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**NATIONAL UNITY AND RECONCILIATION COMMISSION**

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**ASSESSING THE REINTEGRATION OF EX-GENOCIDE PRISONERS IN RWANDA:  
SUCCESS AND CHALLENGES**

This Publication was conducted under the Direction of National  
Unity and Reconciliation Commission.

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## LIST OF ACRONYMS

AERG	: Association d'Elèves et Etudiants Rescapés du Génocide
ARCT-Ruhuka	: Association Rwandaise des Conseillers en Traumatisme
AVEGA	: Association des Veuves du Génocide
CFSVA	: Comprehensive Food Security and Vulnerability Analysis and Nutrition Survey
CoK	: City of Kigali
EDPRS	: Economic Development and Poverty Reduction Strategy
FGD	: Focus Group Discussion
HIV/AIDS	: Human Immuno-Deficiency Virus/Acquired Immuno-Deficiency Syndrom
ICCPR	: International Covenant on Civil and Political Rights
IDI	: In-Depth Interview
LIPRODHOR	: Ligue Rwandais de Promotion et de Défense des Droits Humains
MIFOTRA	: Ministère de la Fonction Publique et du Travail
MINECOFIN	: Ministère des Finances et de la Planification Economique
NGO	: Non Government Organization
NISR	: National Institute of Statistics of Rwanda
NPS	: National Prison Services
NUR	: National University of Rwanda
PRI	: Penal Reform International
RCS	: Rwanda Correctional Services
SPSS	: Statistical Package for Social Sciences
TIG	: Travaux d'Intérêt Général
UN	: United Nations
UNOCD	: United Nations Office of Crimes and Drugs
US	: United States
VUP	: Vision 2020 <i>Umurenge Programme</i>

## Foreword

National Unity and Reconciliation Commission (NURC) is hereby pleased to issue the present report “*Assessing the Reintegration of ex-genocide prisoners in Rwanda: Success and Challenges*” which is the result of a fruitful collaboration with the various respondents who among others were genocide survivors, ex-genocide prisoners, relatives of the ex-genocide prisoners, the families of the ex-genocide prisoners, the community, local authorities, concerned government agencies and ministries and other stakeholders in all their capacities. Much appreciation to the LG Consult Ltd for its professionalism shown during conducting this research study.

This research study was commissioned in a bid to quantitatively and qualitatively assess the outcome of investments that have been continuously made by the Government of Rwanda to support the reintegration process of ex-genocide prisoners to normal life and back to their communities for more than a decade, i.e., during the time frame spanning from 2003 to 2014.

The choice of conducting this research study was mainly motivated by the need to assess whether ex-genocide prisoners who have re-entered their families and communities of origin are, of now, desirable citizens, capable to live a crime-free and law-abiding citizenry life and readapt to the socio, cultural and economic societal life. Neither was it clear whether family and community members found back home have developed a renewed image of their offenders and are now capable to accept them as trustworthy family and or community members.

As shown throughout the report, the present report has the merit of shedding light on the critical issue of relevance of the reintegration process by society and the ex-genocide prisoners. This has been done by assessing how the ex-genocide prisoners have socially and economically been integrated in the Rwandan society. Gender perspectives in this case have been shade on light and genocide ex-prisoner’s contribution to the society makes part of this report.

The broad key finding is that the majority of respondents have the feeling that ex-genocide prisoners are being progressively integrated compared to the period when they were released. More specifically, the study reveals that the community members surrounding ex-genocide prisoners, the reintegration process is successful. 90% of ex-genocide prisoners relatives are successfully reintegrated. The level of satisfaction regarding the reintegration of ex-genocide prisoners is 87.2% and 80.7% among neighbors and genocide survivors respectively. Qualitative data provided more insights in relation to these –high- scores of reintegration.

As way forward, the present research study could be used to inform future policy reform aiming at redesigning and/or improving the reintegration policy or adding new chapters in the reintegration policy that will define, among other things, the role and responsibilities of various parties in the reintegration process for it to be a more inclusive and responsive reintegration policy.

Sincerely,

**Bishop John RUCYAHANA**  
**Chairman, National Unity and**  
**Reconciliation Commission**

## EXECUTIVE SUMMARY

The main goal of this study was to assess the status of ex-genocide prisoner's reintegration at the family and community levels. The study used both quantitative and qualitative approaches. The main methods of data collection were desk review, survey questionnaire to which 1543 responded, including 625 ex-prisoners, 440 genocide survivors, 251 neighbors and 227 relatives of ex-genocide prisoners, key informants interviews and focus group discussions. In order to make sure all critical findings (quantitative) are well understood and explained, key informant interviews and focus group discussions were conducted after the quantitative data were visualized.

The broad key finding is that the majority of respondents have the feeling that ex-genocide prisoners are being progressively integrated compared to the period when they were released. More specifically, the study reveals the following:

- According to community members surrounding ex-genocide prisoners, the reintegration process is successful. 90% of ex-genocide prisoners relatives are successfully reintegrated. The level of satisfaction regarding the reintegration of ex-genocide prisoners is 87.2% and 80.7% among neighbors and genocide survivors respectively. Qualitative data provided more insights in relation to these –high- scores of reintegration. Although a good number of former genocide prisoners spent years in jail, their coming back to their respective families was highly appreciated by relatives who interpret their release as a favor by the government in comparison with the bulk of the crime they committed or were accused of.
- The most determining reintegration drivers are eligibility of ex-genocide prisoners to various government social protection programs and access to cooperatives and other community joint interest projects. Other enabling factors for the former's successful reintegration chiefly include a peaceful and friendly national leadership provided in the post-genocide era, along with the political will to enforce the reintegration process, followed by the well established pre and post-release reintegration programs, to name but a few.
- Almost 39% of ex-genocide prisoners acknowledged having been successfully reintegrated thanks to their own role in keeping their new promise vis-à-vis their families and the community at large. Promises made consisted of, living a more humane and responsible citizenry life, free from recidivism. In addition, ex-genocide prisoners invited their neighbors in various social events. This invitation was confirmed by 67% of genocide survivors interviewed;
- However, the findings show that ex-genocide prisoners were primarily not concerned by the impact of their deeds on the society and the need for rebuilding social cohesion, but their own interests, including housing, property and rehabilitation in their family responsibility;

- There are no specific reintegration mechanisms at the family and community levels. The study noticed the existence of reconciliation clubs bringing together former genocide prisoners and genocide survivors among others. But discussions held during the field work show that these clubs are primarily financially oriented than socially motivated and as such social cohesion between the two groups is still weak despite encouraging progress. The study equally pointed to weak coordination and communication between the government's structures in charge of rehabilitation and reintegration of former prisoners and more particularly between Rwanda Correctional Services and families of inmates;
- Among the factors that hinder reintegration of ex-prisoners, poverty and limited access to employment opportunities were listed as the most important issues that former genocide prisoners are facing. The study findings tend to suggest that poverty, limited access to employment and social stigma are particularly severe against female ex-genocide prisoners. However, the number of female ex-genocide prisoners was too small to draw credible conclusions;
- It was not clear from the findings of the study whether the prevailing peaceful coexistence and interaction in Rwanda is a result of a successful reintegration of ex-genocide prisoners. But the findings suggest that the existing connecting opportunities such as common projects and reconciliation clubs between ex-genocide prisoners and genocide survivors participate significantly in creating common space between these groups.
- Based on the key study findings, the following actions are recommended for a better reintegration of ex-genocide prisoners and other law breakers:
  1. There are no formal reintegration mechanisms at the family and community levels. It is urgent to sensitize both of them in order to establish mechanisms aimed at facilitating reentry and reintegration;
  2. For more successful reintegration processes in the future, it is important for Rwanda to develop a reintegration policy involving government agencies, non government actors, communities and families.





# PART I: STUDY PRESENTATION, CONCEPT AND LITERATURE REVIEW

## CHAP. I. GENERAL INTRODUCTION

### 1. Brief description of NURC

Rwanda has been deeply affected by different forms of recurrent cycles of conflict for several decades. It is generally acknowledged that majority of those conflicts were engendered by bad governance and corrupt leadership that used discrimination and sectarianism as the main principles of governing. This provided safe ground for a culture of impunity to develop that later on resulted into the 1994 genocide against the Tutsi. As part of the national efforts to deal with the legacy of a violent past, the National Unity and Reconciliation Commission was created by the law N0 03/99 of March 12, 1999 and has been reaffirmed by the Rwandan constitution of June 04, 2003 in its article 178.

According to the Constitution of the Republic of Rwanda, the mission of the National Unity and Reconciliation Commission include particularly the following:

1. Preparing and coordinating the national programs for the promotion of national unity and reconciliation;
2. Putting in place and developing ways and means to restore and consolidate unity and reconciliation among Rwandans;
3. Educating and mobilizing the population on matters relating to national unity and reconciliation;
4. Carrying out research, organizing debates, disseminating ideas and making publications relating to peace, national unity and reconciliation;
5. Making proposals on measures that can eradicate divisions among Rwandans and to reinforce national unity and reconciliation;
6. Denouncing and fighting against acts, writings and utterances which are intended to promote any kind of discrimination, intolerance or xenophobia.

