°12/2017 of 07/04/2017 and is responsible for performing career investigative functions, and partners with other law enforcement agencies in ensuring law and order. Before RIB's creation, this mandate was under the RNP's Criminal Investigation Department (CID). After the law was passed there was a one-year transition for RIB to begin its operations.

On 09th April 2018, the first RIB Secretary General and Deputy Secretary General were appointed by the Cabinet. On 18th April 2018, RNP formally handed over criminal investigation responsibilities to RIB.

Swearing-in ceremony of RIB Secretary General and Deputy Secretary General | Kigali, 10 April 2018.

On the left of H.E. President Paul Kagame, RIB Secretary General Col (Rtd) Jeannot K Ruhunga and Deputy Secretary General Mrs. Isabelle Kalihangabo, with other senior authorities after their respective swearing-in at the Parliament.



RWANDA INVESTIGATION BUREAU AT A GLANCE



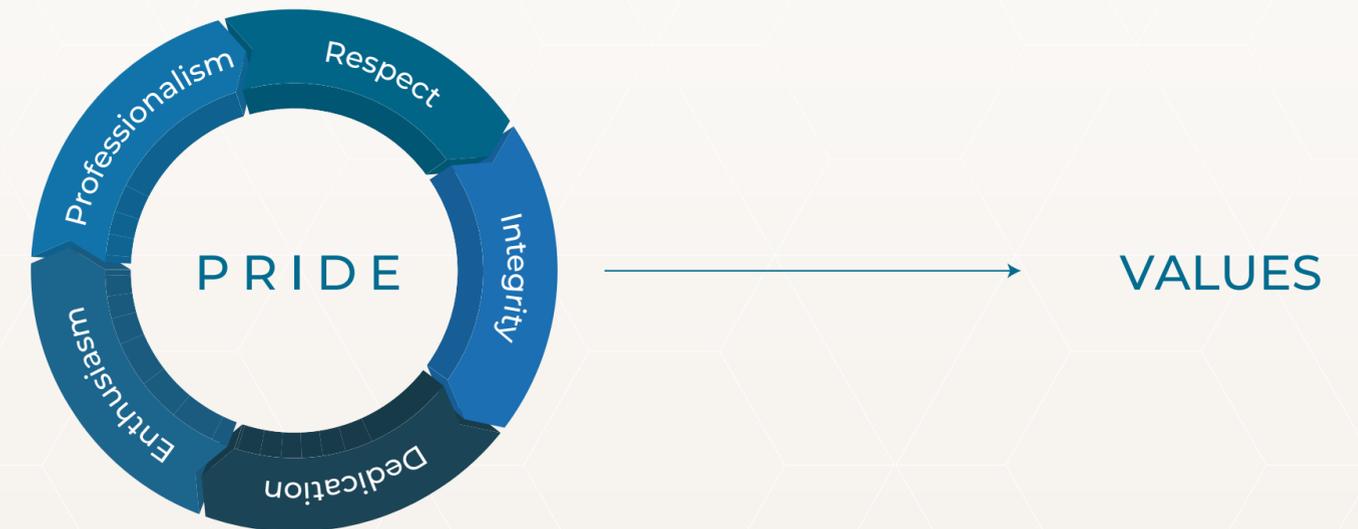
RIB Headquarters in Kimihurura, Gasabo, Kigali.



RIB's mandate is summarised in three main pillars, namely: Prevention, Detection and Investigation of crime.

Vision: Professional Investigative Institution that upholds the Rule of Law and Human Rights towards a Crime-free Nation.

Mission: To prevent, detect, investigate, and respond to current and emerging crime threats through the use of modern technology and building partnership to uphold the rule of law.





RIB plays a crucial role in fostering accountability. It strives to serve as an independent, professional, and efficient institution that is at the forefront of delivering justice. This initiative is not only important for the Bureau but also for fostering citizens' trust in the integrity of the justice system as a whole.

The Rwandan Government has a notable legacy as a liberation movement, which comes with both prestige and burden. Liberation movements produce living heroes, but they also face challenges when it comes to holding them accountable for their actions. It has been observed where liberation movements have overlooked the current misdeeds of their heroes, in gratitude for their past deeds.

However, such a lack of accountability proves to be detrimental in the long run. Movements that prioritise self-preservation over accountability, eventually undermine their foundations. They become vulnerable to criticism and lose the support of the very people they aimed to liberate. These movements often rely on force to maintain control, creating a divide between themselves and the people they govern.

In contrast, the Rwandan leadership understands that accountability is essential for sustainable progress and that impunity, driven by political expediency, can have adverse consequences. Leading by example in enforcing accountability within its ranks, Government strives to ensure the integrity of the justice system and maintain the trust of its citizens.

The hand representing the fight against corruption at the Kigali Convention Centre



An RPA Soldier wraps his jacket around a child after saving him from a mass grave

INKOTANYI NI UBUZIMA (RPF-INKOTANYI MEANS LIFE)...



RPF soldiers pull a genocide survivor out of a pit where he had been thrown by the Interahamwe killing squad

Genocide survivors say that because RPF soldiers saved their lives, and how right they are...



Genocide survivors say: “*Inkotanyi ni ubuzima*”: (Inkotanyi means life) because soldiers of the Rwandan Patriotic Army (RPA) saved their lives. It can also mean that the Rwandan Patriotic Front (RPF) is the lifeline that resurrected Rwanda. Upon stopping the genocide against the Tutsi in July 1994, RPF and its military arm, the RPA were the only standing institutions in Rwanda, and were responsible for everything; from enforcing a semblance of law and order, to providing the first care for injured survivors and orphans, to providing food, education, healthcare, shelter and restarting the economy...

All this was done while the war continued to rage in northern parts of Rwanda, as genocide perpetrators and the defeated army crossed the border from their base in refugee camps in Eastern DRC, to pursue their genocidal agenda, killing genocide survivors to prevent them from eventually testifying in the trials of genocide perpetrators. Guaranteeing human security was thus imperative.

Quickly, security was guaranteed, refugees and ex-combatants returned to Rwanda, many of them integrated in the government and the army, genocide perpetrators tried, and those who confessed were pardoned and released. While Rwandans continue to face the consequences of the genocide against the Tutsi, thirty years hence, the country is peaceful, reconciled for the most part, and progressing on its long, resolute march towards development.

Since 1994, the RPF has succeeded in infusing its doctrine into Rwandan institutions, starting with Rwanda Defense Force (RDF) and the Rwanda National Police (RNP), from which both RIB and Rwanda Forensic Institute were created. Later, followed the establishment of the Financial Intelligence Centre (FIC), in the journey to ever strengthen Rwanda’s rule of law in particular, and governance in general.

While previous regimes, through their declarations and deeds, displayed divisive, unaccountable politics, the advent of the RPF was the first time since independence that Rwanda was being re-infused with doctrine; reshaping a nation and institutions based on progressive and humanistic values, and open to reform; it was a fresh start.

The doctrine is unwritten, therefore it can only be observed in the actions and behaviour of civil servants. “*I am comfortable in discharging my duty with no fear nor favour because all the pressure is absorbed by the leadership, which is the guarantor of probity and accountability in Rwanda.*” – RIB Secretary General, explains.

In that sense, RIB stands on the shoulders of giants, as a brainchild of the RPA, which joined forces with soldiers from the previous regime to form the RDF. It then split into the military on the one hand, and the “Gendarmerie”

on the other, before the latter morphed into RNP. At each stage, investigative powers, once held by the “Gendarmerie” through its “Criminology” department, would be passed onto the next, more appropriate institution until they remained for a long time within the Criminal Investigation Department (CID), a branch of the RNP.

That doctrine also made it possible for a smooth transition from the National Police to RIB, whilst maintaining a conducive working relationship between the two complementary institutions. The decision to maintain physical “colocation” between RNP and RIB at various posts, strengthened that collaboration. The population does not tell the difference between RIB and Police, in spite of the branding. Citizens are free to present their security concerns to RIB, and criminal questions to the Police although their mandates are different.

“We are asked, at times, to do what is not in our mandate, and it is our job to adequately orient and guide the public”, said a RIB Officer.



Complementarity being a guiding principle of Rwandan institutions, RIB was created with the mandate of collaboration with RNP and other judicial institutions including the National Public Prosecution Authority (NPPA) and the Judiciary, making Rwanda's justice sector an integrated structure.

“RIB came at the right time. We imagined a highly professional and independent institution, but one that would collaborate with the Police at the same time as judicial institutions; a bridge if you will. In our growth approach, we build, consolidate, then scale. This is the story of our country and its leadership”,
added Police Chief.

“We are one after all, and our institutional collaboration and synergy come from leadership, our horizontal and vertical partnerships are seamless. Our system doesn't allow for overlap because of the complementarity doctrine”,
remarks former Police Chief.

METHODOLOGY AND BOOK STRUCTURE

This book is the result of interviews with the people who took part in the creation of RIB, those who discharge RIB's duties on a daily basis, the public; duty bearers who seek RIB's services, RIB's partners, scholars and keen observers of law reform in Rwanda. The book also engages with history, theory, and with the law.

The first part discusses the post-genocide restorative justice through Gacaca courts, and a final part frames processes leading to the creation of RIB, its growth, and its impact. The final chapter highlights the achievements and challenges faced by RIB in these first five years, the learning, and the way forward.

THEORY OF CRIMINAL INVESTIGATION

The origins of criminal investigation can be traced back to ancient Egyptians, who used physical evidence and witness testimony to solve crimes.ⁱⁱ

The ancient Egyptian legal system involved witnesses, scribes and judges who were responsible for gathering and presenting evidence in criminal cases.ⁱⁱⁱ One of the most famous examples of criminal investigation is the case of the murder of *Pharaoh Ramesses III*, which occurred in the 12th century BCE. The records of the trial indicate that several individuals, including members of the royal harem, were accused of conspiring to kill the Pharaoh.^{iv} The trial involved the examination of witnesses and the use of magical and religious rituals to determine the guilt or innocence of the accused.^v

OTHER SCHOOLS OF THOUGHT THAT EMERGED IN MODERN TIMES

The Classical School: This school of thought emerged in 18th century Europe, in France and England and emphasized the importance of rationality and the free will of individuals in criminal behaviour. It assumes that individuals commit crimes after weighing the cost-benefits of their actions.^{vi}



PART ONE: INTRODUCTION TO JUSTICE IN RWANDA

GIHANGA NGOMIJANA: ORIGIN AND FOUNDING PHILOSOPHY

As a result, it advocates for punishment that is proportionate to the severity of the crime committed, as a means of deterrence. The Classical School emphasized the importance of gathering evidence through systematic inquiry, analysing facts, and drawing logical conclusions. This approach also advocated for the use of forensic science and the careful documentation of crime scenes, as well as the development of criminal profiling. One of the key figures associated with the Classical School of investigation is the French magistrate, Edmond Locard, who is known for his work in forensic science and for his contributions to the development of crime scene investigation techniques, famously known for his quote: “Every contact leaves a trace”^{viii}

The Positivist School: This school of thought emerged in the 19th century and emphasized the importance of scientific methods in studying criminal behaviour. For the first time, criminology was focusing on the criminal and the various reasons leading one to commit the crime, rather than the crime itself. According to this school, criminal behaviour is determined by endogenous factors such as genetics, biology, cognitive and psychology.^{ix}

Cesare Beccaria, one of the key figures in criminal investigation at the time stated that; ‘It is better to prevent crimes than to punish them’ and developed his theory on a more scientific approach to criminal investigation, with the use of techniques such as fingerprinting and psychological profiling. Its proponents believed that social environment and mental illness should be studied and addressed in order to prevent crime, based on the study of the criminal.^x

The Behavioural approach in criminology, emerged in the 1950s and emphasized the importance of studying the behaviour of criminals to understand their motivations and thought processes. Social learning theorist Albert Bandura argued that individuals are not inherently violent, that they learn violence by observing three things: family, environmental experiences and mass media. This school

advocates for the use of behavioural analysis techniques to identify and apprehend criminals. According to this school, criminal behaviour is learned through conditioning and reinforcement.^{xi}

The Critical Criminology School: The shift from the classical schools to the positivist schools between the late 9th and early 10th century. According to proponents of the school, the criminal justice system is inherently biased and serves to reinforce existing power structures. Critical Criminology is often assimilated to the sociological school, which formed around the same time, that emphasizes the idea that crime is caused by social factors such as poverty, inequality, and lack of opportunity. The critical school contends that crime is a result of social disorganization and inequality and advocates for addressing the root causes of crime through social reforms and pro-people policies.

The Community Policing approach: A prevalent school in Rwanda, introduced with the creation of the RNP^{xiii}. A thesis of Sir. Robert Peel, former UK Prime Minister, this school of thought emphasizes the importance of community involvement in preventing and solving crimes. It focuses on building trust and cooperation between law enforcement community and the general public, and using community resources to prevent crime. It also emphasises the importance of transparency and impartiality. In this school, it is believed that if persons in positions of power can be held accountable and be seen to face justice, this would enhance the reputation and trust of law enforcement and justice institutions in the eyes of the general public.

Though not exhaustive, this list of schools have significantly influenced the development of modern criminal investigation methods and continue to inform the investigative process today. While there is no hierarchy nor contradiction, in fact these schools complete each other and each provides a distinct perspective on the causes of criminal behaviour and the most effective methods for investigating and preventing crime.



King Yuhi V Musinga chairing a King's Court around 1920

PRE-COLONIAL JUSTICE SYSTEM IN ANCIENT RWANDAN: INZIRA Y'UBWIRU

It is believed that Rwanda had an unwritten Constitution: “*Inzira y’Ubwiru*”, established by the mythical King Gihanga Ngomijana, founder of Rwanda who lived around 1091-1124. *Inzira y’Ubwiru* was made of seventeen known esoteric codes^{xiv}, although Father Alexis Kagame argued that they were eighteen, including *Inzira y’Amapfizi* which remains unknown to-date. The unknown/unwritten code, *Inzira y’Amapfizi* essentially defined how the Rwandan King died, how the new King was chosen, then enthroned.

The custodians of the Rwandan unwritten constitution were the “*Abiru*”, the Council of eminent Rwandan sages and King’s advisors who transmitted it orally to their successors. It superseded all Rwandans, including the King. No action was to be taken by any King if it was not enshrined in “*Inzira y’Ubwiru*”. However, to keep the code alive in time, Kings were required to review *Inzira y’Ubwiru* in consultation with *Abiru*, and promulgate new provisions that would render their subsequent actions legal.^{xv}

CALLING WITNESSES IN A TRIAL: CYILIMA RUGWE (1345- 1378).

As it was the custom, a young heir to the throne was given an intricate case to solve, to ascertain that he had gained sufficient maturity and could be enthroned as king. One day, two hunters were in dispute over an animal that they had both shot and killed and the matter was brought to Cyenge, the senior *Umwiru* and caretaker of the throne, who referred the matter to prince Rugwe as a test. This was around the mid fourteen century.

The young prince impressed everyone by calling for witnesses - for the first time - who were there during the hunt to testify as to who shot the deadly arrow. One said: “That man was there and saw everything”. The man’s testimony was decisive in the ruling and the term “*Umugabo*” which means “man”, draws the meaning of witness from that incident and to this day, both male and female witnesses are colloquially referred to as “*Abagabo*” and “*Abatangabuhamy*” in Rwandan judiciary.

In hindsight, the practice of calling witnesses may seem as the normal thing to do, however, before Rugwe’s jurisprudence, various practices were used to deliver justice, as shall be seen throughout this book.

Rwanda’s judicial reforms evolved to mitigate emerging gaps in pursuit of an ever-improved justice for the people. As expected, witness audition as the ultimate basis for establishing guilt or innocence would prove inadequate over time, due to the risk of false testimony and conspiracy (*Kubeshya/Kugambana*) and bribing witnesses (*Gutambika Inti*). King Gisanura introduced the procedure of crime scene investigation.

CRIME SCENE INVESTIGATION (CSI) BY KING MIBAMBWE II GISANURA: “THE MUTAKARA TRIALS”.

King Mibambwe II Sekarongoro Gisanura (1609-1642), was the 17th monarch of Rwanda, known for his immense contribution to the Rwandan justice system, notably in the introduction of *Crime Scene Investigation*.

At first introduced in secret and through emissaries, and eventually conducted by the King himself, CSI aimed to mitigate gaps in the adducing of proof, and to supplement witness auditions which he deemed unsatisfactory for cases brought to him in appeal and in last instance, writes Father Alexis Kagame.^{xvi}

Gisanura also introduced an adversarial system allowing disputing parties to point out inconsistencies in each other’s arguments, adds Father Bernardin Muzungu^{xvii}, while author Jean de Dieu Nsanzabera explains that the visionary monarch set up an itinerant King’s Court to hear matters in the village where the crime was committed.^{xviii}

This revolutionised the justice system in Rwanda, building the myth around “*Imanza z’ iMutakara*”, (Mutakara trials), in reference to the location of Gisanura’s palace, to imply that a case judged following King Gisanura’s fairness is immune to miscarriage of justice and nothing else can be added to it.^{xix} King Gisanura is fondly remembered for the abolition of inhumane punishments, and for his generosity, earning him the title: Rugabishabirenge (the generous King).^{xx}

INTRODUCTION OF FORENSIC EVIDENCE BY KING KIGELI IV RWABUGIRI.

After the passing on of Kings and the ascension of their sons to the throne, Rwandan Queen Mothers were bound to celibacy. The only queen mother known to have become pregnant during her reign was the mother of Kigeli II Nyamuhesha (1576-1609); Queen Mother Nyirakigeli II Nchendeli, who committed suicide thereafter.^{xxi}

However, Queen Mother Nyirakigeli IV Murorunkwere, mother of King Kigeli IV Rwabugili (1840-1895) was falsely accused of being pregnant. This was anathema in Rwanda and a violation of King Ruganzu I Bwimba's command, passed around (1312-1345) that no queen mother was to bear children after her husband had passed away.^{xxxi} Accusers were thus adamant, prophesying doom upon Rwanda if a natural child was to be born from a union between the Queen Mother and an unworthy commoner, her servant Seruteganya.

Using parables, a tormented Rwabugili sought counsel from trusted elders, expecting them to enlighten his judgement and spare his mother, but they too were in on the conspiracy and advised him to have his mother killed. Queen Murorunkwere was put to death at *Mbilima* na *Matovu* hills, in Gakenke District, Northern Rwanda.^{xxxii} Her son, King Kigeli IV Rwabugili ordered an autopsy to determine whether she was pregnant. The autopsy concluded that she was not...

There are certainly other incidences of forensic evidence gathering much earlier, however this is the most famous, or should we say “infamous” one.

PRE-COLONIAL RWANDA'S WARFARE DOCTRINE: (MODERN-DAY HUMANITARIAN LAW):

Cyilima I Rugwe (1345-1378), acceded to power with a mission of expanding Rwanda, inherited from his father, King Ruganzu I Bwimba (1312-1345). Before leading the assault against the *Abongera* people of the Kingdom of *Ubuliza* in 1365, King Rugwe made a speech to his army that marked the birth of Rwanda's warfare doctrine, which would be equated today to Rwanda's compliance with International Humanitarian law. He said: “*Dutangiye urugamba rwo kugwiza imbuto n'amaboko, si urugamba rwo kugwiza abanzi n'inzigo. Kirazira kwica uguteye umugongo ahungu kuko ari ikimenyetso ko yatsinzwe. Kirazira kandi kwica inka, abagore n'abana!*”^{xxiv}

Translated in English as: “We are starting a struggle to expand resources and peoples, not a struggle to multiply enemies and tragedies. It is forbidden to kill someone who turns his back on you, running away, because it is a sign of his submission. It is also forbidden to kill cattle, women and children!”

Perhaps by providence, Major General Paul Kagame, then commander of the Rwandan Patriotic Army (RPA), would make a speech, similar in substance and significance, seven centuries hence in 1992, in Mukarange, Byumba, northern Rwanda, to his troops of the Rwanda Patriotic Army that would lead, two years later, the campaign to stop the genocide that was being perpetrated against the Tutsi:



The Rwandan Army in ancient Rwanda

CUSTOMARY LAW AND COURTS

“This Army of ours will be the pillar of change. If you are saying that you are fighting tribalism, racism, but in the end your actions show tribalism, then there is no difference between you and those you are waging war against. Or if you say that those you are fighting are thieves, if you are a thief too, then what is the difference?”^{xxv}

This speech, originally in Kiswahili, the language of the army, is not adequately honoured, in our view. Yet, it defines the mindset animating the pre-colonial and post-genocide Rwandan polity to date, namely:

“Our behaviour should be different; our actions should distinguish us and lead to change.”

As we will see in this book, all institutions stemming from the RPF embody the reformist doctrine translated in President Kagame’s speech.



Major General Paul Kagame addressing RPA troops in 1992, in Mukarange, Byumba



THE KING AS THE SUPREME JUDGE, INSPIRED BY GOD

While Rwanda was not an entirely homogeneous society, there was a consistent will by the King to preserve the Rwandan creed, through a “Yuhi” – the pacifier King, who came about once in four kingdom circles.^{xxvi} The fact that Rwandans shared the same religious and cultural practices, the same clan lineages and the same language, allowed the country to have a centralized political system, a state and power structure spread across the whole country. In that sense, Rwanda was a nation, under one common King, regarded as a godsend supreme judge and the custodian of the traditional justice system.^{xxvii} Author Gérard Prunier describes the place of a Rwandan King as “being the summit of a complex pyramid of political relations, with wisdom and foresight inherited from God”^{xxviii} ; as one ancient poem dramatizes:

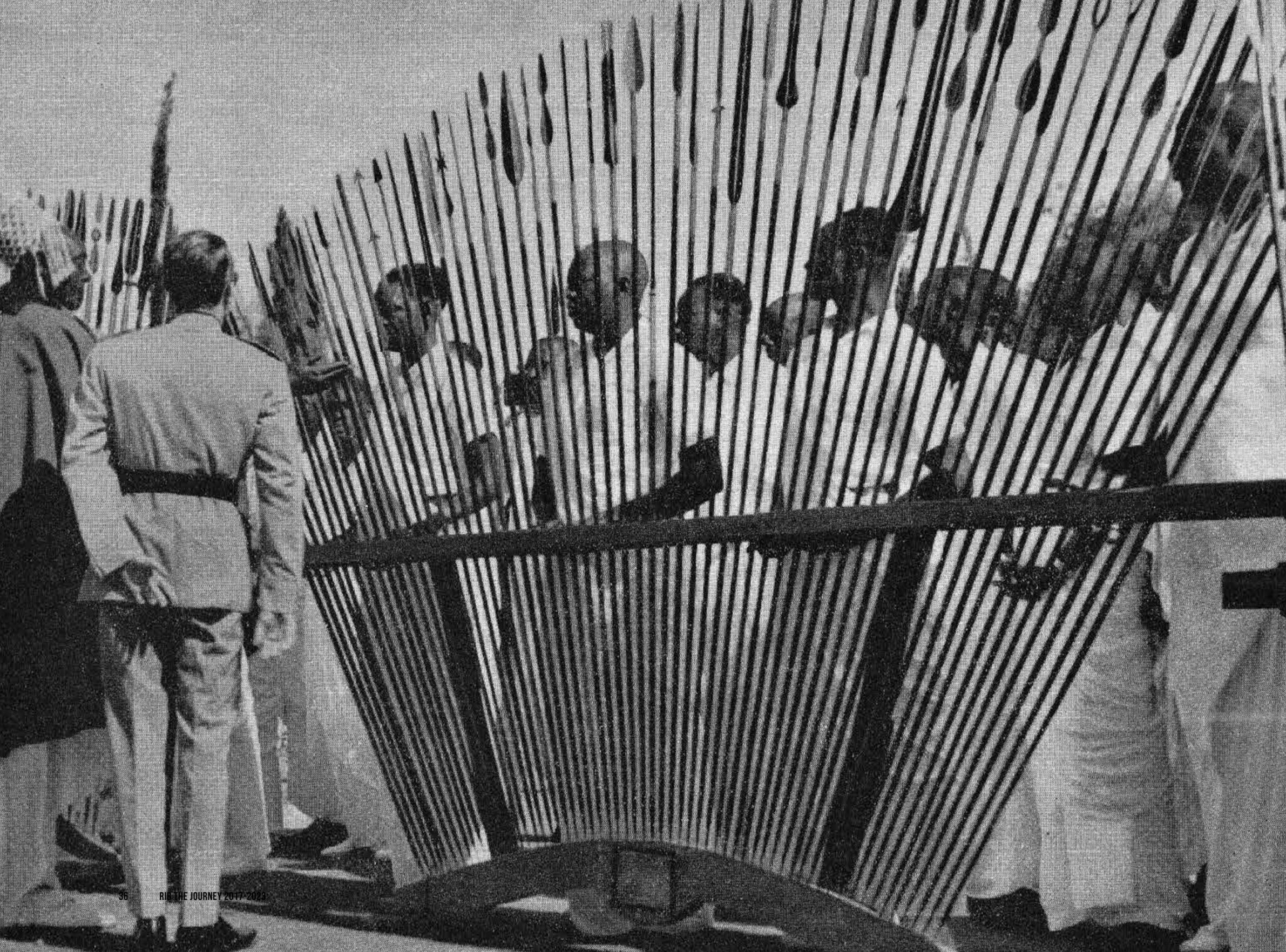
*Allow me to advise the King on the place where God lives
God, I can see, resides in this dwelling;
I see the King as God manifest in our prayers;
He knows the other God, we only see him;
He is the greatest of our predecessors;
He is God, he is the almighty;
It is to him we ask fire;
When one aspires for riches, it is to him one asks;
He has drunk from the milk of God;
He has given us of his milk
As milk spread across Rwanda.* ^{xxix}

*« Henga mbwire umwami aho Imana yubatse :
Imana nyibona mu ijabiro umu.
Nsanga ariwe Mana twambaza.
Indi Mana ni we uyizi,
Tubona ngendo twebwe.*

*Uyu ni we mukuru w’abamukurira
Ni we Mana, Rugabo nguyu.
Ni we Mana dusaba umuriro
Abajya gutunga tujya gutunda imigisha iwe.*

*Umukama uyu akamirwa n’Imana
Natwe akadukamira
Maze amata agakwira i Bwama-ndubaruba*

*Although pre-colonial Rwandan law was unwritten,
it lived through custom, as a set of cultural, religious
and ethical precepts, and judicial laws that expressed
themselves through different mediums, called
“Intekerezo”, namely: rules, guidelines, practices, mores,
proverbs, poems, myths, and adages... ^{xxx}*



CHAPTER I: RESTORING JUSTICE IN THE AFTERMATH OF THE GENOCIDE AGAINST THE TUTSI

“It is to genocide survivors that the hardest was demanded, for only they had something to offer” - President Kagame

After putting a stop to the Genocide against the Tutsi in July 1994, the RPF inherited an empty and destroyed country, over a million people had been killed, systems had totally collapsed, survivors had lost hope.

However, the “No revenge” was principle guiding the new government.

- Survivors said to the liberators: *“if you can’t kill genocide perpetrators, you must jail them”*;
- Suspects who were jailed and their families said: *“not all of us are killers, we need justice.”*;
- The international community said: *“your jails are full, you must deliver justice”*.

Within a few years, there were almost 200,000 detainees in Rwandan jails. While before the genocide, there were all in all less than 100 criminal investigators (IPJs and OPJs) in the country, many of them had taken part in the genocide and were in jail or had fled the country. Others were killed in the genocide against the Tutsi. On the one hand there was a critical lack of human resources and on the other, an overwhelming genocide caseload: a perfect conundrum!

Furthermore, the delay in enacting a genocide repression law^{xciii} created a congestion in prisons. A heavy exercise was conducted to prepare and correct casefiles according to new legal standards, sort out the overwhelming evidence seized upon defeating the genocide regime and thereafter.

“Groupe Mobile”: Around 1997 and 1998, then Vice-President and Minister of Defence, Major General Paul Kagame seconded 300 soldiers to create a joint “*Groupe Mobile*” made of the IPJs, Prosecutors, and soldiers, under the supervision of the Prosecutor General to clear the genocide investigation backlog. The soldiers were vital to identifying genocide fugitives, collecting and preparing most of the genocide documentation available to date, but the demand remained overwhelming still.

“Intagara”: An Armory. “Urunigi rw’abagânji”, “Intuku y’ingânji”, a symbol of Rwanda’s heritage and strength.