### 2. Background to the study

In different parts of the world, there is a huge debate going on among academics and practitioners on social-reintegration of ex-prisoners as one of the extremely challenging issues in post-conflict nations of our time<sup>1</sup>. Compounding this debate is the argument that nations have a moral obligation to invest in the reintegration of their released prisoners in order to create a safer world. Specifically, this paradigm shift rests on the shared belief that *‘From the beginning of a prisoner’s sentence, consideration shall be given to his future after release’*<sup>2</sup> and that *‘the duty of the society does not end with a prisoner’s release’*<sup>3</sup>. This paradigm shift reflects the increasing view that any given society has

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<sup>1</sup> Cnaan, R. et al. (2013). “Ex-Prisoners’ Re-entry . An Emerging Frontier and Social Work Challenge” in Hoefler, R. (ed.). *New Horizons for Policy Practice*, New York: Routledge, p.101

<sup>2</sup> Roy, N. (n.d). *An International Perspective on how other countries prepare their prisoners for release*, Paris; Penal Reform International , p.4 available at <http://www.penalreform.org/wp-content/uploads/2013/05/Reintegration-AMIMB-conference-291012.pdf>

<sup>3</sup> Roy, Op.cit, p.5

a certain responsibility vis-à-vis their offenders not only during their imprisonment but also well after their release. The debate is even more intense when it comes to contexts, such as Rwanda, where mass atrocities of a magnitude of a popular genocide have occurred.

In fact, the 1994 genocide against the Tutsi claimed over 1 million lives in less than a hundred days. In addition to this human cost, the genocide also destroyed the development infrastructure and the psycho-social fabric of the Rwandan society at large. Thus, following the liberation of the country, in July 1994, by the Rwanda Patriotic Front (RPF) from the hands of a genocidal regime, and mainly in its effort to deal with the legacy of a deeply violent past, one of the most pressing questions for the post-genocide Rwanda was what to do with its offenders. In the attempt to answer this hard question, hundreds of thousands of genocide suspects were arrested and sent to prison. Quickly, Rwandan prisons became overcrowded by genocide suspects including many children aged between 14 and 18 years. For instance, in 1996, about 120,000 genocide suspects were detained<sup>4</sup>. With the prison overcrowding, also caseloads increased. As time went by, reflections as to how the post-genocide Rwanda should sustainably deal with the legacy of a deeply violent past in general and its numerous genocide prisoners in particular kept on increasing in intensity.

In 1995, SAVE the Children US and other Rwandan NGOs conducted a study with the aim to gain insights of Rwandans into the punishment and culpability of children convicted of genocide crimes was conducted. The study came to the conclusion that it will be very hard for the post-genocide RWANDA to deliver justice for all detainees through the conventional legal justice system as many citizens doubted on its capability to serve social justice needs expected at the popular level<sup>5</sup>. It was equally projected that it would last more than a century before all detained genocide suspects could be convicted and therefore their victims see justice done. As a means of response, and mainly in a bid to unlock the truth telling, restorative justice and hence the national reconciliation process, the country's top leadership finally resolved, in early 2003, to give a second chance to some specific categories of ex-genocide prisoners to reintegrate their families and communities. As a result of the enforcement of this release measure, several thousands of concerned ex-genocide prisoners have ever since been gradually released to their families and communities of origin.

### 3. Problem Statement

It is world-widely being demonstrated, at least in countries which opt to go for it, that (social) reintegration of ex-prisoners is not only an effective alternative to long-term imprisonment, but also an alternative to meeting societal needs of reconciliation in the aftermath of a large-scale violent conflict. However, despite its generally acknowledged potential to effectively deal with the legacy of a violent past, reintegration of ex-prisoners is not as easy as such and remains indeed a controversial topic.

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<sup>4</sup> Mironko, C. & Rurangwa, E. (2007). "Postgenocide Justice and Security Reform. Rwanda" in Call, C.T (ed.), *Constructing Justice and Security after War*, Washington: United States Institute of Peace, p.197

<sup>5</sup> Dupuy, K. & Peters, K. (2010). *War and Children: A Reference Handbook*, California: Greenwood Publishing Group, p.42

To some commentators, it is a problematic process<sup>6</sup>. When it is not effectively dealt with and adequately managed, reintegration of ex-prisoners can bring about a number of unintended consequences on the host community such as recidivism and or vengeance practices amongst the victims or their relatives which, in turn, may lead to a spiral of violence<sup>7</sup>. Proponents of this idea argue that (social) reintegration of ex-prisoners may start at a time when none of the protagonists is willing to talk to the other or live together on the same hill. According to some sources, this is what happened, to an extent, some years back when the Government of Rwanda announced its measure to release a number of ex-genocide prisoners to their families and communities of origin.

In fact, when the release measure was announced and came into force in 2003, there was, among the public, some degree of discomfort with this governmental measure<sup>8</sup>. At this particular time, many people, Rwandans and outsiders alike, wondered whether it was really useful or desirable to give a second chance to genocide perpetrators to reenter their families and be part again of the wronged society. More particularly, there was a kind of generalized fear amongst genocide survivors and some members of the general public, that the release of genocide perpetrators posed a higher risk of recidivism. On the other hand, there was the fear that the release of genocide perpetrators eventually posed a higher risk of revenge by genocide survivors who felt more often than not like the sentence given to their offenders has been too clement. Generalized fear about the potential risks the release of genocide prisoners posed to the Rwandan society at large went growing as more prisoners were being or expected to be released to their families and hills countrywide.

Ten years after the governmental measure to release genocide perpetrators was introduced and came into force, ex-genocide prisoners continue to live in their families and on the same hills along their victims and other members of the general population. However, owing to the fact that the reintegration of ex-genocide prisoners remains a largely under-researched topic in Rwanda, it remains unclear whether the former ever got successfully reintegrated. Consequently, it is not possible to authoritatively tell whether ex-genocide prisoners who have reentered their families and communities of origin are, of now, desirable citizens, capable to live a crime-free and law-abiding citizenry life and readapt to the socio, cultural and economic societal life. Neither is it clear whether family and community members found back home have developed a renewed image of their offenders and are now capable to accept them as trustworthy family and or community members. By commissioning this study, NURC wanted to shade more light on the topic at hand.

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<sup>6</sup> Shyaka Mugabe, A., *Reparation and reconciliation in Rwanda. Scope and limits of transitional justice*, Université Catholique de Louvain, 2009. See also Belgian Technical Cooperation, *Social cohesion in the Northern Province of Rwanda*, 2010.

<sup>7</sup> UNOCD (2012), *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders, Criminal Justice. Handbook Series*, Vienna: United Nations, p.5 See also Staub, E. et al. (2006). *Healing the roots of genocide in Rwanda. Peace Review*, 15 (3), 287-294

<sup>8</sup> Clark, P., Op.Cit

## 4. Aims of the study

### 4.1 Overall objective

The overall goal of this study was to assess the process of ex-genocide prisoner's reintegration at the family and community levels.

### 4.2 Specific objectives

More specifically, the study had the following objectives:

1. To document needs and expectations of ex-prisoners regarding their reintegration;
2. To gather perceptions and attitudes of citizens on the reintegration of ex-prisoners;
3. To identify factors that encourage the reintegration of ex-prisoner at the family and community level;
4. To examine the role of ex-prisoners in their own reintegration;
5. To identify and analyze existing mechanisms of reintegration of ex-prisoners at family, community and national levels;
6. To identify factors that hinder reintegration of ex-prisoners;
7. To document gender related issues resulting from the process of the reintegration of ex-prisoners at the family level
8. To examine the impact of the reintegration of ex-prisoners on sustainable social cohesion, reconciliation, peace and social welfare;
9. To gather views and opinions of ex-prisoners and other citizens on a more effective reintegration depending on the study results.

## CHAP. II. HISTORICAL OVERVIEW & CONCEPTUAL AND ANALYTICAL FRAMEWORK

This chapter seeks to shade light not only on the historical overview of social reintegration of ex-prisoners across various continental contexts, but also on the conceptual and analytical framework for this study.

### 1. Historical overview of social reintegration of ex-prisoners across contexts

This section shades light on the historical view of social-reintegration of ex-prisoners across two continental contexts, namely Europe and Africa. It also briefly discusses the state of reintegration of ex-prisoners in the current century.

#### 1.1 In Europe

Not until the 18<sup>th</sup> century After Common Era (ACE), social reintegration merely referred to as a practice consisting in the reentry of offender in the offended community did not exist in most parts of the world or was simply impossible. In Europe for instance, the impossibility for social reintegration to happen before the 18<sup>th</sup> century was closely linked with the penal practices and social control strategies that prevailed on the continent by then<sup>9</sup>. During this era, the nature of justice in the European society was dominantly if not exclusively retributive. Thus, prison was placed at the heart of the judiciary system, and the detention of offenders was prescribed as a preventive measure<sup>10</sup>. Discussing the relationship between justice and prisons as social structures at this particular time, Giddens<sup>11</sup> observed with regret that justice enabled a complete isolation of the offender from their community of origin in order to allow a punishment to happen rather than serving as a resource for crime actors to make sense of their wrong actions. In this respect, the offender's removal from the community to prison purposely served as a security measure meant for protecting the community and reestablishing its broken moral order. This is the reason as to why the security maintenance mission of prisons and the control of the latter, in many European countries, was and continues to be placed under the ministry of internal affairs<sup>12</sup>.

From the foregoing, it appears that the whole attention by the judiciary systems by then was only given to the community's security that it strictly served whereas no consideration at all was given to the prisoner, his or her treatment and detention regime and his future. One of the implications of this conception of justice was that the offender was eternally associated with his/her crime, and hence endlessly represented by the society at large as an incorrigible and unlawful citizen. For this reason, no possible return to the community of origin was envisaged and corporal punishments as well as death sentence were enforced as the dominant forms of punishment. Obviously, the treatment given to prisoners at that time was inherently linked with the punitive approach to imprisonment that reemphasized the traditional mission of prison, i.e. security maintenance, since no possibility for prisoners' reentry in the free society was at the agenda by then. Thus, most communities used social structures like justice and prison as a resource for institutionalizing

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<sup>9</sup> Foucault, M. (1977). *Discipline and Punish*, London: Allen Lane

<sup>10</sup> Marion, B. (2004), *La pertinence des ateliers théâtre dans le cadre de la mission de réinsertion de la prison. DESS de développement culturel et direction de projet*, Lyon : Lyon II/ARSEC, p.19

<sup>11</sup> Giddens, A. (1984). *The Constitution of Society*, Berkeley: California University Press

<sup>12</sup> Marion, B., Op.cit, p.16

disintegrative rather than reintegrative punishment. This is as true as they emphasized shaming measures directed at the deviants or offenders. Even when prisons as social structures were affiliated to the Ministry of Justice in the early 20s in countries such as France<sup>13</sup>, the emphasis remained on retributive justice.

A gradual shift from retributive to restorative justice and consequently a gradual shift to the conception of prison as a rehabilitative social structure emerged in the period of enlightenment which reemphasized humanist values<sup>14</sup>. Like many other social, political and economic changes that occurred in this context, such a considerable change emerged as a result of several philosophical reflections on the topic of humanism versus the issue of recurring violence. According to Foucault<sup>15</sup>, this broad shift in penal practices and social control strategies occurred as states realized the need to move from physical punishment to mental discipline. This shift has progressively led to the emergence of social reintegration of ex-prisoners as an alternative to retributive justice and detention as a punitive approach. More specifically, at the core of this paradigm shift, and as far as justice and prison are concerned, lies the largely shared belief that “From the beginning of a prisoner’s sentence, consideration shall be given to his future after release’ and that ‘the duty of society does not end with a prisoner’s release’”<sup>16</sup>. This reflects the responsibility any wronged community has or should have vis-à-vis its offenders.

Remarkable changes observed in embracing reintegration of ex-prisoners appear in terms of international instruments related to criminal law and other policy reforms were mostly observed in individual states within Europe in the aftermath of World War II. In this part of the world, several prisoners were released to their communities of origin. Their release was followed by the establishment and implementation of a number of social reintegration interventions targeted at both released prisoners and their communities. In France for example, the law of 22<sup>nd</sup> June 1987 related to public penitentiary services adding the preparedness of prisoners from life in prison to life in the society after their release on the traditional mission of prison was adopted for the very first time in the history of this country. This law introduced a shift of paradigm in the treatment of offenders since prison and hence the role of imprisonment was no longer perceived as solely consisting in the isolation of the offender from the wronged society, rather in his or her rehabilitative confinement in anticipation of his or her potential release.

Over time, efforts aimed at socially reintegrating prisoners and hence building a safer society across the world has received a stronger legal and regulatory back up by the international community. This back up was materialized by a creation of diverse international legal instruments. For instance, The International Covenant on Civil and Political Rights (ICCPR), a legally binding convention to signatory countries was adopted in 1966. Paragraph 3 of article 10 of this international legal instrument provides that the essential aim of imprisonment shall be the reformation and social rehabilitation of the offender<sup>17</sup>. Clearly, this instrument has expanded the attention formerly given by penitentiary services to the sole community to also benefit prisoners as well. In the same vein, efforts have also been made to ensure that all categories of prisoners, including the minors regarded as both victims and perpetrators, are being given a due attention. It is in this respect that the UN Standard Minimum Rules for the Administration of Juvenile Justice were adopted in 1985.

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<sup>13</sup> Ibid

These rules were followed by the UN Standard Minimum Rules for Non-Custodial Measures also known as the ‘Tokyo Rules’ that were adopted in 1990.

## 1.2 In Africa

In Africa, social reintegration of ex-prisoners in the stir of direct and overt mass violence occurred in contexts of internal conflicts that characterized the aftermath of the Cold War has gradually emerged in the framework of the well renowned Truth, Justice and Reconciliation Commissions or similar commissions largely labeled under the term “transitional justice”<sup>18</sup>. Unlike in the western context, the return to social reintegration of offenders is by no means a shift in the African understanding of restorative justice deeply rooted in the pre-colonial African history, culture and spirituality. Instead, it is a rebirth of a judicial system completely overshadowed by the so called legal or modern form of (retributive) justice imposed during the colonial era as part of collective efforts of a search for more adopted solutions to popular demands and needs of dealing with the legacy of a violent past. That is the rebirth of restorative justice in Africa in general, and in Rwanda in particular, was motivated by the foreseen incapability of the so-called conventional legal justice inherited from colonial times to pursue social reintegration of offenders and to serve social justice and reconciliation needs expected at the popular level.

## 1.3 Social reintegration in the global context of the 21st century

In the early years of the 21<sup>st</sup> century, reflections on the mission of prison and purposes of imprisonment continued to be at the heart of debates. Specifically, questions related to the linkage between the traditional mission of prisons as social structures that protect the society from crime with their modern mission of rehabilitating the offender come into shape focus. Though the linkage between the above missions of prison was gradually acknowledged by many individual states across the world, it is in 2001 that an international instrument on the matter, the UN Standard Minimum Rules for the treatment of Prisoners was adopted. The instrument emphasizes the inseparability of the security and rehabilitation purposes that are served by imprisonment. These minimum rules are based on the understanding that social reintegration should start at the beginning of a prisoner’s sentence.

As of today, social reintegration programs and interventions continue to increase in volume worldwide and there are predictions that the practice is promised to further increase in the future<sup>19</sup>. The increase in number of released offenders and hence the volume of social reintegration interventions is considerably an indication of a progressive philosophical and operationalization shift of terms of ‘justice’ and ‘prison’ going on across the world. The abolition of death penalty and life sentence in some countries of the world is a further indication of their unprecedented commitment

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<sup>14</sup> Ibidem

<sup>15</sup> Foucault, M. (1979). *Discipline and Punish*, New York: Vintage

<sup>16</sup> Roy, Op.cit, p.4-5

<sup>17</sup> UNOCD, Op.Cit, p.1

<sup>18</sup> Fosberg, T. (2003). “The Philosophy and Practice of Dealing with the Past: Some Conceptual and Normative Issues” in Biggar, N. (ed.). *Burying the Past. Making Peace and Doing Justice After Civil Conflict*, Washington, D.C: Georgetown University Press, pp.65-84

<sup>19</sup> Hattery, A. & Smith, E. (2010). *Prisoner Reentry and Social Capital. The long Road to Reintegration*, Plymouth: Lexington Books

to social reintegration of prisoners. Giving the offender another chance to act responsibly in the community after serving their sentence is increasingly becoming a preoccupation for many nations.

In spite of their commitment to offering the offender a new chance to reintegrate the community, some countries still do not entitle some specific categories of prisoners to social reintegration programs. As a means of example, one can mention some federal states within the US where death penalty is still practiced. In Rwanda, though death penalty was abolished, some crimes are still punishable by a life sentence.

From the foregoing, it appears that social reintegration is fundamentally an ethical question related to both material and immaterial dimensions of dealing with the aftermath of a crime. Furthermore, crime is regarded in every society as a poor behavior or a failure to act responsibly according to set societal norms or values. In this regard, the origin of social reintegration in every human society is deeply rooted either in the human desire not to definitely associate the offender with his/her crime or the desire to fight and avoid recidivism i.e reiterating of crime or both. Indeed, social reintegration consists in doing the right instead of the wrong against those wronged their communities.

Notwithstanding the popularity of social reintegration through time, and in spite of the fact that its practice across contexts presents some commonalities, it is the contention of this study that, given its usage in many fields of social sciences, social reintegration remains a vague concept. Furthermore, in relation with emotional and non-emotional needs of dealing with the legacy of a violent past or aftermath of crime, social reintegration is a context-specific concept that deserves a well contextualized clarification as to what it means.

## **2. Social (re) integration: a “passe-partout” concept**

It is the view of many experts, social (re) integration, though popular, remains a highly elusive concept. Over time, the usage of this concept has been replicated to other fields of social sciences other than the field of crime prevention and criminal justice within which it originated. As of now, social (re) integration is globally used to refer to “the process of integrating socially and psychologically into one’s social environment”<sup>20</sup>. However, this understanding not only simplistic but misleading for a number of reasons.