Crush trainings for magistrates

During the struggle between 1990-1994, in times of cease fire, the RPF used to organise various trainings for its members who would be part of the future administration. Among them were people who would form the Gendarmerie. Other trainings begun as soon as the genocide was stopped. At this point, most magistrates and investigators did not have law degrees.

To prepare them for the enormous task of justice administration, the government organized short trainings. In 1995 the first intake was trained for five months in criminal investigation at *Saint Paul*, a catholic training centre in downtown Kigali. This cohort would become detectives. In 1996 another intake was trained in *Murambi* – current *Rwanda Management Institute (RMI)* for nine months, another one at *Ecole de Gendarmerie Nationale (EGENA)*, in Musanze District.

The fresh trainees went immediately on the job, hitting the ground running, to become investigators, prosecutors and judges. In the meantime, the government was encouraging people to study law and offered full scholarships. The first intake graduated in 2000 with law degrees from the National University of Rwanda (UNR) as it was called, and it was after then that the government was able to initiate reforms in the justice sector.

Presidential Pardon: The President of the Republic then issued a “Presidential pardon” decree on compassionate grounds in March 2003. Genocide perpetrators who were minors at the time of the genocide, those who showed remorse, pleaded guilty and were ready to cooperate with the justice process; those with various ailments were also released.

To implement the Presidential pardon, screening teams made of those who had completed another quick course as officers of Gendarmerie in EGENA, were tasked to release minors, the elderly, the ill... In total, over 40,000 inmates were released.

For the occasion, President Kagame made the following speech: *“Keeping people in prison endlessly is not a cure to our problems. You have to carry out justice, but you have to reconcile people. I understand people who find it difficult to accept these things, especially the victims. I am one of the victims, but I find myself in a position sometimes where people look at me as being insensitive to their problems. But that is the price you pay for being in leadership...”*^{xxxii}

A RADICAL REFORM TO FOSTER TRUST IN THE JUSTICE SYSTEM

Over decades, a prevailing culture of impunity had undermined the independence of detectives, making it impossible to work without injunctions, to follow a criminal lead, or to stop investigating, as the application of criminal law had double standards, depending on the suspect’s closeness to power, ethnic or regional affiliation.

This weakening of the judiciary was among the systemic horrors that the new, post-genocide government was committed to rooting out in order to build a new Governmentality of equality before the law and accountability.

It was all the more pressing that the fledgling government had inherited a broken state in the aftermath of what can be characterized as the “climax of injustice”. The justice system thus needed a complete overhaul.

“CADRESHIP”: THEORY V. PRACTICE

“Cadreship” training has been the RPF’s approach to groom and instil its ethos in its members. While the RPF trained many, not all became true converts. Many people had received RPF “*Cadreship*” trainings in the bush and in RPF cells in exile during the struggle and were aware of what was expected of them once they arrived in Rwanda. They grasped the RPF’s “Eight” – and eventually “*Nine point program*”.^{xxxiii}

They understood that the fifth point was about “Fighting Corruption”. They were to act differently, break with what they had seen in host countries in exile, and that which they were fighting against in Rwanda. They were expected to build a totally different Rwanda, one based on good governance, pro-people administration, probity and accountability. All seemed well understood.

Their resolute was about to be put to test as they joined the new government. They certainly wished change for the country, but were they ready to change themselves? Did they grasp what that entailed? By the end of 1994, not all Rwandans who met in Kigali and across the country were much different from the countries they had lived in and, for some, worked in the administration. By October 1994, Rwanda was the meeting point for Rwandans of various backgrounds, with their strengths, and their weaknesses; for better, and indeed for worse...

Inevitably, the justice sector was the first to be hit hard by imported flaws in the early days. The sector was marred by corruption and incompetence. Some officers of the court were unqualified, having received hasty five and six months trainings. Some prosecutors were substituting themselves to the institutions they led.

The deals: Some leaders were occupying property belonging to people who had fled and grabbed large sizes of land belonging to the national parks. Voices were relentless in the press and within the RPF itself, denouncing some of the country’s new leaders who were getting involved in obscure transactions under the watch of the Rwandan judiciary. By the year 2000 the issue provoked a government crisis big enough to lead to the resignation of the transitional president of the republic and the reshuffle of the ruling party.

Paul Kagame, freshly appointed by parliament, took over the matter of land reform and reasonably redistributed the land to cattle herders, and ordered every family to vacate the houses of those who were returning from exile. They were given a tent and a small plot of land to build their own houses. The program was called: Tent Temporary Permanent (TTP).

The Purge: Once the country and ruling party’s leadership had changed, the country embarked on a “radical” reform of the judiciary. The earth-shaker was the decision to request all staff in the judiciary to collectively resign and go through the application process anew. They would be rehired based on fresh due diligence, based mainly on their integrity, regardless of their qualifications.

JUSTICE SECTOR REFORM IN RWANDA

The initial reform was done in three phases: Constitutional/Law reform; Institutional reform; Human resources reform.

Post-genocide Rwanda started implementing major judicial reforms in January 2003. A new Constitution was promulgated on 23rd May 2003 and defined new power structures with a competent and independent judiciary. While, as was seen above, the Ministry of Justice, the Supreme Court, the High Council of the Judiciary and at times, the parliament had been abolished altogether and reinstated on a whim by previous regimes, these three arms of government were to be permanently entrenched in the new constitution.

A Law Reform Commission was eventually set up to make proposals on how institutions of justice could be reconstructed.^{xxxiv} It organized international conferences in which Rwanda would look at countries that conducted reforms recently and invite them. They would invite legal scholars to explain what the international standards were and define how they would bring Rwanda's judiciary to par.^{xxxv} A subsequent law stipulated that to be a judge or a prosecutor, one must possess at least bachelor's degree in law.

Phasing out Judicial defenders: Earlier in 1997, the Bar Association of Lawyers had been established for the first time in Rwanda.^{xxxvi} The Bar was formed alongside a "Corps of Judicial defenders" who pleaded in lower courts.

The Corps of "judicial defenders" was first established to bridge a personnel gap within the legal practice. Judicial defenders had received short training in law from various NGOs operating in Rwanda, but they did not possess law degrees. A similar grace period was given to them to qualify and join the Bar Association. Four years later, Judicial Defenders were phased out.

At each step of the reforms, the fledgling government encountered resistance. And whenever resistance to policy occurs in Rwanda, those fearing obsolescence, always reverted to ethnic stereotypes, often fuelled by foreign NGOs, foreign media, genocide perpetrators and their relatives living overseas.

In spite of the reforms to modernise the justice system, the lack of law graduates persisted. Prosecuting genocide perpetrators through normal procedure with such ill-trained, limited human resource would have taken over a hundred years. The government decided to re-enact the traditional "Gacaca" with major modifications, to deal with the overwhelming backlog of cases of the Genocide against the Tutsi.

GACACA COURTS: A HOME GROWN SOLUTION DECIDED IN URUGWIRO DISCUSSIONS

Samuel Beckett once said: *"To find a form that accommodates the mess, that is the task of the artist..."*

The Government of National Unity was put in place on the 19th July 1994.^{xxix} It inherited a hoard of problems, but the most pressing being to render justice to both victims and suspected perpetrators of the Genocide against the Tutsi. This proved difficult considering the huge number of suspects and the near-complete destruction of the judicial system. At the time, the new government was caught up in a proverbial quagmire.

Revenge would not have been the solution. If the common goal in the new Rwanda was to rebuild the country, the classical justice system that produces losers and winners was not going to bring about that outcome. People needed to be given an acceptable, unifying solution.

URUGWIRO TALKS

As was seen in ancient Rwanda, Gacaca jurisdictions⁶ were a sort of intermediate jurisdiction which served as an appellate court for Mediators' rulings. Its choice as the court of predilection to hear matters of the Genocide against the Tutsi, was based on its attributes as open,

candid, interactive, reconciliatory and trustworthy nature; all critical to addressing the question of accountability/culpability for a Genocide that involved massive participation of the population. Gacaca was suggested in the post-genocide national consultations, commonly known as "Urugwiro Talks", which lasted between May 1998 and March 1999 and brought together all politicians and opinion leaders in the country to study what had happened and the way out of it.^{xxxix} It was a delicate, at times painful process, as survivors and young liberators were brought to sit with people who had chased their families in the 60s and 70s.



A defendant appearing before a Gacaca Court.

By 31 December 2002, about eight years after the genocide, 8,363 individuals had been tried for Genocide and crimes against humanity. Going by this pace, it would have taken over a hundred years to try all the suspects in custody. If only from a technical standpoint, it became clear that the sloth of the classical system would never take Rwanda anywhere, and that neither the suspects nor the survivors would ever receive justice^{cii}

Moreover, classical courts were not suitable to respond to the ambitions of the new government to rebuild a cohesive and reconciled – not divided - country. *De facto*, in court trials there are winners and losers. In the Gacaca trials however, there were no prosecutors, nor defence lawyers. Instead, there were men and women of integrity “Inyangamugayo” and eyewitnesses. There were neighbours and relatives. It was a big, troubled and afflicted Rwandan family coming together to address that which troubled them.

Participants in Urugwiro discussions recalled that the genocide against the Tutsi started in 1959 and was sustained by a culture of impunity and politics of exclusion, where killing Tutsi and taking their properties, had been made a habit. To build a new Rwanda then, would require active participation from each Rwandan to see justice finally being done - in punishing those who killed Tutsi or looted their property.

Initial resistance to Gacaca Courts

There was initial resistance to such a radical idea of re-introducing Gacaca in modern Rwanda. As soon as it was suggested, many in the Urugwiro Talks pointed out that ancient Gacaca courts did not hear matters of homicide. They argued that using the traditional courts this time would minimize the magnitude of a crime as grave as the crime of genocide.

They also feared that people with no prior legal education would not have the adequate qualification to lead trials and do justice to the process and would be partial, given that their family relations were either among the victims, but mostly among perpetrators.

Its proponents answered that for a “popular genocide” as the one that took place in Rwanda, Gacaca had both a restorative and educative goal. ^{xiii}

The active participation of citizens in rendering justice to their fellow countrymen for killing other fellow countrymen and countrywomen, would teach them the value of unity and reconciliation.

As for the lack of legal training for Gacaca judges, they argued that, that would in fact remove the out-of-touch legalistic jargon and make the process palatable to the people. On the fear of potential conflict of interest, the response was that the same shortcomings could be found even in formal criminal courts. However, they trusted that a process held at the place where Genocide was committed, in broad day light and with a massive participation, giving every citizen an opportunity to express themselves, would bring honesty, clarity and transparency.

International legal experts strongly opposed the Gacaca tribunals. Their criticism? Defendants would not receive legal representation. They demanded that perpetrators of the Genocide against the Tutsi be brought to ordinary courts. They ignored how long these trials would take and how much they would cost.

What they did not know, is that survivors were unable to find closure, and desperately demanded information about where the bodies of their relatives were buried. They were angry, hopeless and fearful. Their grief and trauma weighed heavily on the government and impeded its capacity to get on with the job of rebuilding a country. The new government was struggling to guide and rehabilitate a deeply divided, demoralized and distrustful society.

Once Gacaca courts were adopted as the most effective jurisdictions to answer Rwandans’ peculiar predicament, it was critical to define what was expected of them. Which nature of justice was needed for Rwanda? What would these courts ultimately achieve? Retribution was necessary to break a culture of impunity for killing Tutsi, spanning three decades - but would it be an end in itself?

From an investigation standpoint, there was an issue. Most people who survived, did so because they were hiding in house ceilings or in swamps, not really vantage points to observe what was taking place in the open. Those who were in the open were perpetrators and their relatives. Would they willingly partake in the Gacaca, volunteer testimonies and tell the truth on what really took place? Upon Gacaca completion, would Rwandans find harmony? would the process foster unity? Would it help eradicate sectarianism and division?

To answer these questions, Rwandans referred back to their history; to examine how forefathers dealt with conflict.^{cv}

As far as investigation is concerned, the new Gacaca courts were to achieve the needed transparency and efficiency as established by Gisanura, namely an inquisitive system of investigation by judges, with massive participation of the population.

It is against that backdrop that a law N^o 40/2000 was passed on 26/01/2021 and law N^o 16/2004, was passed on 19/06/2004 establishing the Gacaca courts. They were to be charged with investigating, prosecuting and trying perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994.^{xliv}

The following goals were assigned to Gacaca Courts:

- to reveal the truth about Genocide;
- to speed up the cases of Genocide and other crimes against humanity;
- to eradicate the culture of impunity;
- to strengthen unity and reconciliation among Rwandans;
- to prove Rwandans’ capacity to solve their own problems.

However, the idea was for the truth to lay bare, in public, with everyone’s contribution. As a result, all information gathered by investigators was brought to be confronted to the public during ongoing Gacaca trials. In 10 years, by June 2012, they had handled close to two million cases. “A 100 days to kill a million people, 10 years to judge perpetrators, and a lifetime to reconcile a nation...

Cases tried by Gacaca Courts in a period of ten years: All in all, cases heard in Gacaca courts of appeals were 178,741 equivalent to 9% of the 1,958,634 total cases judged by Gacaca,^{xlv} for a total of 1,074,017 Tutsi killed in the genocide as its final results would late show.^{xlvi}

COLLABORATION WITH THE ICTR

The United Nation’s Security Council, after much hesitation, finally adopted, on 8th November 1994, Resolution No 955 establishing the International Criminal Tribunal for Rwanda (ICTR). Rwandans wondered why the headquarters of the international court were being established abroad (in Arusha-Tanzania) while the crimes were committed in Rwanda and by Rwandans.

Almost immediately, there were a lot of attempts to try and politicize the ICTR, which hindered the collaboration between the Rwandan prosecution and the international jurisdiction. The ICTR had a parallel investigation structure and Rwanda’s criminal

investigation apparatus eschewed as much as possible to feed information to ICTR investigators.

Here, it is important to paint a brief picture of the *zeitgeist* of the time. To say times were hard would be a massive understatement. The government was so weak that international NGOs of all volitions felt entitled to have a say on the conduct of Rwanda's business. To put things in perspective, some NGOs freely employed known genocide perpetrators in total impunity. Once arrested by Gacaca, these NGO would publish reports condemning the arrests and criticising Rwanda's justice system as politicized. However, the statutes of the ICTR recognized Rwanda's judiciary as a concurrent jurisdiction and both observed the principle of *Non bis in idem*, in terms of handling defendants. Meaning people who were being prosecuted by the ICTR could not be by the Rwandan judiciary and vice-versa. This inevitably placed ICTR and Rwandan investigators on a colliding course, because both were investigating the same criminals for the same crimes and at the same time. But whenever this occurred, concessions were made on each side.