Firstly, it is not methodologically appropriate to define a concept by referring to the very concept. Secondly, even if one uses intentionally the verb ‘integrating’ in the sense of the 2006 Oxford Thesaurus as ‘incorporating’, its meaning is still too narrow in the sense that it solely focuses on the social and psychological incorporation of someone in a social environment, yet there exist other dimensions of reintegration such as economic, and political to name but a few. Furthermore, because it doesn’t describe that social environment it refers to as socially acceptable, good or bad, with poor or rich behavior in reference to universally accepted social norms and values, the above definition leaves the agility to the reader to supplement it with any type of adjective as it may best fit him or her.

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<sup>20</sup> UNOCD, Op.cit, p. 5



Thus, one may for instance argue that integrating socially and psychologically a female minor in sexual exploitation networks with own set of norms is an act of integrating someone in a social environment. Yet, this is universally considered as a poor behavior, a deviance. In addition, this definition may also imply that even the act of removing an offender from his community to prison as an act of incorporating someone in a social environment. After all, all is about socializing.

From the preceding criticism, it is the contention of this paper that even when generally applied in other fields of social sciences than crime prevention and criminal justice, at least minimum attempts should be made to describe the social environment alluded to in order to mark its difference with the social environment of origin. If this concept is to be defined in a way that is less confusing, it shall generally refer to any process whereby the community brings support to an individual or individuals who, over a specific period of time, has been isolated or removed from their community of origin for a specific period of time. The isolation shall be aiming at preparing the isolated individual for returning back to that community again and to bring meaningful contribution to the community's social and economic life by bringing their significant contribution.

No matter the discipline, all definitions of social reintegration have in common the fact that they emphasize the reentry of an individual or a group of people into their community of origin, regardless of their status of offender or not. Even when it comes to specific fields such as criminal law, justice or reconciliation, social (re) integration remains a vague notion without any universally acceptable meaning and some prefer the use of the term social integration to that of social reintegration. Having said this, the next section discusses the concept of social (re) integration in relation with reentry of ex-prisoners.

## ***2.1 Social (re)integration as understood in the context of this study***

The concept of social reintegration is frequently used in the fields of crime prevention and criminal justice than elsewhere<sup>21</sup>. In spite of its wide usage, it remains a concept without any universally agreed definition and it is therefore a source of controversies among researchers and practitioners in these specific or related fields. The absence of a common definition is due to the fact that social reintegration of ex-prisoners is regarded as a context-specific issue related to penal practices and social control strategies happening within states, across the world, as countries realize the need to associate the security mission of prison to that of rehabilitation of offenders. In the area of crime prevention and criminal justice, the term 'social reintegration' globally refers to:

*Various forms of interventions targeting individuals to prevent them from becoming involved in criminal behavior or for those who are already in conflict with the law, to reduce the likelihood that they will reoffend. Social integration interventions are therefore attempts by various components of the justice system, in partnership with social agencies, NGOs, educational institutions, communities and the offender's family, to support the successful social integration of individuals at risk of offending or reoffending<sup>22</sup>.*

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<sup>21</sup> UNOCD, Op.cit, p.5-6

<sup>22</sup> UNOCD, Op.Cit, p.6

The above definition is basically offender-oriented and community-driven. It emphasizes social integration as a set of control strategies by the community whose focus is on protecting the offender as an individual at high risk of recidivism. However, its key shortcoming is that it tends to represent the offender as a victim in need of support rather than an actor of self-reintegration within the community. As such, it places the whole burden of (re) integration on the community. Yet, offenders have also a crucial role to play in their own reintegration.

There seems to be a certain discomfort among practitioners and researchers in their attempts to defining social reintegration. This discomfort is evidenced by the fact that they have to associate another word to social reintegration for this notion to make a meaning for them. Such is the case of the UNOCD (2012:6) who deliberately avoids the use of the sole notion of 'social reintegration' but prefers that of '**social reintegration programs**'. This is what is being illustrated by the definition below:

*'Social reintegration programs' is used to refer specifically to interventions designed to help offenders who have been placed in an institution, such as a reform school, a detention centre, a prison, a mental health or a residential drug centre. They include rehabilitation, education, and pre-release programs offered in prison, as well as conditional release, post-release and aftercare interventions. The primary objective of social reintegration programs is to provide offender with assistance and supervision they need to lead crime-free lives and to avoid reoffending. Their purpose is to help offenders desist from crime, successfully reintegrate into the community and avoid a relapse into crime<sup>23</sup>.*

The definition suggested above is broad enough and very interesting in many respects. On the one hand, and despite the fact that the term is labeled social reintegration, its definition avoids describing the nature, social, political or economic, of those programs it alludes to, hence acknowledging the multidisciplinary nature of the term. By so doing, it distinguishes itself from the notion of social integration and leaves the user with the flexibility to name those programs after his or her choices and on basis of practical experience.

On the other hand, it suggests that those programs cannot be initiated unless the offender has been isolated to another social structure other than the community of origin such as for example detention centers, prison, reform school, etc. In this regard, social reintegration programs imply an idea of removal of the offender from the offended community to another space as a strategy of maintaining the physical and moral security of both the offender and the offended community.

Moreover, it suggests that the offender is a subject not only in need of attention and support by his community, but also a subject of own reintegration. As such, the definition acknowledges that the offender is never an ever-ending incorrigible and dangerous subject that the society has to get ride off. Finally, the definition suggests that although assistance is meant for helping the offender avoid reoffending against his or her community of origin and hence desist from crime, there is a margin of doubt that shall be accorded to his or her capability to lead a crime-free and responsible life in the best of his or her own interest as well as that of the community. This is basically why surveillance is emphasized in addition to assistance.

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<sup>23</sup> UNOCD, Op.cit, p.6

One of the biggest merits of the above definition is that it combines both the security maintenance purpose of imprisonment with its rehabilitation purpose that prepares the offender for reentry, the latter enabling on its turn the creation, transformation, improvement of ties with members in the community of origin as well reconstruction of a new identity of oneself. It is this renewed identity that enables the adaptation of former prisoners to the community's socio-political and economic life and therefore gives them a full and sustainable feeling of reintegration.

In light of the above, social reintegration is a continuum of multi-faceted efforts by both the wronged community and the offender. Those efforts are aimed at transforming the representation of the offender after prison as a new human capable of acceptable behaviors in conformity with social norms. They may or not start with the sentencing of the offender in the sense that the sentence pronounced by the judiciary system may determine whether the offender shall or not be entitled to live in the community of origin after serving the prescribed sentence. Reintegration efforts go on during imprisonment and continue well after prison till reinsertion and acceptance by the wronged community of ex-offenders as responsible citizens capable to live again a crime-free and law-abiding life. This is a major reason as to why the capability of an ex-prisoner to live a crime-free life is regarded as a powerful indicator of successful reintegration.

From the foregoing, we will rather maintain the use of the term '**reintegration of ex-prisoners**' as a neutral and broader notion rather than confining it to the only social reintegration. That is, our focus will be beyond the social reintegration and will also comprise of economic dimensions. Also very important to note is that reintegration of ex-prisoners in this study is regarded as part of responses aimed at dealing with the consequences of the genocide against the Tutsi that occurred in 1994.

## ***2.2 Pre and post-release reintegration***

Practitioners and experts in the field of (social) reintegration of ex-prisoners distinguish between support programs and interventions that are offered to the offender while in prison as well as those which are offered well after release from prison. These categories are respectively referred to as **pre-release reintegration** and **post-release reintegration**.

## ***2.3 Pre-release reintegration***

Pre-release reintegration also known as 'custodian reintegration' refers to the range of support interventions that is brought by diverse actors (state and non-state) to the offender while in prison. Pre-release reintegration is distinguishable from post-release reintegration thanks to its aims that are oriented at preparing the offender for release and then reentry in the family and wronged community. Interventions of this type mainly consist in helping prisoners resolve issues affecting them such as health needs, giving them necessary support in order to address risk factors associated with their criminal behavior, as well as to help them learn vital skills for them to be able to lead crime free, law-abiding and self-supporting lives<sup>24</sup>.

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<sup>24</sup> UNOCD, Op.cit, p.7

Much of this support fall under what Tobie and Masabo<sup>25</sup> (2012:21) term ‘rehabilitation’, a specific support that consists in repairing rather than paying for past wrongs done to the community, as well as ensuring physical and mental health of the prisoner. Obviously, the reason of being of pre-release reintegration rests on the acknowledgement of the consequences of imprisonment on the life of the offender. Also, pre-release reintegration carefully ensures that imprisonment does not worsen the offenders instead of bettering them by making sure they realize the wrong side of their deeds and hence get prepared for leading law-abiding lives. .

## *2.4 Post-release reintegration*

Unlike pre-release reintegration, post-release reintegration also known as ‘non-custodian reintegration’ refers to the range of support interventions and programs that is brought by diverse actors (state and non-state) to ex-offenders after their release from prison. This type of support interventions or programmes occurs, but not exclusively, after a custodial sentence. They can also occur earlier before the end of a custodial sentence as part of what is commonly known as conditional release<sup>26</sup> programme.

Given the fact that they occur out prison, and regardless of the fact that they were offered after a custodial sentence or in an anticipated manner, post-release reintegration distinguishes itself from pre-release reintegration by the fact that they are community-based rather than custody-based. The role of the community in cases of conditional release is therefore essential. Besides, the role of the community consists in providing multiform assistance (psychological, economic, social, access to housing, employment opportunities, faith, education, health services, etc.) to returning ex-offenders and sometimes also to their families.

This category of reintegration is very crucial since it requires a very effective management of reentry of ex-offender, failure of which crime prevention remains rhetoric<sup>27</sup>. It encompasses two important stages of reintegration, respectively reinsertion (or reentry) and reintegration that Tobie and Masabo<sup>28</sup> describe respectively as consisting in providing conditions for living in the community (e.g security, housing, economic package, etc.), as well as a self-sustaining life for a person within a family and community as interaction spaces where the person build a new identity of him/herself as a responsible citizen. It goes without saying that the self-build new identity has also to be acknowledged as such by the community in order to be meaningful for the successful reintegration of former offender.

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<sup>25</sup> UNOCD, Op.cit, p.7

<sup>26</sup> Conditional release can occur sometimes under formal supervision and assistance of ex-prisoners by the community and sometimes without any supervision or assistance at all. See UNOCD, Op. cit, p.7

<sup>27</sup> UNOCD, Op.cit, p.5

<sup>28</sup> Tobie, A. & Masabo, F. (September 2012). *Healing Fractured Lives: Reconciliation and reintegration in Rwanda*, London: International Alert, p.21 available at <http://www.international-alert.org/sites/default/files/publications/201209HealingFracturedLives.pdf>

To cut it short, post-release reintegration has both a double-orientation. It is both community and individual-orientated in as much as it gives some responsibility to the community vis-à-vis their ex-offender and vice-versa. Failure of one will immediately have negative effects on the other. Indeed, it is only part of this category of reintegration that the dividends of pre-release reintegration i.e the preparedness of a prisoner to lead, after release, a law-abiding, crime free and self-sustained life that adapts and meaningfully contributes to the social, economic life of the community can be assessed.

## 2.5 Literature review

While so much has been written on genocide and post-genocide reconstruction efforts in Rwanda including reintegration of former combatants, only a very few research has been undertaken to date that assesses the issue of reintegration of ex-genocide prisoners.

A very few available literature<sup>29</sup> on the case has overlooked the social and economic dimensions of reintegration of ex-prisoners. So far, past research has focused on the psychological support targeted at ex-genocide prisoner but also at the survivors as a prerequisite for a successful economic and social reintegration. Besides, and without providing details, past studies commonly emphasize the intrinsic links between reintegration of ex-genocide prisoners and reconciliation. In addition, they assert that Rwanda has achieved a greater level of reintegration of its ex-genocide prisoners and relatively achieved reconciliation over the last decade. Furthermore, existing research agree that reintegration of ex-genocide prisoners is by no means the sole responsibility and role of the state through laws, policies and other institutional arrangements. Instead, they stress that social reintegration is a shared responsibility that involves families, communities, survivors as well as ex-prisoners themselves. In this regard, past researchers join the understanding by the UNOCD<sup>30</sup> according to which social reintegration, like any post-conflict reconstruction effort is a multi-actor and multi-level process i.e it has several players ranging from social structures such as correctional agencies, to ex-prisoners, relatives and the wider community. This suggests that either actor has a key role to play for the reintegration process to be successful and the the dynamics of reintegration of ex-prisoners occur at different but complementary levels.

Perhaps the most recent of these studies that deserves a particular attention is a project-based research entitled '*Healing Fractured Lives: Reconciliation and Reintegration in Rwanda*' conducted by Tobie and Masabo (2012) on behalf of International Alert Rwanda. The study aimed at assessing a project known as 'Reconciliation, Socio-Economic Reintegration in Rwanda' jointly implemented over the last years by International Alert and many other local NGOs among others ARCT-Ruhuka and Profemmes-Tweshamwe to name but a few.

In order to assess implemented reintegration programs, the study was targeted at four categories of actors specifically genocide survivors, former combatants, ex-prisoners and youth. Compounding their choice of this range of actors was the belief that all have experienced violence in a way or another and that they are consequently psychologically, economically and socially affected.

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<sup>29</sup> See a study by PRI, Op.cit and another study by Tobbie, A. & Masabo, F. Op.cit

<sup>30</sup> UNOCD, Op.cit, p.1

The study found that the current practice of social reintegration follows a multidisciplinary approach though its implementation remains challenging if one considers the necessary level of expertise it requires as well as funding mobilization capacity. On the other hand, the study established that current interventions are not inclusive enough since some agencies still run separate programs targeted at each group of beneficiaries. Besides, the study found that coordination of multiple initiatives run by various agencies is still hampered by the top-down approach as well as lack of effective coordination and consultation among various agencies involved in social reintegration hence bringing about confusion about the goals of some programs. It was also revealed that reintegration remains effected by the fact that since Gacaca process ended in June 2012, much of its decisions are still unimplemented and reparations for all victims yet to be fully done. On this basis, the study therefore recommends that the interconnectedness between justice, reconciliation and reintegration shall be further investigated by complimentary research.

Finally, the study revealed that there is no clear boundary between rehabilitation, reinsertion and reintegration activities. To the researchers, this does not make it easy to clearly distinguish between who is doing what amongst those agencies. Thus, and for a better distinction of support roles, the study suggests that reintegration be regarded as a three stages but not always simultaneous process ranging from rehabilitation, reinsertion to reintegration.

### *2.5.1 Consequences of imprisonment on inmate and family*

The assertion that prison can better or worsen the offenders in relation with their ability not to reoffend is closely related to the consequences of imprisonment on the prisoners. Talking about prison experience, Goulding<sup>31</sup> argues that imprisonment relocates the social identity from one physical and emotional place to another, respectively from a free society to a confined space, prison. Social identity is defined as how one views oneself, or how one is also viewed by others and hence how one signifies his or her feeling of belonging to a family, a community, a social network with specific values and hence makes meaning of own life.

In reference to the above definition, Goulding<sup>32</sup> posits that imprisonment brings about the shift or loss of the initial social identity. Berger and Luckmann<sup>33</sup> quoted by Goulding<sup>34</sup> rather talk of prison as a “shock” that is caused by a loss or better a shift of the kind of attentiveness one used to enjoy from the original community of belonging. Imprisonment has an immediate effect of removing relationships with the original community to a new community of inmates as well as denying the offenders most rights enjoyed prior to their incarceration. On the community side, pursues Goulding<sup>35</sup>, prisoners are looked at as bad, criminals, and deviants and this image is sustained by their confinement to a restricted physical space known as prison where other persons labelled likewise are held.

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<sup>31</sup> Goulding, D. (2007). *Recapturing Freedom: Issues relating to the release of long-term prisoners*, Leinhardt: Hawkins Press, p.9

<sup>32</sup> Goulding, Op.Cit, p.40-41

<sup>33</sup> Berger & Luckman (1967), p.35

<sup>34</sup> Goulding, Op.cit, p.41

<sup>35</sup> Goulding, Op.cit, p.9

In opposition, there tend to be some kind of resistance to rehabilitation by prisoners as a result of long-term imprisonment that in turn may result into prizonnilization<sup>36</sup> or what Goffman<sup>37</sup> views as a 'fraternization process'. The latter consists in socially distant prisoners, i.e first term prisoners and non-first term prisoners, breaking their distance and tending to develop mutual support as well as common counter-mores mechanisms against the outer world that has forced them to intimacy<sup>38</sup>. Also, prisoners tend to develop their own sets of norms and idioms against which they evaluate relevant situations<sup>39</sup>. In light of this, the socialization with sub-culture prevalent within prison can result in crime radicalization and thus failure of rehabilitation for the prisoner.

Prison is world-widely associated with the image of the 'bad' that is represented through crime versus the 'good' that are in the free world. It is because of this association that prisons are described by Torch (1977:42) as places of low trust, high uncertainty and discomfort. This explains partly why the labeling of ex-prisoner or prisoner has an enduring negative connotation that continues to affect the life of the ex-offender even well after his or her acquittal (Goulding, 2007:9). Indeed, stigma has much to do with this enduring representation of ex-prisoners as eternal criminals. Stigma can even be harder in contexts of conditional release where there is a feeling that the ex-prisoner has not finished their sentence term and hence considered as not having completely been held accountable for responsibility.

Studies conducted in various contexts reveal that ex-prisoners bear the primary responsibility and hence play the primary role in all reintegration efforts targeted at them. As some studies point out, those prisoners who, during their imprisonment term, have internalized the rehabilitative role of prisons in preparation for release are most likely to get successfully reintegrated than those who have internalized the prison culture, prizonnalization, and who feel like prison is their only home.

That is, the prison experience can better the offender and consequently transform him or her into a new citizen again desirous by the society and desirable to live a crime-free life. However, this shall not create illusion about the successful correctional or rehabilitative mission of prisons. Indeed, some researchers even go further to assert that some prisoners are made worse or even more violent by their respective experience while in prisons (Travis and Visher, 2005:16; Bazemore, 2000; Bazemore and Stinchcombe, 2004).

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<sup>36</sup> Marion, Op.cit,

<sup>37</sup> Goffman (1961), p.56

<sup>38</sup> Goulding, Op.cit, p.5

<sup>39</sup> Goffman, Op.cit, p.137



## 2.5.2 Key indicators of successful reintegration

### Positive representation (renewed image) as an element of reintegration

The most triggering question in relation to the representation of an ex-offender remains around two challenging issues of their role and status (Brim Jr, 2010:220). This is often translated into the question as to whether ex-prisoners are also citizen or offender (Ibid).