The ICTR was heavily, but fairly criticized for working with Rwanda. As a result, Rwanda was eager to stay clear of any criticism of interference. This would later prove dangerous. Too much liberty was given to defence lawyers and their defendants to whom "the right of defence" had become a political tool, attempting to simply exonerate the genocide perpetrated against the Tutsi.

For instance, the accused would arbitrarily select defence investigators and impose them in their teams. As a result, relatives, fellow genocide perpetrators would be hired and paid by the international court tasked with trying the very crimes they had just committed.

As an illustration, in «the media trial»^{xlviii} one expert witness, Mr. Francois-Xavier Nsanzuwera, a Rwandan who lived in Belgium came to Arusha, Tanzania, at the sitting of the ICTR to testify for the prosecution. Before the Genocide he had been a prosecutor in then Cyangugu, Western Rwanda and later promoted to Kigali.

During lunch time after the morning hearing session, Mr. Nsanzuwera met someone in the corridors of the ICTR building and recognized him as one Simeon Nshamihigo. As it turns out Mr. Nshamihigo had worked under him in the office of the prosecutor in Cyangugu, making Nsanzuwera effectively his former boss. He knew Nshamihigo to have been a key player in the genocide against the Tutsi in Cyangugu.

At this time, Nshamihigo, passing for a Congolese national, was working as a defence investigator in the ICTR. His revealing led to his arrest on the spot. He was then tried in Arusha, a court he had been working for. After this incident, Rwanda's representative to the ICTR submitted lists and photos of ICTR investigators to Rwanda's authorities, whom, after review, advised that four more ICTR staff, including, Augustin Basebya, who was working for the team of former Bourgmestre Juvénal Kajelijeli; Augustin Karera, who was working on the case of former Minister Jean de Dieu Kamuhanda; Aloys Ngendahimana, an investigator for former RTLM radio director Ferdinand Nahimana, and Thadée Kwitonda, who was on the defense team of former Interahamwe militia leader Arsène Shalom Ntahobali were all genocide suspects.^{xlix}

The next day, Rwanda's representative held a press conference and denounced the ICTR's practice of hiring genocide perpetrators. Seven other defence investigators who had not been revealed yet, left Arusha, never to be seen again. They remain on the genocide fugitive list. From then on, the ICTR would subject names of its hires to the Rwandan government for due diligence.

THE ICTR JUDICIAL NOTICE: A GROUND-BREAKING GENOCIDE JURISPRUDENCE

Judgements at the ICTR evolved in a gradual manner as the judges learned new facts. Perhaps it is necessary to add that, investigation is among the reasons which made it possible that on the 16th June 2006, the Appeals Chamber of the International Criminal Tribunal for Rwanda was confident to rule:

"1) *The existence of Twa, Tutsi and Hutu as protected groups falling under the Genocide Convention*";

The first provision of the ruling was responding to a specific line of argument contended by every defence lawyer in order to deny the very occurrence of the genocide against the Tutsi, namely: "Tutsi were not an Ethnic group since Tutsi and Hutu share the same language and culture in Rwanda", and since Article 2 of the Genocide convention^{li} defines the genocide as: "*any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group*", therefore what occurred in Rwanda cannot be defined as a genocide.

In the Akayezu case^{lii} the prosecution established before the international court the permanent and stable nature of Tutsi in Rwanda, the allocated identity cards with ethnic mention by the genocidal government and concluded their *prima facie* nature as a distinct ethnic group.^{liii}

THE JUDICIAL NOTICE PURSUED:

2) *The following state of affairs existed in Rwanda between 6th April 1994 to 17th July 1994: there were throughout Rwanda widespread or systematic attacks against a civilian population based on Tutsi ethnic identification. During the attacks, some Rwandan citizens killed or caused serious bodily or mental harm to person[s] perceived to be Tutsi. As a result of the attacks, there were a large number of deaths of persons of Tutsi ethnic identity*"; and to conclude:

3) *Between 6th April 1994 and 17th July 1994 there was genocide in Rwanda against Tutsi ethnic group.*

THE COURT THEN MADE A RULING THAT:

The decision will have an immediate impact on the trial proceedings in the Karemera et. al. case, and will be felt in all of the current and pending trials before the Trial Chambers of the ICTR. Judicial notice of the above matters means that they are to be taken as established beyond any dispute and not requiring any proof.

The judicial notice was then published on the journal of the ICTR in these terms:

"This is one of the most significant rulings of the Tribunal, given the consequences in terms of putting the occurrence of the genocide beyond legal dispute. It can be recalled that until now the Office of the Prosecutor (OTP) has had to, in each case lead evidence and prove the occurrence of the genocide. This will no longer be necessary.

In the view of the OTP, the ruling should now silence the 'rejectionist' camp which has been disputing the occurrence of genocide. By relieving the OTP of a substantial burden of proof, the ruling has the potential to shorten the cases as each will essentially focus on the personal involvement of the accused person in genocide."

In making the ruling, which was later buttressed with a United Nations Resolutions, adopted unanimously: “2150 of 16th April 2014, adding to the ICTR Judicial Notice of 15th June 2006 & the Akayesu Judgement of 2nd September 98; Confirming the ‘Genocide against the Tutsi’”^{iv}

TWO POINTS HERE NEED HIGHLIGHTING:

- ⇒ **One:** While making the ruling, the ICTR found that the court had accumulated a sufficient body of knowledge to establish the occurrence of the genocide against the Tutsi, and warranted a judicial notice, and

- ⇒ **Two:** The fact that the resolution was adopted unanimously by all member states, recalling a ruling by the appeal chamber of an internationally recognized jurisdiction, made the facts to which it referred, namely: “the Genocide perpetrated against the Tutsi”, to use the ruling’s terminology, “beyond legal dispute” and conferred it a status of “Customary international law”, and shall be applicable “erga omnes” (towards all), in future reference

It is critical, to note that the Gacaca and the ICTR were ad-hoc processes aimed at responding to a specific crime of genocide. Concurrently, the government of Rwanda continued to pursue reforms in the judiciary in general and criminal investigation in particular.



CHRONOLOGY OF CRIMINAL INVESTIGATION FROM 1994 TO DATE

The military arm of the liberation movement that stopped the genocide against the Tutsi on the 15th July 1994 in Rwanda, was called the Rwandan Patriotic Army (RPA). After merging with troops of the previous regime called the “*Forces Armées Rwandaises*” (FAR), the “Rwanda Defence Force” (RDF) was born. The story of the growth and reforms of the RDF is for another day...

Soon after seizing power in 1994, the RPA was split into two: The army and the Gendarmerie Nationale, both within the Ministry of Defence. Upon its inception, the “Gendarmerie” had a department of “Criminology” which was in charge of criminal investigation. In it were the OPJs. Gendarmerie did not last long and on the 16th June 2000, the Rwanda National Police

was created.^{lv} It merged three entities, namely, the *Gendarmerie Nationale* of the Ministry of Defence, the *Police Communale* of the Ministry of Internal Affairs and the Judicial Police of the Ministry of Justice. The Army retained investigative powers within the “The Military Prosecution Department”.^{lvi}

When the law was passed, putting in place the RNP as an independent institution, the first cohort came directly from the Rwandan Army; at the time still called the “Rwandan Patriotic Army” (RPA). From the onset, RNP had a department in charge of criminal investigation.^{lvii}

A timeline: Succession of institutions of criminal investigation in Rwanda:



CRIMINAL INVESTIGATION DEPARTMENT (CID)

Before the creation of RIB, the RNP had a Criminal Investigation Department (CID). Its mandate was to conduct preliminary investigations leading to criminal casefiles that were later submitted to the prosecution.^{lviii} However CID was a department of the police corps.



Police and RIB Officers are registering grievances of the public during a RIB outreach month

Many institutions with investigative powers: NPPA worked in an outdated investigative regime. For instance, prosecutors had the power to imprison people without presenting them to pre-trial detention before a judge. By 1997-1999 there were IPJs, OPJs, “*Substitut du Procureur*”, and “*Procureur de la République*”. IPJs were under the Ministry of Justice, while OPJs were under Gendarmerie, which in turn was under the Ministry of Defence. Local Government’s Bourgmestres of communes who had their own police named “*Police Communale*”. All these institutions had power of criminal investigation.

Lack of accountability: “*Res populi, res nullius*”, a Latin maxim goes; it means “A thing that belongs to all, ultimately belongs to none”. During the transitional period in the aftermath of the genocide, investigation and eventually arresting powers were detained by many institutions. People were at times imprisoned without trial because the agent who had arrested them, may have been deployed before preparing their casefile, or their casefile may have been misplaced. There was a significant backlog of unprocessed cases and of people illegally detained. .

PART II: THE PROCESS OF ESTABLISHING RWANDA INVESTIGATION BUREAU (RIB)



Former Minister of Justice and Attorney General poses for a group photo with RIB team.



RIB Officers are taking the oath to join the institution after graduating from their inception training.



Since independence, criminal investigations had been in the hands of security organs, with a certain collaboration with the judiciary, through the Public Prosecutor. The Post-genocide government did not change much in the formulaic sense. Criminal investigations continued to operate under the army, and later the police. It is the attitude towards professionalism that changed.

RIB was created to foster professionalism. A career path in investigation is the latest frontier in a series of justice sector reforms, ongoing since 1994, and it is unlikely to be the last.

In 2017, when the law was passed, the investigative powers were transferred to RNP, with a secondment of other officers to help in the set-up of the new institution, within a period of a one year. Some were gradually returned to RNP as RIB recruited its own staff, all graduates in various fields.

Over 800 officers in the CID and other departments that supported investigation, namely: INTERPOL, Crime Intelligence, Cybercrime and *Isange One Stop Centre (IOSC)*, were transferred from RNP to constitute RIB's core staff.^{ix}

Police consolidation and focus on law and order: The creation of an independent institution in charge of criminal investigation, freed the police and enabled it to focus on its core mission, which is maintaining public order and deploy beyond Rwandan borders in peacekeeping operations.

The Challenges: Before the creation of RIB, there were many challenges in the functioning of the chain of justice. Police officers who were in charge of security were also in charge of criminal investigation and preparing casefiles for the prosecution. It became apparent that whenever

the tasks of providing security on the one hand, and investigating crime on the other are combined, in the same security entity, the former tends to take primacy over the latter. There was a challenge among officers in orienting their investigation approach, either to serve the justice chain or the security chain and vice-versa.

Furthermore, JPOs saw themselves as police officers and security agents first and foremost, with career ambitions within the RNP apparatus, instead of members of the judicial system. CID staff remained police officers and were to be deployed to various security duties, in addition to investigation.

“At times I would instruct a police officer to accomplish a certain task related to a case we were jointly working on, and the officer would inform me that they are no longer available because they have been assigned other duties. When I inquired within CID, they promised to send me a new officer. But that is not how it works, the previous one was well versed with the case and there wasn't always time to bring the new investigator up to speed.” – a Prosecutor explains.

In addition to training in crime investigation, a police officer would be trained in firefighting, public order, traffic, VIP protection, all areas that were being covered by RNP, but which are immaterial to the task of investigation.

These general trainings were preparing the officer to multitask, and in one day a Police officer may be deployed to several missions, all unrelated to investigation. Today there are specialized RIB staff whose only mission is to lead investigation in their field of expertise. This engenders confidence in, and competence of RIB, especially in working with RNP, NPPA, and with other government institutions.

From a separation of powers perspective, as enshrined in the Rwandan Constitution,^x investigation and policing are handled by separate institutions. This in turn, improved perception and trust of the public in the judicial system. As an institution dealing

with citizens, there was a political responsibility to ensure that Rwandans are sufficiently satisfied with the transparency and accountability in the process leading to their investigation, potential detention and prosecution.

The opportunity: It took political will to create an independent organ, given that there are not many countries where investigation is independent from the Police. *“The leadership wanted it as professional and as independent as possible. The integrity of the evidence was critical in assuring the public of due process of the law. “Independence” and “professionalism” were inherent to RIB’s formation”*, explains the IGP.

As the first piece in the chain of justice, RIB must be at the centre of national social-economic transformation. Especially on the African continent, investors are weary of red-tape, corruption and are keen to know that their investment is secure.

Benchmarking: Upon receiving the order to create an independent criminal investigation body, a police team went in a retreat at the police school.

For three months of brainstorming over the challenges that characterized the existing Rwandan investigation model, the team spent time reviewing similar organizations globally and benchmarking. They reviewed America's Federal Bureau for Investigation (FBI), Britain's Scotland Yard, Germany's Federal Criminal Police Office, South Africa's "Directorate for Priority Crime Investigation (the Hawks), Botswana's and Ghana's CID, Kenya's Directorate of Criminal Investigation, Scandinavia, Singapore, Thailand, etc. Team members were tasked to look at specific models and make a case. The guiding principle was effectiveness in delivering the best services possible to the Rwandan justiciable.

Four systems emerged from that exercise, namely: Independent, semi-independent, hybrid investigation structures and not independent.

The existing model of a CID within RNP, was immediately excluded in compliance with the guidance received from the leadership to create an independent institution. There was a need to create an institution with full administrative, financial and operational autonomy; there was a need to build a career in the field of criminal investigation. In order to ensure complementarity, "collocation" was decided at local level police stations to mitigate operational challenges between RNP and RIB.

SEPARATION OF RIB AND POLICE

“Investigation is not an event or a deployment; it is a career”. –Deputy Secretary General, RIB.

It soon occurred that investigators were the only ones in the chain of justice who did not have legal training and qualification. As members of security organs, you could not create different criteria within the police, in terms of qualification and promotion.

On the one hand, since investigators were under the CID, an outfit of the RNP, the government could not allocate it an autonomous budget and career development program. On the other hand, whenever security and criminal investigation are combined under a security organ, the latter tends to take primacy.

Initial Resistance: All proponents of RIB admit that there was some resistance from the onset. They also agree that this would have a hindering effect upon RIB’s creation, albeit mitigated in time: “We should have given it our best in terms of human and other resources, namely: equipment, buildings, funding, we did not!” – Admits the IGP.

“We may have made operational mistakes, but never ideological ones.”, admits Former Police Chief. “The vision from leadership was clear and understood. However as is often the case when dealing with human beings there was reticence in releasing the best police officers into RIB.”