To several researchers (Eve et al., 2006 , Combessie, 2004 and Marion, 2004), the extent to what an ex-prisoner is socially reintegrated is very often a result of the image i.e **representation - negative, positive or neutral**- that the family, community members have vis-à-vis the ex-offender after serving their sentence in prison. When the representation is positive, reintegration will tend to be more successful than in neutral representation case. Unlikely, where representation is negative, the reintegration also tends to be negative.

Some models of rehabilitation suggests that it is only by putting the ex-offenders in the situation, for instance social work or community service, that enable them to take their full responsibility for 'making things right for the victims and victimized community' that they (offenders) can change both the victim and community's image of them as well as the perceptions of themselves (Bazemore and Stinchcomb, 2004 and Gouldner, 1960). What this implies is that the ex-prisoners bear the primary responsibility for their victims and the wronged community to build a renewed image of theirs. It also entails that self-representation is a prerequisite to the building of a renewed image by others i.e victims and wronged community. On the other hand, it implies that the reconstruction of a positive image is more or less about reconstructing a new identity, the rebuilding and therefore transformation and consolidation of new relationships with one-self, the family and the community.

Very often, the role of ex-prisoner in own reintegration is widely appreciated thanks to one's ability to comply with laws and hence social and moral order prevailing in the society, by avoiding reoffending. Alluding to ex-prisoner own role in their successful reintegration (Braithwaite, 1989) argues that prisoners who have fully internalized the rehabilitation role of prison stand for, once reinserted in the community of responsible citizens, a greater chance to be successfully reintegrated. This is possibly because changes they undergo as a result of rehabilitation during imprisonment become more noticeable to everybody in the community. However, it is not always guaranteed that noticeable positive changes will automatically lead the family or community members to immediately develop a positive image of ex-prisoner.

Although ex-prisoners are primarily responsible for the building of a renewed image of theirs, this fact does not exempt the community from bearing a second-level responsibility to foster the reconstruction of a new and positive image of their ex-offender. Reconstruction of a positive image of ex-offender can happen through the support that the community brings to him or her by opening and enhancing employment possibilities to ex-prisoner. The nature of support that the community and family members bring to their ex-offenders in the attempt to help them reconstruct a positive image of theirs are multifaceted: it can be economic, social, cultural or even psychological.



### *2.5.3 Absence of or reduced recidivism as a global indicator of successful reintegration*

Absence of recidivism is also another indicator of successful reintegration of ex-prisoners. It refers to positive behavioral change by an ex-prisoner that is manifested through absence or repetition of crime i.e recidivism or reconviction for the same or similar crime. This implies that an ex-offender remains by far the primary actor of his or her own reintegration. Such a phenomenon is known as self-responsibilization. Recidivism is very often measured by considering the prevalence of re-arrest, reconviction, and re-incarceration regardless of the time, short, medium or long-term, spent between prison release and re-arrest.

### *2.5.4 Re-adaptation to the social and economic life*

Re-adaptation to the social and economic life of family and community of reintegration is another meaningful indicator of a fulfilled reintegration of ex-prisoners. In fact, re-adaptation in this context refers to active involvement of ex-prisoner in meaningful civic roles as well as the social, cultural, economic and sometimes political life of the community. When we refer to involvement, this can be a self-involvement or involvement by the family or the community. To Bazemore and Stinchcomb (2004), this involvement by the community is fundamental since it is through it that ex-prisoners achieve community 'recognition as a new (responsible) citizens rather than enduring criminals and hence get to change their attitudes vis-à-vis them. Whether it is self-involvement or involvement by family or community members, re-adaptation has this special that it makes ex-offenders feel desirous to bring their contribution to the re-building and consolidation of their society but also it makes them desirable citizens worth to be associated to the daily business, mid and long-term development goals of the community.

Re-adaptation of ex-prisoners entails also the latter to accept to all changes in terms of policy, laws, material, non-material, social, economic and political changes of community life that have occurred during their absence (Krienert and Fleisher, 2004). Besides, it entails rebuilding new relationships including partnerships and loyalty (Crewe, 2009). These partnerships can be through membership to associations or cooperatives towards either common interest or income generating activities.

## CHAP. III. METHODOLOGY

The methodology section focuses on how to provide an in-depth understanding of social reintegration of released prisoners as a multi-way and essentially a relationship rebuilding process and how this new interaction is experienced by both parties to the conflict, its experienced dividends and impacts on the community post-conflict reconstruction and development process and how the interaction can be improved. This section presents the main aspects of the methodology, including approaches, process, data collection methods, and data analysis.

### 1. Approaches

Measuring social reintegration of ex-genocide prisoners requires a combination of approaches. For the purpose of triangulation and data enrichment, both quantitative and qualitative approaches were used in this study.

Quantitative approach made it possible to address research objectives through empirical assessments that involve numerical measurement. It helped researchers to interpret and better understand the reality of ex-prisoners social reintegration. Quantitative research generated tendencies on various indicators on the situation related to social reintegration of ex-prisoners basing on perceptions, attitudes, witnesses and experiences of various respondent categories. A questionnaire that captures these indicators as well as various variables is attached to this report.

Due to its nature, the study equally resorted to qualitative methods. Qualitative research is a type of scientific research that seeks to understand a given research problem or topic from the perspectives of the local population it involves. Qualitative research is especially effective in obtaining culturally specific information about the values, opinions, behaviors, and social contexts of particular populations.<sup>40</sup> The strength of qualitative research in this study was its ability to provide complex textual descriptions of how people perceive and experience issues related to ex-prisoners social reintegration. Indeed, some aspects of the reintegration process are not tangible. Their numerical measurement cannot therefore apply. Qualitative research is designed to reveal a target audience's range of behavior and the perceptions that drive it with reference to specific topics or issues. It uses in-depth studies of small groups of people to guide and support the construction of hypotheses. The results of qualitative research are narrative rather than predictive. Qualitative research sought answers on the 'why' of its topic through the analysis of unstructured information.

In terms of "how to do it", researchers approached this study in a participative manner. The approach to the work itself will have four aspects:

*Consultative.* To come up with tangible results, the victims, the community, the relatives, the released prisoners, the families of the released prisoners (wives and children), the neighbors and the elected leaders, all have been involved in the process. Conducting a research on social reintegration involves consulting all social actors in addition to the target group. The identification of respondents should involve the intended target beneficiaries and a wide range of community stakeholders including

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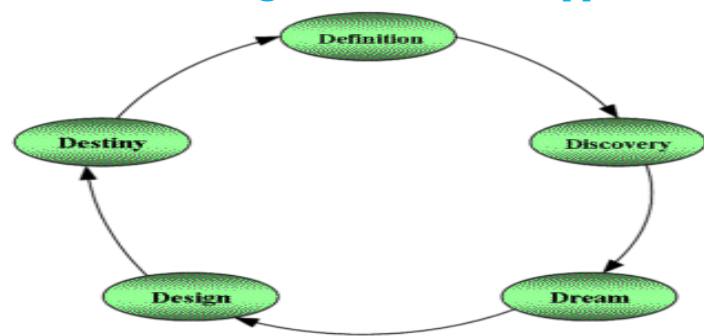
<sup>40</sup> Denzin NK, Lincoln YS (eds.). *Handbook of Qualitative Research*. London: Sage Publications, 2000:2

the local authorities, private sector businesses, and faith based organizations - so as to understand the real challenges and opportunities to build social cohesion and helps get the required information.

*Human rights-based.* Ex-prisoners may be perceived and/or perceive themselves in a very negative way for having participated in the genocide, which may lead some people, including researchers; to treat them less sensitively. The human rights-based approach entails the use of principles and standards derived from international human rights treaties, national laws and Rwandan values as yardsticks in approaching respondents (especially those to be selected from ex-prisoners), assessing and analyzing the situation of social reintegration of ex-prisoners. For example, the approach took into consideration the following:

- ✓ Compliance of the process with the international human rights framework and ethical standards;
- ✓ Participation of ex-prisoners themselves in the entire study process

**Figure 1: The 5Ds of Appreciative**



*Appreciative inquiry.* The third prong of the approach is that the work used an *appreciative Inquiry*. Appreciative Inquiry builds a vision for the future using questions to focus people's attention on past, current and future success. During the whole process to develop study the researchers bore in mind what Rwanda and its communities have so far achieved in terms of promoting social reintegration of ex-prisoners. Focus was on discovering more about the strengths, aspirations, and dreams of Rwandans regarding the reintegration of ex-prisoners, within the framework of the best interests of all Rwandans. The process paid particular attention to those with experiential knowledge about social reintegration of ex-prisoners.

Guided by the 5Ds, as captured in the figure above, the team documented practices regarding social reintegration of ex-prisoners in Rwanda and elsewhere. This phase (discovery) provided the opportunity for people to share their best experiences and their heart-warming stories related to social reintegration of ex-prisoners in Rwanda and learn from best practices from elsewhere. The propositions of the dream phase addressed the vision of the Government of Rwanda about the reintegration of ex-prisoners, guided by the best interests of the nation. The design phase suggested principles, processes, structures, and roles responding to the expressed needs in terms social reintegration of ex-genocide prisoners. The results of the dream provided the vision and guidance for everyday actions (destiny).

The fourth prong of the approach is that the work was *gender* and *life cycle-sensitive*. During the process to carry out this study, particular attention was given to the differential experiences of men and women ex-prisoners, their relatives and spouses, genocide survivors, and, thus, their different opinions, concerns, needs, and priorities.

## 2. Process

The process to achieve this study consisted of five following stages:

**Planning & preparation.** Research team planned and prepared activities not only to assure project quality but also to build team spirit and allow effective interaction during the main phases that were to come. Several meetings have been organized to identify key potential informants (per category), to access information regarding released ex-prisoners, to identify relevant documentation, and to discuss key concepts among other things. This stage aimed at ensuring that team members have a common understanding of the process, requirements, methodology and approach. The main topics included:

- ✓ Definition of key concepts in the research study,
- ✓ Discussing and agreeing upon a common methodology;
- ✓ Agreeing on workshop tools for social reintegration;
- ✓ Strategy and strategic planning – How best to conduct the research (data collection procedures);
- ✓ Devising a questionnaire

The end product of this stage was the inception report. Other activities under this stage were the request for a research visa from the NISR, training of enumerators, pilot survey to test the quality and finalize the survey questionnaire as well as logistical arrangements for the field work.

**Data collection.** This is the actual field work. The stage consisted of household quantitative survey and key informants individual interviews and focus group discussions. In order to ensure all critical/key results from the quantitative survey are deeply understood and assure quality work, interviews and focus group discussions were conducted after quantitative results have been visualized. This means that interview and focus group discussions' checklists were partly informed by quantitative findings.

**Data processing and analysis.** For the purpose of data entry, clerks were recruited and trained on the data base entry process. Based on the questionnaire, a specific data entry application was designed using Statistical Package for Social Science (SPSS). A mask for the data clerk to enter the data was also created. After the data entry, a tabulation plan was produced to facilitate the analysis plan elaboration. The qualitative data was analyzed by hearing the content of the message and the key words or things most reported by participants. Data analysis was done in accordance with key themes of the study, following each component and indicator considered. Content analysis methods helped to complement, understand and triangulate information collected from the interviews and focus group discussions. This was essential to ensure that all areas of interest were covered.

**Reporting.** This stage consisted of harmonization of data and information in a unique and coherent document.

### 3. Data collection methods

The study was based on a mix of quantitative and qualitative approach and focused on citizens' perception, attitudes and experiences. Four data collection instruments were used: Desk review, questionnaire, individual interview, and focus group discussions.

#### 3.1 Desk review

This technique enabled researchers to gather and make use of various specialized reports, studies as well as reports of activities specifically dealing with issues related to or associated with social reintegration of ex-prisoners and other law breakers. In the same way, relevant legal and public policies documents related to the theme under study were used. The role of the desk review is to equip the researchers with a general overview of the topic of research, to gain a deep understanding of the issues involved and complement other research instruments. The desk review explored, but was not be limited to the document in the list of references.

#### 3.2 Questionnaire

Traditionally, a questionnaire is addressed to a group of individuals in order to collect their opinions, perceptions, knowledge and testimonies on a given phenomenon. In the context of this study, it was addressed to various people, both men and women, recruited primarily from the following key categories:

- ✓ ex-genocide prisoners (unconditionally and conditionally released) ;
- ✓ Mature children of ex-prisoners, if any, spouses of the released prisoners, relatives and parents of ex-prisoners and any other person living with ex-prisoners in their daily life at house hold level;
- ✓ Neighbors of ex-prisoners (community: neighbors without biological relationship, local/opinion leaders, security organs...);
- ✓ Genocide survivors.

The main questionnaire was designed for ex-genocide prisoners (see attachment). Other questionnaires (the three other categories) are complementary. They content varied depending on the categories, but generally consisted of the following:

- ✓ The nature and scope of groundwork ( preparedness efforts) that has been laid at familial and collective (community) levels prior to the release of confessed prisoners;
- ✓ Readiness of each conflict party to accept and adhere to the process (identification of common needs, acknowledging the responsibility for the wrongdoer and ask for forgiveness, readiness for the wronged party to forgive);
- ✓ Attitudes and feelings of the parties to the conflict vis-à-vis the other;
- ✓ Existence or not of a need for a shared future by all parties (future envisioned together) after release;

- ✓ Social, political and economical dividends (impacts or benefits) of social reintegration of released prisoners in terms of community post-conflict reconstruction and development;
- ✓ Passiveness or activeness and proactiveness of released prisoners in as actors of national unity, reconciliation, social welfare and sustainable peace in Rwanda;
- ✓ The interaction of each conflict part to oneself, and with others with regard to the issue of social reintegration of released prisoners;
- ✓ Enabling factors (drivers) that have facilitated or can facilitate the reintegration of these ex-prisoners in their new living environment;
- ✓ Frequency of interactions between released prisoners and the wronged individual or community ( victims);
- ✓ Recurrence of recidivism acts by the released prisoners;
- ✓ Inclusion of the released prisoner into social events as well as development activities by the community found home;
- ✓ Experience of stigma by ex-prisoners;
- ✓ Factors that hinder reintegration of ex-genocide prisoners;
- ✓ Indicators of exclusion and inclusion;
- ✓ People's initiatives following experience of stigma and recidivism;
- ✓ Root causes and consequences of attitudes manifested by each of the parties.

### ***3.3 Interviews with key informants***

In order to gain some elements of explanation, researchers identified a number of people. These people, also called 'privileged witnesses', were chosen because of their expertise, their daily experience and their contact with the subject under study, namely social reintegration of ex-prisoners. There was no pre-fixed number of interviews to be conducted. It was rather to be determined according to the principle of *saturation* or the redundancy in the collected answers, which showed the researcher that all aspects of the study are covered and that there are no more new elements. However, because the objective of the study is documenting ex-prisoners reintegration process in Rwanda, extensive conversations with various actors were conducted to make sure that the used approaches and methods, best practices and challenges relating to reintegration of ex-prisoners are captured.

For this purpose, in-depth interviews (IDI) and informal discussions were conducted with the following categories of respondents, among others:

- ✓ Rwanda Correctional Services;
- ✓ Representatives of genocide survivors (AVEGA; IBUKA, AERG);
- ✓ Researchers from knowledgeable institutions, including the Center for Conflict Management of the National University of Rwanda, Institute of Research and Dialogue for Peace, National Commission against Genocide, and the Institute for Policy Analysis and Research;
- ✓ Media community members;
- ✓ Representatives of civil society organizations working on issues related to reconciliation and peace;
- ✓ Local leaders and religious leaders; and
- ✓ Women structures' representatives.

The interview guide is attached to this report.

### ***3.4 Focus group Discussion (FGDs)***

Though the desk review, questionnaire and interviews have provided plenty of useful information, it was rather the focus group discussions that made it possible to investigate perceptions, experiences, attitudes, practices and even testimonies related to social reintegration of ex-prisoners in Rwanda. By providing an opportunity for debate, the focus group discussions represented an enabling environment to understand the process of social reintegration in Rwanda through increased participation of people. Since the issue of ex-prisoners' social reintegration may reactivate a traumatic memory, only homogenous groups were organized in order to encourage a free expression. For this reason, the following groups (among others) were met separately:

- ✓ Genocide survivors;
- ✓ Ex-prisoners who pleaded guilty of genocide crimes;
- ✓ Relatives of ex-genocide prisoners; and
- ✓ Neighbors.

Group discussions were organised after visualization of quantitative data to make sure all critical findings from the questionnaire are understood.

### *3.5 Sampling*

The study population for this research is function of indicators used to measure the level of reintegration of ex-genocide prisoners. In other words, it depends on “who” has “which” information or data.

Primarily, this survey involved adult people. These are the ex-genocide prisoners, their relatives and community members. All these categories were involved in both quantitative and qualitative data collection processes. The size of the sample mainly depended on the number of ex-genocide prisoners. The following sub-categories were taken into consideration:

- Those released unconditionally;
- Ex-prisoners released conditionally;
- The acquitted ones;
- Those who served sentence;
- Those on probation services (TIG).

Likewise, respondents from other sub-sample categories were determined under each cluster: ex-genocide prisoners relatives, genocide survivors and neighbors of ex-genocide prisoners. In total, the quantitative survey covered 625 former genocide prisoners, 251 neighbors, 227 relatives of former genocide prisoners and 440 genocide survivors.

### *3.6 Quality control measures*

Conducting such a sensitive study requires a set of measures to assure quality data and information. For this purpose, cumulatively, the following activities and measures further contributed to quality and integrity of the data collection process:

- ✓ A training of enumerators on research instruments;
- ✓ A pilot survey conducted to test the quality of research tools, mainly the questionnaire as well as their understanding by data collectors;
- ✓ A supervision team established to ensure a daily follow up of field research activities and cross-check the questionnaire on field;
- ✓ Anonymous questionnaire administered as a way of encouraging free and open expression by respondents.