“Even during the struggle (referring to the war to liberate Rwanda), for instance, when, say ‘Sierra’ battalion was ordered

to create ‘Nkrumah’ and ‘Bravo’, commanders would order the best guys on machine guns to go to a course or encourage them to ‘get sick’ and spend time at the sick bay, so that the split would take place in their absence.” – The IGP recalls.

Unluckily for the commanders, “in Afande’s approach (referring to President Kagame), when he tasks you to create difference branches within the institution you lead, if you hide your best, he ends up appointing you to lead the new institution, then demands of you optimal performance!”

Initial resistance in the polity: RIB was introduced to cabinet and parliament, as an initiative to create autonomy, separation of duty, and efficiency and mitigate potential conflict between security and investigation. The level and the quality of questions asked by the Rwandan government officials were particularly new. People were more probing as to why did the government need to tell an institution that had been stable for seventeen years, having had very good results, limited crime, and not much backlog on casefiles to split and create room for further overlap? Was there value for money in this?

Questions were asked on the operationalization of the new institution since it was to be detached from RNP. “It took two years, in my opinion, to build awareness about RIB”, - Former Minister of Justice and Attorney General explains. “We needed to be clear within ourselves in cabinet, we needed to be clear with our colleagues in the justice sector, in the judiciary, and in other sectors. We needed to be on the same page with the public. We spent months in parliament. An entity that was never heard of in previous governments in Rwanda, in Africa, how were we to embark on such an adventure?”



The Minister of Justice and Attorney General witnesses the transfer of CID files from Inspector General of Police to Secretary General of RIB

CHAPTER II. RIB INSTITUTIONAL FORMATION



Rtd. Col. Jeannot K. Ruhunga, first RIB Secretary General and Ms. Isabelle Kalihangabo, first RIB Deputy Secretary General

RIB benefited from strong leadership at its creation. The first Secretary General is a retired senior army and police officer, formerly a judge in the Military High Court, an instructor in military academies in Rwanda and the region, and an experienced chief of intelligence in RDF and RNP respectively.

The Solicitor General, who is the Deputy Secretary General, was a former judge of the High Court, Deputy Attorney General and Permanent Secretary in the Ministry of Justice, and a former human rights activist in

one of Rwanda's leading women's organizations. RIB's Director Generals and heads of departments were senior officers of RNP with leadership in various departments. In addition to other senior managers, five female prosecutors were appointed from NPPA.

Several departments that were directly supporting investigation within RNP, including Crime Intelligence, INTERPOL, Cybercrime division, Crime Research and Prevention, and the Isange One Stop Centre, migrated to RIB.

Several debates convening different actors across the board were held in the office of the prime minister to build sufficient convergence. People were encouraged to think out of the box as is the requirement of the Rwandan reform doctrine, until the government was comfortable with the final proposed outfit, before RIB was tabled in the Cabinet.

The strength of the post-genocide system is its capacity to conceive change, build consensus around it, implement and operationalize it and if need be, reform again. Reforms in Rwanda are rational and achieved through dialogue and consensus.^{ix}

It is imagined that over time, citizens' fears have been appeased by a leadership that consistently makes reasoned decisions and is willing to reform and improve as it goes along. By the time RIB was born, buy-in was overwhelming because there had been extensive consultations and all ideas harnessed. In the end, RIB is just an avatar of how the Rwandan system conducts reforms, based on the three choices captured in the governance doctrine.

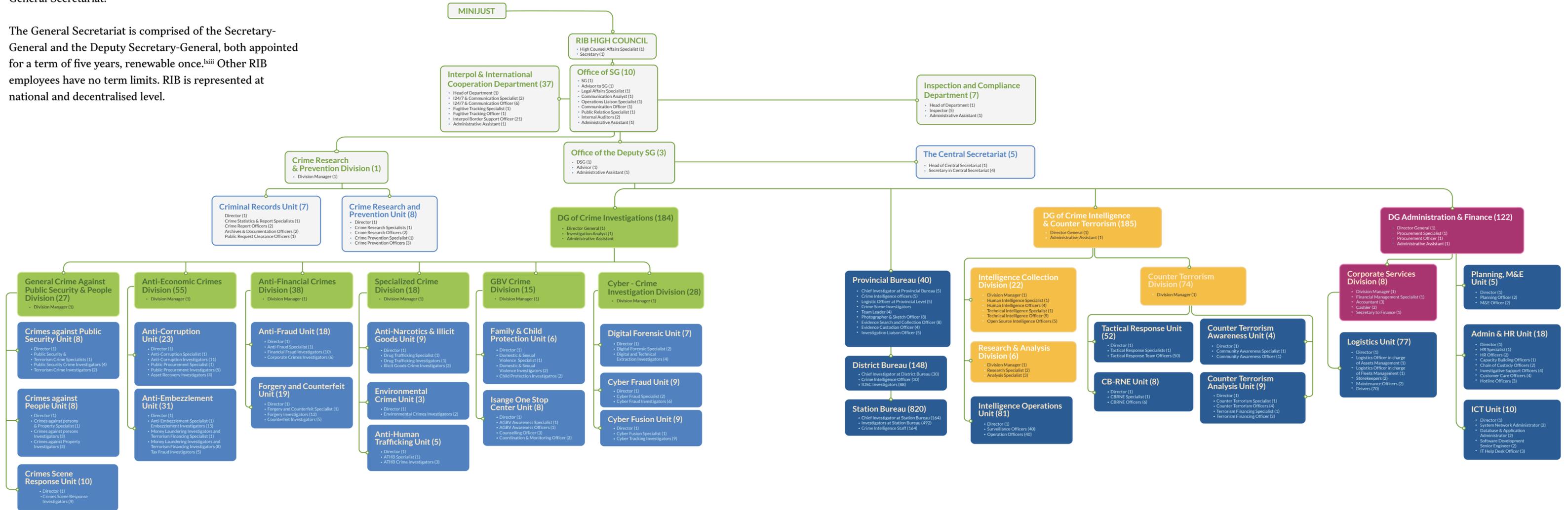
Joint training: Every officer joining RIB undergoes a six months compulsory career training, in addition to their academic credentials. As is Rwanda's doctrine, RIB convenes members of other security organs to benefit from investigations skills and vice-versa.



RIB'S STRUCTURE

RIB's leadership is made of a High Council and a General Secretariat.^{lxiii}

The General Secretariat is comprised of the Secretary-General and the Deputy Secretary-General, both appointed for a term of five years, renewable once.^{lxiii} Other RIB employees have no term limits. RIB is represented at national and decentralised level.



RIB'S NORMATIVE FRAMEWORK



The Constitution of the Republic of Rwanda, as amended in 2015, in Section 140 provides for the establishment of specialised organs.^{lxxvii} It is on this basis that RIB was established by law N°12/2017 of 07/04/2017.^{lxxvi}

RIB's mission is to prevent and pre-empt crime; to identify and dismantle existing or emerging criminal acts and cartels; to manage a criminal investigation information system and maintain an information database; to use forensic analysis of criminal evidence; to conduct outreach programs aiming at ensuring partnerships and information sharing with the community; to participate in inter-agencies law enforcement initiatives which address crime problems at regional and international levels and to ensure the security of victims and witnesses.^{lxxvii}

In discharging its mission, RIB enjoys administrative, financial, and human resource management autonomy.^{lxxviii} The Ministry of Justice is its line ministry.^{lxxix}

RIB has powers to arrest and detain criminal suspects^{lxxx} and conduct extra-territorial investigations.^{lxxxi}

In this endeavour, it collaborates with security, judicial and administrative organs at national and international levels in order to share information, arrest and prosecute criminal suspects.^{lxxxii}

Before the promulgation of the Constitution in the Referendum of 26th May 2003^{lxxxiii} as revised on 19th December 2015^{lxxxiv}, Rwanda had two regimes regulating criminal justice. One of them was the 1977 Decree-Law N° 21/77 on the Penal Code, and later the Organic Law No. 08/1996 of 1996 on the Organization of Prosecutions for offences constituting the Crime of Genocide or Crimes Against Humanity committed since 1st October 1990.

The penal code would be eventually reviewed, this time by Parliament, in Organic Law N° 01/2012/OL.

The first law on Criminal Procedure was passed immediately after independence on 23th February 1963 and amended in Decree Law N° 07/82 of the 7th January 1982. In this law, investigative powers were given to *Officier de Police Judiciaire (OPJ)*.^{lxxxv}

RIB's High Council is the supreme management and decision-making organ. The diversity in its composition enables the institution to receive adequate guidance from all perspectives in serving justice while observing complementarity.^{lxxiv} In that sense, RIB's High Council translates the leadership's intent and the "three choices" defining the Rwandan doctrine.

In fulfilling its mission, RIB designed various tools and human resources. A Strategic Plan 2018 – 2024, a Communication Strategy, and a Capacity Building Strategy... RIB grew exponentially both in personnel and in effectiveness as its budget increased. According to NPPA, criminal cases have improved fivefold since its creation five years ago.

RIB'S HIGH COUNCIL

RIB HIGH COUNCIL IS COMPOSED OF AT LEAST ELEVEN MEMBERS, INCLUDING THE FOLLOWING:

- 01 The Minister of Justice, its Chairperson
- 02 The Prosecutor General, Deputy Chairperson
- 03 The Secretary General of RIB, who also serves as the rapporteur.
- 04 The Deputy Secretary General of RIB
- 05 A representative of the Office of the Ombudsman;
- 06 A representative of the National Commission for Human Rights;
- 07 A representative of RNP;
- 08 A representative of the Bar Association.
- 09 One provincial Chief Investigator, elected by peers;
- 10 11 Two District Chief Investigators, elected by peers

Perhaps, what differs from today's law, is that senior members of the ruling party had special prosecutorial considerations beyond normal citizens, and in this case the Ministry of Justice had some prosecutorial powers. While the OPJ had powers to detain and prosecute anyone, Article 10 of said law stipulated that an OPJ or a Prosecutor who receives a complaint or establishes an offence against, *inter alia*, "the Secretary General or a member of the Central Committee of the National Revolutionary Movement for Development [MRND – the ruling party during Habyarimana's presidency] shall, *inter alia* transmit the documents directly to the public prosecutor at the Court of Appeal, or directly to the Minister of Justice."^{lxvii}

The first post-genocide normative framework was established by law n° 13/2004 of 17/05/2004, modified and complemented by law N° 20/2006 of 22/04/2006 and reviewed by law N° 30/2013 of 24/05/2013. While all the previous Criminal Public Prosecutors (CPPs) provided investigative powers to Officers of Judicial Police (OPJs)^{lxviii}, law N° 027/2019 of 19/09/2019 currently in force, was promulgated to accommodate RIB.^{lxviii}



CHAPTER III. RIB'S GROWTH

Human Resources: The organization's human resources has witnessed a remarkable expansion over time. Initially starting with 890 staff members, RIB has now grown to a workforce of 1507 individuals. To ensure the competence of their career investigators, RIB has provided them with comprehensive training in criminal investigations and intelligence.

The understanding of criminal law, criminality, and criminal investigation is higher than it was at RIB's creation. So is the understanding in other fields such as finance, ICT, and medicine.

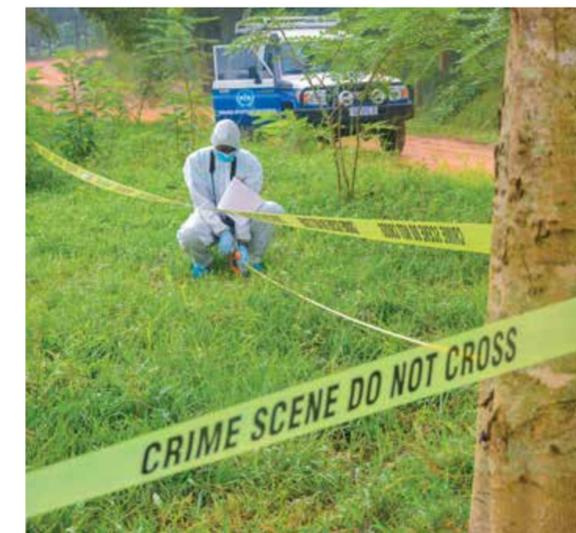
The degrees and qualifications of RIB staff members vary based on their respective roles. Career investigators, who prepare files to be submitted to prosecution, have to have at least a Bachelor's Degree, while Criminal Intelligence officers, responsible for gathering and analyzing intelligence, hold at least a high school certificate along with basic intelligence training. Support staff working in administration and finance possess the appropriate professional certification.

Logistics: In line with its operational needs, RIB has expanded its vehicle fleet, with crime-scene vans, detainee vans enabling the organization to respond effectively to different situations and enhance its operational capabilities.

In addition, "RIB Mobile Station Vans" have been procured for outreach programs and crime investigations in remote areas. The Mobile station moves with an "IOSC Mobile Van" that provides services to victims of GBV and child abuse. RIB has also acquired drones for enhanced surveillance capabilities and trained a pool of drone pilots.

RIB MOBILE VAN

RIB Mobile Vans are deployed in remote areas and spends more than five days per station, all year long.

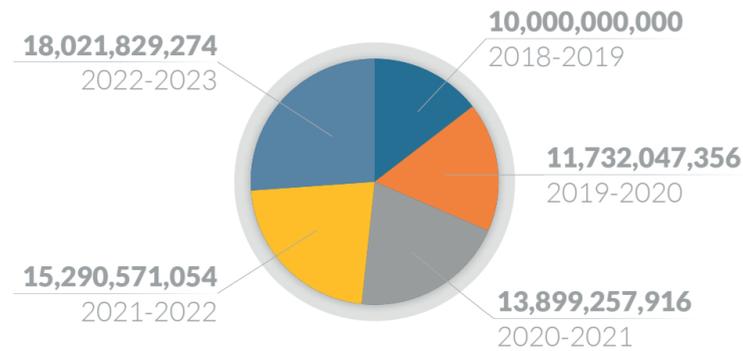


IOSC mobile clinic – Taking services closer to the beneficiaries that are far from physical RIB stations and IOSC.

With progress, new crimes emerge, criminals become more sophisticated, harnessing technology in their criminal activity. For instance, a shift has been observed from violent crimes to white crimes. It is RIB's challenge to remain on top of things; "Our limited resources will be compensated by our efficiency. We must dismantle gangs and thwart plots before they get out of hand. Rwanda will remain the safest country in the region and beyond." – RIB Secretary General.

While RIB relies on the services of the Rwanda Forensic Institute (RFI) and other labs as required, for forensic evidence analysis, it has built its own capabilities in investigating cybercrimes, by procuring high-tech equipment and training of its staff. Additionally, a Regional Cyber Centre of Excellence was established to enable regional training and capacity building in cybersecurity. RIB's budget has increased steadily, indicating continued support in the organization's crucial role in maintaining law and order.

THE BUDGET FIGURES FOR VARIOUS FISCAL YEARS ARE AS FOLLOWS:



Several other developments have taken place within RIB. The organization has made notable progress in promoting gender diversity, with the percentage of female officers increasing from 18% initially to 30% currently, fostering a more inclusive and balanced workforce. RIB has also incorporated the Integrated Electronic Case Management System (IECMS) to streamline and expedite the processing of criminal investigation files. Recognizing the importance of efficient communication, RIB has established a "Modern Call Centre" at its headquarters, ensuring timely responses to public needs.

Employment security of RIB Officers: The recruitment process within RIB is transparent. The law provides for institutional seriousness of dealing with its staff and a cumbersome process of having them relieved of their duties.

Only RIB's High Council has the power to relieve staff. The Secretary General can suggest and motivate his reasoning, but the final decision lies with the High Council.^{lxix} "The question we ask as the Council has always been: How much have you tried to improve the performance and behaviour of this individual you are asking us to relieve of his/her duties?" – The Minister of Justice explains. After the council has approved, the Minister has to bring the matter to the Cabinet for final dismissal.

GENDER MAINSTREAMING WITHIN RIB



Beyond the services delivered through IOSC, RIB has a distinct mission of mainstreaming gender internally. This mandate is overseen by a "Gender promotion committee". The committee advocates for increasing the number of female staff members; women's participation and representation in leadership levels and ensures that RIB's interventions are gender-sensitive. The committee's focal points support female officers in balancing their triple roles as mothers, wives, and professionals. Female staff

representatives within RIB meet with their senior management frequently to assess how the gender-mainstreaming mission is progressing and devise strategies. These strategies are further disseminated in RIB territorial units.

As in most law enforcement organs, RIB hasn't met the 30% female threshold in leadership yet, however, the progress is encouraging as the 30% female representation has been met in general staffing.^{lxxx}

ISANGE ONE STOP CENTRE (IOSC)



The Isange One Stop Centre came as a home-grown solution to respond to GBV as a security threat facing Rwandan society. Spearheaded by the First Lady of Rwanda, HE Jeannette KAGAME, *Isange* “Feel at home”, was established in 2009 as a solution to support victims of GBV and child abuse.

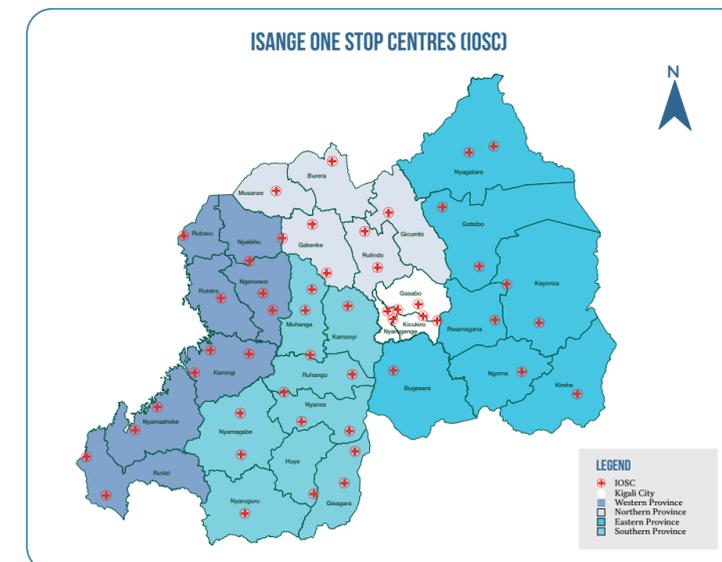
IOSC was designed to provide free, timely, comprehensive support to victims through a multi-sectoral and multi-disciplinary approach. It provides, judicial, psychosocial, medical, medico-legal and legal services, safe shelters and reintegration.

Beneficiaries to these services include men and women victims of GBV as well as girls and boys who suffer from child abuse.^{lxvxi}

The centres are located in 47 hospitals across the country, are staffed with “Maison d’Accès à la Justice (MAJ)” officers, doctors, counsellors, social workers, nurses, judicial investigators and other professionals, within a compassionate and confidential environment, all grouped under one roof. RIB coordinates operations of IOSC, 24/7.



The uniqueness of the IOSC is that it is an accessible place where victims of GBV and child abuse receive medical, legal, psychosocial and safe accommodation under one roof, all free of charge, to mitigate the risks of tainted evidence and possible revictimization.



Since its inception, the IOSC model has been recognized as a best practice for addressing GBV and was adopted by EAPCCO member countries as a best regional approach for management of GBV and child abuse, calling members to replicate the model. The model has hosted numerous awards and receiving sister institutions for study visits. The centre has contributed to increasing access to services, reducing stigma associated with reporting and seeking help.

CHAPTER IV. COOPERATION AND COLLABORATION

NATIONAL COOPERATION



“One of the reasons many countries fear to create independent institutions, is that once they are created, these institutions do not talk to each other, giving room to overlap. This is due to absence of the principle of complementarity within their systems.” – Explains the Minister of Justice and Attorney General.

While RIB is an independent institution, it is expected to collaborate with other relevant institutions, as is the doctrine of the government of Rwanda, to ensure a crime free society.

As a public service, RIB organised a series of consultations to build synergy with institutions in various sectors of government, civil society and private sector, to discuss areas of partnership. For instance, at a workshop organised in October 2018, to discuss: “*Professionalism in justice, a conducive environment for business, and quality service delivery*”, participants expressed concerns on the “Visa upon arrival for all” policy, freshly adopted by the government of Rwanda.

They pointed out that while it was expected to attract foreign investors, wasn't it likely to attract crime too? Collaboration, information sharing and complementarity, which are part of the government working culture, were presented as mitigative measures to such a revolutionary policy, a first of its kind, globally.



At national level, RIB is part of the justice and security sectors which bring together several institutions in monthly meetings. RIB is further part of the Joint Operation Centre (JOC) which brings together “defence, security and law enforcement organs” at national and decentralised levels every morning to assess the security status in the country.

Collaboration with NPPA: As the first instance in the chain of justice, RIB collaborates closely with the prosecution in joint investigation and casefile compilation.

Collaboration with RNP: Colocation: RIB and RNP are based at the same locations and often conduct joint operations.

Collaboration with RDF: The military deployed along Rwandan borders to secure the country hand over arrested criminals to RIB stations for rearrests and investigation. RIB further collaborates with the Military Prosecution Department, in sharing suspects and accomplices.

Collaboration with NISS: RIB exchanges information with the intelligence body on internal and transnational crimes. Selected NISS officers are invited to participate in RIB training and vice-versa.

RIB collaborates with the Private Sector, Development partners, civil society, research Think Tanks and the general public to ensure ownership and collaboration.



Rtd. Col. Jeannot K. Ruhunga, RIB Secretary General and Mr. Aimable Havugiyaremye, Prosecutor General

RWANDA FORENSIC INSTITUTE (RFI)

RIB's independence means forensic evidence integrity. To reinforce that notion, RIB was created alongside an Independent Kigali Forensic Institute. The Forensic Institute was made independent due to the same argument as the creation of RIB. There was a need to separate who processes the evidence and who handles the forensic. The science of evidence needed to keep its integrity for the overall purpose of serving Justice. The institute's vocation is to serve the general public requests for forensic expertise nationally and beyond.

Before its creation, Rwanda used to outsource forensic services as far as Germany. Today, not only does the lab serve in RIB's investigation, it serves in the medical field in Rwanda, in the region and continent at large.^{lxxxii}

The RFI supports RIB's investigation with forensic expertise. For instance, the *Crime Scene Response Unit (CSRU)*, a team of experts within RIB, is deployed to manage and process a fresh crime scene, reconstruct the crime scene, collect evidence, photograph the scene, package, label and transport the evidence while maintaining the chain of custody. This evidence is then submitted to RFI for scientific analysis that will be later supported by testimonial evidence in court proceedings.

AN AUTONOMOUS FINANCIAL INTELLIGENCE CENTRE

An independent "Financial Intelligence Centre" has also been created. Its mission is to detect financial crimes, then submit them to RIB's Financial Crimes Division to investigate.

COLLABORATION WITH RWANDA CORRECTIONAL SERVICES (RCS)

Rwanda Correctional Services (RCS) has the mandate of protecting the society from incarcerated offenders. RCS is a database of intelligence on crimes.

There are groups of detained criminals that are part of gangs that operate outside of prison. RIB cooperates with RCS to dismantle them. On the other hand, RIB informs RCS of potential prison breaks, and other things such as the existence of smuggled mobile telephones - prohibited in prison - and possible prison strikes being prepared.



Rwanda Forensic Institute, established by law N° 41/2016 of 15/10/2016



Crime scene investigation being managed by the Crime Scene Response Unit (CSRU)

BILATERAL, REGIONAL AND INTERNATIONAL COOPERATION

INTERPOL

International Criminal Police Organisation "INTERPOL" is the global body bringing together law enforcement entities worldwide. INTERPOL's local bureau is called the National Central Bureau. The importance that a country allocates to fighting transnational crime through inter-agency collaboration, defines NCB's size and place within the national law enforcement apparatus. Rwanda has continued to develop systems and tools to fight transnational crimes, while optimizing INTERPOL Database.

How does it work? NCBs are required to populate and consult INTERPOL's 19 databases^{lxxxiii} with various notices, in order to access and exchange information on crimes and criminals in real-time. The NCB-Rwanda also mans a secure INTERPOL's communication system: "I-24-7."^{lxxxiv} NCB Kigali also extended the I-24/7 communication system to RNP, NPPA, RRA, DGIE.

NCB gives support to criminal investigation in tracking fugitives, in crime prevention, detection, and investigation, by linking law-enforcement agencies at national, regional, and international levels.





NCB Dashboard that monitors Stop Lists on Rwandan borders

The NCB Border Support dashboard provides technical support to the Rwanda Directorate General of Immigration and Emigration as well as Rwanda Revenue Authority. Rwanda also has an NCB representative at all borders.

As a country with many genocide fugitives on the run across the globe, Rwanda harnesses international systems to track them and their movements, then urges countries, through INTERPOL, among other mechanisms, to arrest and try or extradite the fugitives to Rwanda.

Many genocide perpetrators and other criminal fugitives have been arrested with the help from INTERPOL tools. Property stolen from as far as Japan, France and South Africa are intercepted upon crossing Rwandan borders and handed over to their rightful owners.

Rwanda hosted several INTERPOL events, games, trainings, and conferences. During INTERPOL's 84th African General Assembly held in Kigali, Mr. Jürgen Stock, the Secretary General of Interpol, mentioned Rwanda as "one of the highest users of Interpol's databases in Eastern Africa, and a champion in combating cybercrime." EAPCCO games also took place in Rwanda.



Delegates and dignitaries during a meeting of the Africa Working Group on Cybercrime organised in Rwanda

For over a decade, Rwanda offers institutional support to INTERPOL by sending technical staff in secondment to their global and regional headquarters.

In addition to INTERPOL, RIB maintains bilateral and multilateral cooperation through judicial information sharing and "rogatory commissions", missions abroad to investigate crimes committed on Rwandan soil. RIB is also a member of Eastern Africa Police Chiefs Cooperation Organization (EAPCCO).

PREVENTING CYBERCRIMES AND TERRORISM



RIB has a Division dedicated to Cybercrime. This is in response to the emerging trend in white crime and the increasing use of technology by criminals in defrauding financial institutions and the public at large.

CYBERCRIME DIVISION

The “Directorate of Cybercrime Investigation” started in 2011. At the time based in the National Police, the team was comprised of four staff. They traveled to India, Israel, South Korea, and many other countries on study tours to learn how Cyber Crime is combatted in such advanced countries. With RIB the team has grown by leaps and bounds, into a team of 28 staff, with the latest, cutting-edge equipment on the market for cyber investigation. It is now a full division:

The Cyber Crime Division has three Units:

- ⇒ **Digital Forensic:** While there is a national Forensic Institute, RIB has its in-house forensic laboratory.
- ⇒ **Cyber Fusion:** The Unit is in charge of coordinating and integrating all the protection protocols available in the country, in partnership with the Cyber Security Authority and the Innovation Centre of Interpol.
- ⇒ **Cyber fraud investigation:** Investigating all complaints of cybercrimes, predict, detect, and prevent ongoing or potential cyber-crimes.

- Digital bank robbers from Kenya and Uganda who had targeted a Bank with branches in their respective countries were caught in Rwanda, and the money was retrieved.
- Following this incident, RIB helped the bank to strengthen its cyber security protocol. RIB’s Cyber Fusion Directorate helps banks and other financial institutions frequently upgrade their protection measures.
- A Rwandan Bank had a systems failure on a service called “push and pull”, whereby customers withdraw money from their accounts to their telephone devices. The glitch led to the bank mistakenly sending money to random individuals. Once the case was reported, RIB helped the bank recover the money and solve the technical glitch in their system.
- Another Bank was attacked by people who were swindling money using Bank Cards. The money was recovered and the gap in the bank’s system was sealed.

INVESTIGATING BLOCKCHAIN AND CRYPTO-FRAUD

Rwandan criminals have become as sophisticated as their international counterparts. For instance: Because the Rwandan law requires all civil servants to declare their wealth and its source to the Ombudsman, people have learned the trick of laundering money through Cryptocurrency. However, Crypto passes under the radar of the Ombudsman. Other criminals also find it easier to move with undetected currency and conduct criminal transactions in it undeterred. RIB is in the process of helping law reform to mitigate the new development.

IN DIGITAL FORENSIC

RIB has the equipment to extract evidence on electronic devices without tampering with the devices. It conducts malware and social media analysis to identify owners of fake online, social media accounts and investigates crimes in the Metaverse to combat Cyberbullying, sexual exploitation, child exploitation and abuse. RIB's Digital Forensic Directorate collaborates with owners of big social media platforms to block and remove criminal websites and pages.

IN CYBER FUSION

RIB uses open-source tools and conducts constant research to remain on the cutting edge of the latest modes of cyber-attacks locally and globally; to assess and protect the public and private infrastructure in the Cyber Space. In this endeavor, RIB works with the National Cyber Security Authority (NCSA) and the Interpol Innovation Centre.

USE OF ARTIFICIAL INTELLIGENCE IN INVESTIGATION

Rwanda is advancing very fast in Information Technology. RIB's mission is to accompany that process and ensure it is a safe and law-abiding digital transition. About 90% of criminal cases that come to RIB have IT components.

As an illustration: A man was found dead in his car at the Adventist Church in Gisozi, a popular area in Kigali, without knowing how he died. Evidence collected from telephone devices seized from close family members, particularly the wife, revealed conversations between perpetrators that were later incorporated as part of the evidence in the casefile.

The purpose of the Cyber Fusion Unit must keep up with the latest technological advances and procure them. "Every year we make a wish list of the latest tools that our department needs. In our department, we have many licenses to pay and we are constantly in job training; we never stop – 'we are not historians' we are a futuristic institution, we must keep up with the world, even anticipate" - Division Manager, Cybercrime Investigation, RIB.

CHALLENGES

Criminals and their crimes have also migrated to technology, and so should investigators. The challenges are technology changes very fast and training and equipment are very expensive. "Growth is at a good rate, however, we have a challenge of qualified personnel. Cyber is a passion, people have to be dedicated, read, and research. As soon as we have trained the right team, banks headhunt them. In truth, we do not mind, because it is also our goal to create an ecosystem of qualified cyber-security agents in the country." - Division Manager, Cybercrime Investigation, RIB.

WHAT ARE THE DANGERS IN CYBER SPACE?

"We fear human incompetence of ITs and Accountants, who expose their institutions to risk." – Akilimali. In addition, people do not report cyber-crimes in public and private institutions. Banks would only come to RIB once the audit has pushed them, at times two years after they have fallen victim to cybercrime. Sometimes officers in charge of cyber protection are not aware of the cyber-attack, or they do, but fear to report them. RIB does awareness campaigns, and train IT officers in banks and government institutions on how they should protect their systems.

Finally, there remains a legislative gap. Cyber is a dynamic sector that is difficult to regulate; so are areas of the Blockchain, which is being exploited by Rwandan criminals.

INTERNATIONAL COOPERATION IN CYBER CRIME

RIB's Cyber Crime Division also learns from and provides support to other countries. RIB has set up a centre of excellence for Cyber Crime Investigation, where it trains Rwandan, regional, and continental law enforcement officers.

WAY FORWARD

Rwanda is in the process of ratifying the Budapest Convention on Cybercrime and harmonizing its laws with the Council of Europe, which is the international standard in the area of combatting and repressing Cyber Crime.

It is important to note that RIB does not conduct Cyberespionage on citizens. The Prosecutor General has to authorize every telephone tapping, seizure, and exploitation of suspects' electronic devices.

Beyond the Cyber Crime Division, every RIB investigator has received basic training on combatting cybercrime. The demand of the public is always getting higher and the crimes more sophisticated. RIB will continue to enhance the capacities of the Cyber Crime Division, focusing on the three key components: Team, Equipment, and Training.

RIB has a department of Inspection Compliance, whose head serves as a "chief whip", to ensure everyone is doing what they are supposed to do and meet their targets.



RIB'S ACHIEVEMENTS

ADAPTING TO A CHANGING CRIME ENVIRONMENT

If RIB's vision is to become a cutting-edge institution, at par with the best in the world, is it on the path to achieving that capacity, as it was the vision?

Crimes have changed and means to commit them too have changed. High-tech crimes, white-collar crimes, and organized crimes, in which more than two people come together with high organization, professionalism, and intelligence to commit the crimes. Economic and financial

crimes, money laundering, bank heists, theft, tax evasion, fraud, counterfeits, cartels and trusts, terrorism, piracy, wildlife crimes...

In the last five years, RIB has built efficiency in harnessing technology to respond to emerging crimes that investigators were not initially used to. This has required an overhaul of the entire investigation system and culture.

Some crimes are so sophisticated that without a legal framework, or technical capabilities to detect, and once in court, to prove beyond a reasonable doubt, people could freely siphon off hundreds of millions undetected or undeterred.

Two new regulations: Regulation N° 001/FIC/2023 of 26/06/2023 relating to the declaration of cross-border cash or bearer negotiable instruments and Regulation N° 002/FIC/2023 of 26/06/2023 relating to anti-money laundering, combating the terrorist financing and financing of proliferation of weapons of mass destruction were passed in May 2023, which brought considerable support to investigation of related crimes.^{lxxxv}

It is RIB's strategy to dismantle the formation of gangs, sophisticated criminals and organized crime before they get out of hand.

RIB's crime intelligence department explains that its role is to be ahead of the criminals in terms of organization, infrastructure, and technology capabilities.

They explain that they have built a network of potential informants who provide intelligence on networks of criminals, and harness communication and other technology to collect evidence. All RIB officers agree that the institution is yet where it is supposed to be.

Data issue: An efficient Justice Sector must be coordinated from investigation to courts of law. In Rwanda, this process was, in the past, hampered by lack of usable and timely data. RIB keeps an up-to-date database which produces data in record time. Interviewed journalists, whose stock-in-trade is timely information, indicate that they are swiftly served when they request for data, without going through the typical red tape that used to characterize the justice sector.

INTEGRATED ELECTRONIC CASE MANAGEMENT SYSTEM (IECMS)^{LXXXVI}

The handling of court cases is digitalized from investigation to the final judgment, through the IECMS, managed by the Ministry of Justice. Through the system, all stakeholders in the justice sector are able to monitor and appraise to quality and efficiency of handling a case in real-time. It is indeed a system fostering synergy, peer review, and accountability.

Diversified crime reporting avenues: : Crimes can be reported in person or through various other means put at the public's disposal, including Hotlines: (116: Crimes against children, 166: General Crimes, 3512: GBV, 2040: for unsatisfied RIB services and reporting on Corruption); a website: “E-Menyasha”, social media platforms; RIB’s Twitter being Rwandans’ favourite with a moniker: “Rwandans on Twitter” (#RwOT)

An uninterrupted chain of justice: *Justice delayed, is justice denied*, an old maxim goes. Justice is not a matter of events, it is procedural, rigorous and meticulous. A broken chain of investigation leads to instances of illegal detention and case dismissal in courts of law. The advent of RIB streamlined an uninterrupted processing of cases and compliance with the principle of *Habeas Corpus*.

Speaking the same language: The fact that RIB staff are all graduates in their fields of expertise and especially in law, allows them to get along with their former colleagues working in the judiciary. This has fostered better collaboration with other institutions in the judiciary. Moreover, there is an increase in number of cases registered, because there are people who are fully focused on investigation.

Public Confidence: Perhaps RIB’s main achievement is the increasing public trust that such a nascent body has been able to garner in a short time. This is best framed in the words of one local journalist who noted: *“Today, a minor in Rwanda is called “umuRIB”. This is a paradigm shift. It means the public understands that young girls have a big brother watching out for them and they can’t be touched.”* – Taarifa’s Editor-in-Chief.

“We have recruited and trained about eight hundred staff so far. We are establishing a way of working and rules that help us have ethics. We are training and instilling these values into our staff.” –RIB’s Head of Inspection and Compliance Department.



RIB providing services to the public during RIB’s outreach event



RIB ACCOUNTABILITY MONTH

For one month, RIB brings together relevant institutions, at different venues across the country, then invites the public to raise their concerns with various services offered to them. Each question is immediately addressed by the institution concerned. During the RIB Month, citizens are also sensitised on its various services.

In addition to public institutions, others invited are banks and MFIs, investors, telecom companies, healthcare service providers, legal aid providers, civil society, faith-based organisations, opinion leaders... Upon its completion, the stakeholders are convened to assess the issues received and agree on strategies to mitigate them.

First RIB Deputy Secretary General greeting the public during the 2019 RIB Outreach month.



A CHANGING CULTURE

The culture of impunity is dying out and criminals do not expect to get away with crime in Rwanda. Some practices that were seen as “cultural” or “acceptable”, but which in fact constituted crime, are now increasingly eschewed by the public for their potential consequences.

For instance, people used to think that threatening others wasn't a crime. but with awareness, people know their rights and report these threats to RIB. Reporting of crimes such as GBV, child defilement, concubinage and adultery has also significantly increased.

Concealment of crime based on positions of power of perpetrator has also reduced; children are increasingly empowered to report their parents, family members and neighbours...



Women dancing during RIB Accountability month

THE GENERAL PICTURE OF CRIME IN RWANDA

The Five Emerging Crimes are: Cybercrimes, drug trafficking, smuggling, economic/financial crimes, and GBV. Overall, there is a shift from violent crimes to white collar crimes, especially in financial crimes. This is due to technology being increasingly harnessed by criminals as well.

There is only one case of armed robbery in five years in Rwanda. This is remarkable in a country with neighbours where hundreds of armed groups operate. The one case of armed robbery was a car-jacking and indeed, when the perpetrator was apprehended, he confessed to having smuggled his weapon from a neighbouring country

SHRINKING DARK FIGURE AND EXPANDING NUMBER OF REPORTED CASES

The dark figure is the gap between the real picture crime in a country and the number of crimes reported. Since the creation of RIB, and increased awareness among the public, the number of reported cases has dramatically increased. However, there is no spike in crime; there is rather a shrinking “dark figure” and increase in reporting crimes that were not being reported before the creation of RIB.



RIB Call centre receiving and orienting crime reporting



Lifting fingerprints from a crime scene

CITIZENS' PERCEPTION OF RIB



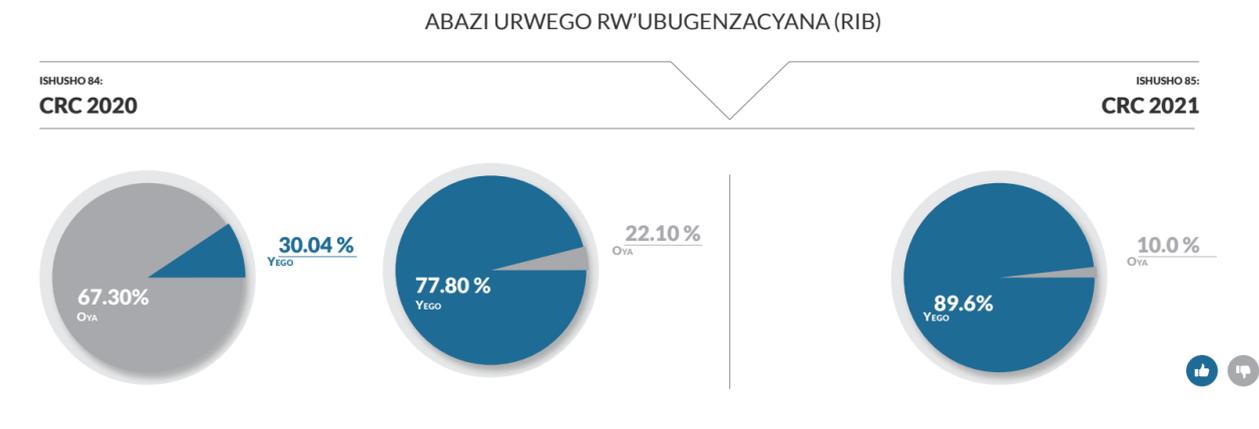
The immerging question: The public has asked why RIB is interested in petty crimes, yet they had expected it to deal with sophisticated and more serious ones?

RIB argues that it is not an elitist institution, and its mandate is to foster a crime-free Rwandan society. However, it does not rule out future reforms as societal needs arise.

RGB'S CITIZEN REPORT CARD (CRC)

The citizen perception of RIB is measured annually through the Citizen Report Cards (CRC) published annually by the Rwanda Governance Board (RGB). They measure the criteria of citizens' perception of the fight against corruption and injustice and the overall performance of government institutions.

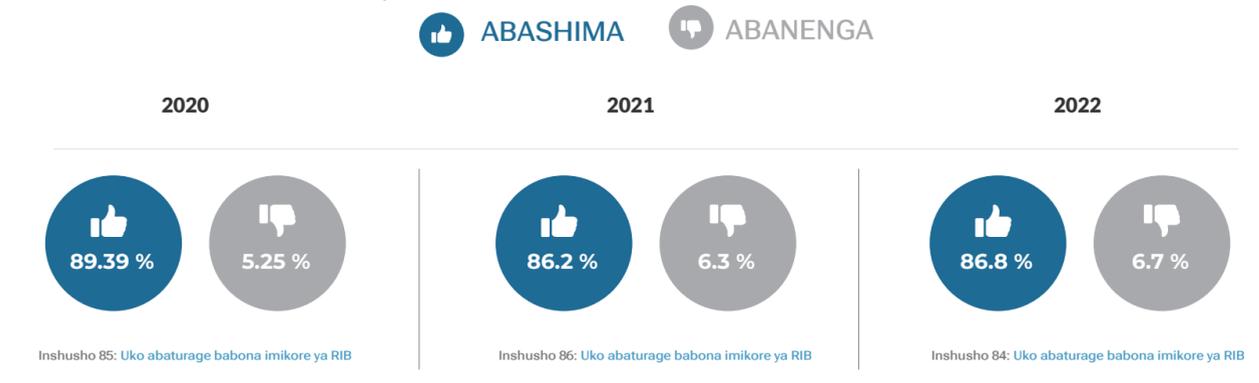
On RIB's Awareness:
Two questions are asked of the public:
Are you familiar with RIB?
How satisfied are you with their services?



RIB upon establishment wasn't well known (30.45), the figure increased to 77.8% awareness and reached 89.6% by 2022

Awareness about RIB has grown dramatically in the last three years. One year after starting its operations, RIB was known by not more than 30% of the Rwandan public. That number has tripled. In the last Citizen Report card (CRC - 2022), almost 95% of the people surveyed knew RIB.^{lxxxvii}

On satisfaction with service delivery:



Satisfaction with RIB services between 2020 and 2022

GENERAL CONCLUSION AND WAY FORWARD



CONCLUSION

Justice is vital in a country such as Rwanda, which is densely populated, with a small portion of land to share, and no abundance of resources to spare. A country with a history of recurring famines across centuries, of wars of conquest and expansion, ever bringing new people, new ways, new tools, and potentially new conflicts.

The post-genocide government pledged to transform Rwanda fundamentally. The choices to be accountable, stay together, and think big, are the three proverbial stones of a Rwandan traditional stove. They reflect a diagnosis of the endemic ills that have plagued our country since the advent of colonialism, they are the guiding principle in our polity's decision-making.

“Extreme situations dictate extreme measures”, an old maxim goes. It was essential that Gacaca courts were re-enacted and put back to use in modern Rwanda. It would have been a shame that barely sixty years of foreign occupation would erase a millennial civilization, and who knows, perhaps other concepts too, from our history, will make their comeback in due course.

Creating RIB was an unprecedented and arguably bold choice in many aspects. To this day, there are no such independent investigative bodies in the region that are not affiliated with the Police. However, since 1994, Rwanda's leadership approach has been of build institutions from scratch, to ensure that they respond to the peculiar needs of the Rwandan people.

In justice delivery, perception is crucial. In an era of communication, injustice is reported and commented upon by the public in record time. Every citizen is a judge. To build the confidence of Rwandan citizens and visitors, RIB must be seen to be efficient and fair in its work.

In maintaining public order one needs immediate results: To restore security and order “*hic et nunc*”: *Here and now!* However, gathering intelligence requires inquisitiveness, patience, stealth, and in-depth analysis. The main challenge for RIB

was to transform policemen, trained in law enforcement, into investigators, capable to build a criminal file that can win a case in a court of law. The new recruitments since the creation of RIB were made, this time, among people with no military or police background.

RIB must reflect the aspirations of Rwandans towards justice. A Rwandan may have committed a crime, but he or she must benefit from timely and fair justice. If arrested by the police, one must be investigated by an independent institution, namely RIB, which too shall hand over the suspect to another independent institution, namely the prosecution and all must be decided upon by an independent judge in accordance with existing law.

Criminal justice operates with the information furnished to them by RIB; RIB is the premise upon which Rwandan criminal justice is founded, and as any analysts would tell you, if the premise is flawed, the conclusion too, will undoubtedly be.

Although there is still a long way to go, RIB is on the right path. Reforms will continue in the justice sector, as all respondents remarked, all to find the right fit in delivering the best possible for all the people living in Rwanda, and, when asked, cooperate with others to deliver justice in Africa and the world at large.

RIB projects:

- To develop economic, genetic, industrial, and artificial intelligence.
- To build an Automated Fingerprint Identification System (AFIS)
- To improve human intelligence.

RIB intends to reinforce its built-in checks and balances and quality assurance and increase professionalism to continue to build the confidence of the Rwandan citizen in their justice system.

Has RIB found its place? Part of the answer will come from the public. Its impact and contribution as the first piece in the chain of justice is indeed critical. The survival of RIB will depend on the trust of the public and of the leadership. “We have found our place. We collaborate with security organs, but ultimately, we belong to the justice sector. We see it when we go to MINECOFIN, asking for the budget, they listen to us and support us. When we go to parliament, lawmakers speak on our behalf, they ask support for us.” – RIB Secretary General explains.

WAY FORWARD

In an era of “tech”, RIB must keep up with Rwanda’s, highly rated justice system and the dynamic city that is Kigali and Rwanda at large. RIB intends to harness technology to enhance its efficiency, without infringing on individual rights and privacy. For instance by asking homes and neighbourhoods to install video surveillance at their residences:

ONGOING LAW REFORM

The following policies were reformed within the Justice Sector following the creation of RIB in September 2022 and are in process of implementation:

- Criminal Justice Policy
- Alternative Dispute Resolution/Mediation Policies
- Penal Code reform
- The Law regulating Criminal Procedure

PROSECUTORIAL POWERS TO RIB

RIB investigators appear as experts at the request of the court, especially on cybercrime cases. With the new

^{lxxxix} as approved by Cabinet, they will be appearing in court together with the prosecutor and assist each other as a procedure. The prosecutor will be expected to argue the law and the investigator describes the crime scene. “We have trust in RIB’s professionalism that we are happy to invite them to complement us in court. Because our role is convincing the judge.” – Prosecutor General.

INVESTIGATIVE COMPLEMENTARITY BETWEEN RIB AND RNP

The previous law, now repealed, used to say that police officers of a certain rank are “Officers of the court” and as such empowered to conduct criminal investigation. That changed with the creation of RIB. However, the presence of RIB to cover the whole country remains limited, compared to RNP’s deployment capacity, which is tenfold that of RIB.

Furthermore, RNP regulates road, maritime, air transport and related crimes. It is in RNP’s mandate to ensure security. The police is the first on the ground, collect evidence, conduct *search and Seizure*. It is important that evidence collected by RNP is legal and deemed receivable in court.

Initially, clever lawyers quickly identified a legal loophole, and consistently challenged in courts of law, evidence seized by Police officers during operations.

To mitigate this legal impasse, it was discussed within the Justice sector that as RIB increases its capacity, limited investigative powers shall be reinstated within the police to comply with the law. More so because such basic actions as arrest, search and seizure of evidence and securing a crime scene, which are inevitable and essential in preserving the crime scene are best ensured by the proximity of the intervening officers.

LIST OF RESOURCE PERSONS

N	Names	Institution	N	Names	Title
1	Jeannot K. Ruhunga	RIB	2	Felix Namuhoranye	RNP
3	Isabelle Kalihangabo	RIB	4	Dan Munyuza	RNP
5	RIB Managers	RIB	6	Emmanuel Gasana	RNP
7	JMV Gatabazi	MINALOC	8	Faustin NTEZILYAYO	Judiciary
9	Jean Damascene Bizimana	MINUBUMWE	10	Sam Rugege	Judiciary
11	Augustin Iyamuremye	Senate	12	Emmanuel Ugirashebuja	MINIJUST
13	Domitilla Mukantanzwa	Gacaca	14	Johnston Busingye	MINIJUST
15	Moïse Nkundabarashi	Bar Association	16	Evode Uwizeyimana	MINIJUST
17	Didas Muganga	UR	18	Regis Rukundakuvuga	SC/CoA
19	J. Bosco Siboyintore	UR/ILPD	20	Aimable Havugiyaremye	NPPA
21	Celestin Kayitankole	RNP	22	Martin Ngoga	NPPA
23	Didace Nhimiymana	National Gendarmerie	24	Emanuel Bayingana	RNP
25	J.D Nsanzabera	Historian	26	Christophe Bizimungu	RNP/CID
27	Phil Clark	Historian	28	Paul Rutayisire	Historian
29	Financial Intelligence Department	Partner	30	Beneficiary’s testimony	Beneficiary
31	Social Media Influencers	Partners	32	Victims	Testimony
33	Students/Children/Public	Beneficiaries	34	Rwanda Forensic Institute	Partner

- i <https://youtu.be/H88mv9LeHUc>
- ii The Coffin Texts: (around 2000-1700 BCE) <https://www.oldest.org/religion/religious-texts/> accessed 23 Mar. 2023.
- iii Raymond Westbrook: “A History of Ancient Near Eastern Law” (2003)
- iv Zahi Hawass and Sahar Saleem: Scanning the Pharaohs: CT Imaging of the New Kingdom Royal Mummies
- v The Ebers Papyrus: The Ebers Papyrus is an ancient Egyptian medical text dating back to around 1550 BCE. It contains information about medical treatments, but also includes sections on the identification and punishment of criminals, including poisoning cases.
- vi Cesare Bonesana di Beccaria (1738 –1794) was a criminologist, jurist, philosopher, during the European Age of Enlightenment.
- vii Dr. Edmond Locard was a French criminologist, the pioneer in forensic science who became known as the “Sherlock Holmes of France”. He formulated the basic principle of forensic science: “Every contact leaves a trace”. This became known as Locard’s exchange principle.
- viii Cesare Bonesana di Beccaria (1738 –1794) was a criminologist, jurist, philosopher, during the European Age of Enlightenment.
- ix The Positivist School was founded by Cesare Lombroso (1835–1909), his most important work is *L’uomo delinquent* (1876), which influenced Robert Louis Stevenson’s: *Strange Case of Dr. Jekyll and Mr Hyde* (1886)
- x Di Beccaria, “On Crimes and Punishments” (1764)
- xi Social learning theorist Albert Bandura (1925-2021)
- xii In the late nineteenth century, some of the principles on which the classical school was based began to be challenged by the emergent positivist school in criminology, led primarily by three Italian thinkers: Cesare Lombroso ((1835-1909), Enrico Ferri (1856-1929 and Raffaele Garofalo (1851-1934)
- xiii Rwanda National Police. (2016). *Community policing in Rwanda, 2000-2016*.
- xiv <https://inganzo.jouwweb.nl/ubucurabwenge/inzira-z-ubwiru> accessed 23 Mar. 2023.
- xv Written by Alexis Kagame, published by Marcel d’Hertefelt na André Coupez (1964), “La Royauté sacrée de l’ancien Rwanda”.
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- xvii Joseph Ndakize Nkundimana, PhD Thesis, Louvain (UCL) 2017.
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- xviii Gérard Pruner, *Rwanda, 1959-1995. Histoire d’un génocide*, Dagorno, Paris, 1997, p. 21.
- xix Ancient Poem describing the place of a Rwandan King in Rwandan justice system.
- xx Idem, Ndakize, P. 171
- xxi Kagame: Idem
- xxii Bernardin Muzungu., « Mibambwe Gisanura. Le Salomon rwandais », in *La justice pour une réconciliation nationale*, Cahier Lumière et Société, n° 9, avril, 1998, pp. 17-24.
- xxiii Nsanzabera: “Intwari z’imbanza”, P. 140
- xxiv As quoted by Bernardin Muzungu. « Mibambwe Gisanura. Le Salomon rwandais », in *La justice pour une réconciliation nationale*, Cahier Lumière et Société, n° 9, avril, 1998, pp. 23.
- xxv Kagame: *Un Abrege de l’Ethno-histoire du Rwanda* (p. 122-123).
- xxvi Alexis Kagame, *La philosophie bantu-rwandaise de l’être*. Mémoire de l’académie royale des sciences coloniales, Bruxelles, (1956), P.16.
- xxvii Servilien Sebasoni Manzi., *Les origines du Rwanda*, L’Harmattan, Paris, 2000, p. 115.
- xxviii Bernardin Muzungu. « Mibambwe Gisanura. Le Salomon rwandais », in *La justice pour une réconciliation nationale*, Cahier ^{xx} Lumière et Société, n° 9, avril, 1998, pp. 17-24.
- xxix Kagame: *Un Abrege de l’Ethno-histoire du Rwanda* (p. 122-123).
- xxx A.Kagame: *Un Abrege de l’Ethno-histoire du Rwanda*, (Butare 1972) P70
- xxxi Nsanzabera: “Intwari z’imbanza”, P. 140
- xxxii JMV. Kayishema: *Play: “Pitié pour la reine”* (Bujumbura, 1974)
- xxxiii Nsanzabera: “Intwari z’imbanza”, P. 140
- xxxiv Speech made in Mukarange, Byumba, <https://gateteviews.rw/paul-kagame-is-part-of-the-solution-always-has-been/> accessed 23 Mar. 2023.
- xxxv The law on genocide would be enacted only two years after the RPF has stopped the genocide and taken over power: Organic Law No. 08/1996 of 1996 on the Organization of Prosecutions for Offenses constituting the Crime of Genocide or Crimes Against Humanity committed since 1 October 1990
- xxxvi <https://reliefweb.int/report/rwanda/rwandan-leader-defends-mass-release-prisoners> accessed 23 Mar. 2023.
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- xxxviii The Rwanda Law Reform Commission was established by Law n° 44/2013 of 16/06/2013 establishing the Rwanda Law Reform Commission (RLRC) and Determining its Mission, Organization and Functioning <https://www.rlrc.gov.rw/mandate/laws-of-rwanda> accessed 23 Mar. 2023.
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- xlvi Idem: Urugwiro
- xlvi Urugwiro P 49
- xlvi Organic Law N°16/2004 of 19/6/2004 Establishing the organisation, competence and functioning of Gacaca courts”
- xlvi Source: Administrative Report on Gacaca from the National Service of Gacaca Courts
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- lii The United Nations Security Council Unanimously adopted Resolution 2150 (2014), SC/11356, See Press Release: Security Council Calls for Recommitment to Fight against Genocide, online: <https://press.un.org/en/2014/sc11356.doc.htm>, accessed 23 Mar. 2023.
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- lxvii Idem 15: Art. 19
- lxviii Art. 12, Law No12/2017 of 07/04/2017 Establishing the Rwandan Investigation Bureau and determining its Mission, Powers, Organizations and Functioning.
- lxix Constitution of the Republic of Rwanda, Art.
- lxx RIB Law, Article 41.
- lxxi Idem 15: Article 9:
- lxxii Idem 22: Art.5
- lxxiii Idem 22: Art. 7
- lxxiv Idem 22: Art. 10:
- lxxv Idem 22: Art. 10(10)
- lxxvi Idem 22: Art. 34
- lxxvii The Constitution of the Republic of Rwanda of 26th May 2003
- lxxviii Official Gazette n° Special of 24/12/2015: The Constitution of the Republic of Rwanda of 2003 revised in 2015
- lxxix Art. 1, D.L. n° 07/82 du 7.1.1982.
- lxxx Art. 10 (D.L. n° 07/82 du 7.1.1982).
- lxxxi e.g. Art. 19, law N° 30/2013 of 24/05/2013.
- lxxxii e.g. Art. 38, 165, 216, law N° 027/2019 of 19/09/2019.
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- lxxxv Source: IOSC 2020 – 2025 strategic plan

- lxxxvi Source: <https://www.rfl.gov.rw/index.php?id=174> accessed 23 Mar. 2023.
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- xc https://iecms.gov.rw/en/help/pdfs/Rwanda_IECMS_UserManagement_AdminGuide.pdf
- xcI Rwanda Governance Board (RGB), Citizen Report Card (202), P. 131
- xcii RGB – CRC: 2020, P. 128.
- xciii Criminal Justice Policy, September 2022, https://www.minijust.gov.rw/publications?tx_filelist_filelist%5Baction%5D=list&tx_filelist_filelist%5Bcontroller%5D=File&tx_filelist_filelist%5Bpath%5D=%2Fuser_upload%2FMinijust%2FPublications%2FPolicies%2F&cHash=b72545dc6466c9d8e8e44fa0b5b659d6

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