### 3.7 Ethical considerations

Our search of knowledge must not contradict some ethical principles including the obligation to avoid hurting or embarrassing the respondents as well as respecting their privacy. According to some scholars<sup>41</sup>, we, as researchers, have to first ask ourselves the ethical relevance of any research with reference to the values and actions that we undertake in order to complete it. This research is targeting the released prisoners and will probably elicit potentially sensitive information about their feelings in relation to the crime of genocide and the reintegration process. This raise a number of ethical as well as practical concerns, which was the responsibility of the LG consult Ltd. For this purpose, the researchers observed a set of measures to comply with ethical standards during the whole process of research. These are:

- ✓ A formal consent from each informant was requested and obtained before interviewing him or engaging in discussions;
- ✓ Confidentiality was guaranteed regarding any information given to be used exclusively for this assignment;
- ✓ Voice recording where used for the purpose of analysis required a clear prior consent when used;
- ✓ Anonymity was guaranteed where needed.

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<sup>41</sup> See for instance Jones, R. A., *Méthodes de recherche en sciences sociales*, Bruxelles : De Boeck, 2000.

## CHAP.IV. SOCIO-DEMOGRAPHIC CHARACTERISTIC OF RESPONDENTS

Socio-demographic profiles of respondents do not play a mere scenery role. They are rather relevant information that deal not only with representativeness of various sub-categories of respondents that may form each category, but also makes it possible to see whether different socio-demographic variables may influence differently respondents' views and opinions on a given phenomenon. In the context of this study, socio-demographic characteristics of ex-genocide prisoners who participated in this study are detailed below. They are linked to the study findings where deemed relevant.

### 4.1 Distribution of respondents per province/City of Kigali (CoK) and district

The study on the status of reintegration of ex-genocide prisoners was conducted four provinces of Rwanda and the City of Kigali. In total 10 districts were covered as shown in the following table.

**Table 1: Distribution of respondents per province/CoK and district**

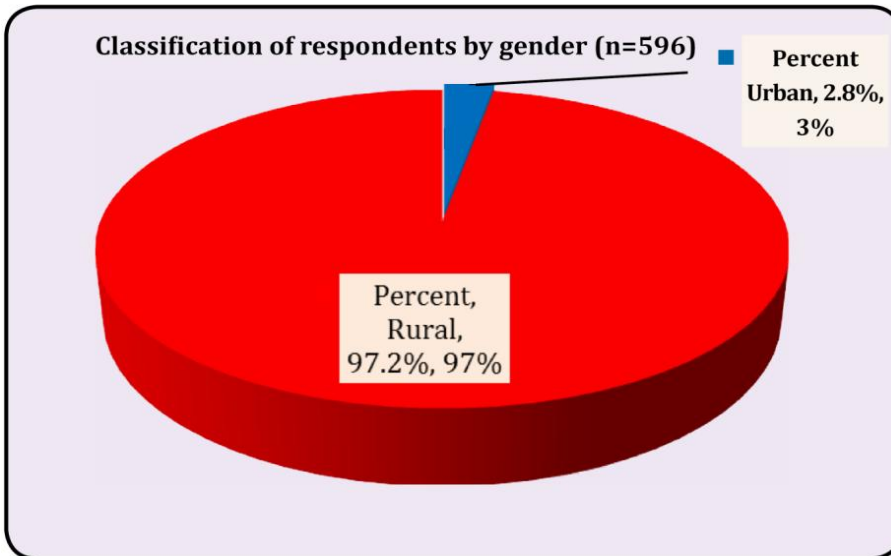
Province	District	Number of respondents by districts	Percentage of respondents by districts	Number of respondents by provinces	Percentage of respondents by provinces
<b>Kigali City</b>	KICUKIRO	31	5.0%	<b>31</b>	<b>5.0%</b>
<b>South</b>	KAMONYI	110	17.6%	<b>251</b>	<b>40.2%</b>
	RUHANGO	51	8.2%		
	NYAMAGABE	90	14.4%		
<b>East</b>	BUGESERA	57	9.1%	<b>95</b>	<b>15.2%</b>
	NGOMA	38	6.1%		
<b>North</b>	GICUMBI	64	10.2%	<b>64</b>	<b>10.2%</b>
<b>West</b>	RUSIZI	83	13.3%	<b>184</b>	<b>29.4%</b>
	KARONGI	66	10.6%		
	RUTSIRO	35	5.6%		
<b>TOTAL</b>		<b>625</b>	<b>100.0%</b>	<b>625</b>	<b>100.0%</b>

It appears from the table above that ex-genocide prisoners who participated in this study come from all the four provinces and the City of Kigali. Of all the 625 respondents under this category, a significant majority come from the Southern and the Western province with 40.2% and 29.4% respectively. This distribution of respondents per province and the City of Kigali is a result of a proportionate sampling approach that researchers used. Indeed, data from Rwanda Correctional Services -the government structure in charge of ex-genocide prisoners- show that the biggest majority of ex-genocide prisoners who have completed or are still undergoing the Travaux d'Intérêt General (TIG) are from the Southern (0.48%) and the Western province (0.33%), followed respectively by the Eastern province (0.14%) and the Northern one (0.3%). Within each province, the number of respondents was also proportionately determined.

## 4.2 Repartition of respondents per characteristic of the residence

Reintegration of ex-genocide prisoners may vary depending on whether these are located in urban or rural areas. Indeed, interaction between neighbors and interaction opportunities may differ from one area to another.

**Figure 2: Repartition of respondents per characteristic of the residence**



In light of the above findings, it appears that rural residents constitute the large majority among ex-genocide prisoners who responded the research questionnaire with 97.2% of the total. The predominance of rural population is a result of two main factors:

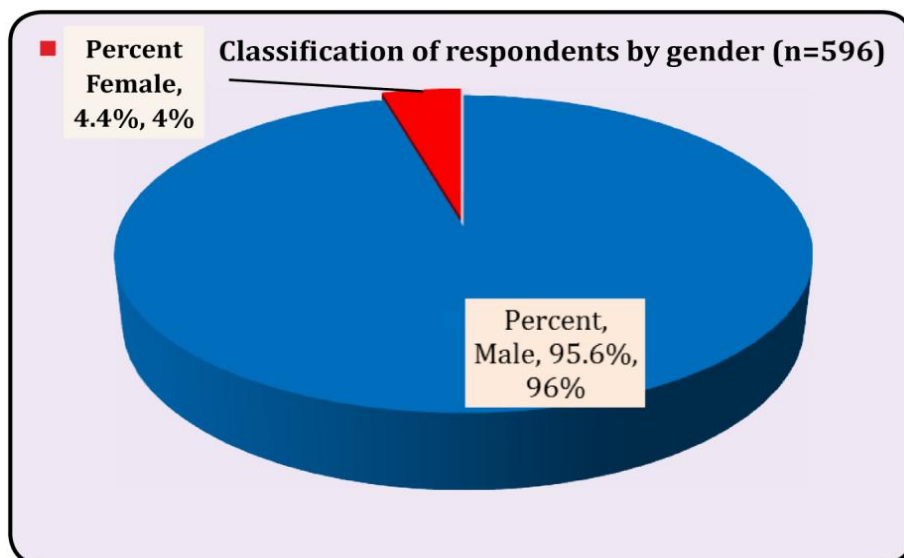
- ✓ The fact that the majority of Rwandans live in rural areas- rural residents represent 83% of the total population according to the fourth population and housing census 2012- (1)and;
- ✓ ex-genocide prisoners are easily identifiable in rural areas than in urban ones.

The study findings suggest that there is a significant difference in terms of ex-genocide prisoners reintegration between those living in urban areas and those living in rural settings in favor of the former as discussed far below.

### 4.3 Composition of respondents per sex

Gender differences may bring about different reintegration issues between men and women who were imprisoned for genocide crime in Rwanda. For this reason, the study sought to understand opinions and testimonies of both men and women in relation to the process of reintegration of ex-genocide prisoners.

**Figure 3: Composition of respondents per sex**



Out of all respondents, females represent 4.4% against 95.6% males. This imbalance results from the predominance of males among people who were accused of participation in the genocide. Overall, women are believed to represent less than 6% of all genocide perpetrators.<sup>42</sup> As of September 30, 2012, inmates detained in relation to the genocide were 38, 036 (condemned and those on remand) of whom women were 2, 270, representing 5, 9% against 35, 766 men (94, 1%). From these figures, it is amazing to notice that the number of females who participated in the study (responded to research questionnaire) is proportionate of the number of females who participated or were accused of participation in the genocide.

### 4.4 Classification of respondents per age groups

Age group is unquestionably another variable that may influence the process of reintegration for ex-genocide prisoners. For instance, young people are likely to reintegrate compared to old ones. Scholars believe older people in prison experience a host of unique problems which differ to those of younger prisoners. A literature review reveals that older inmates disproportionately struggle with resettlement as a result of distinct psychological adjustments they have made in prison, a reduced support network in the community and an increased likelihood of health and mobility concerns.<sup>43</sup>

<sup>42</sup> According to the Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR), *Rapport de Monitoring des Prisons au Rwanda*. Période: 1er Trimestre 2008, p. 17, as at February 2008, females represented 5.7% of people detained in relation to the genocide (2133 from a total of 37,213); Hogg, N., "Women's participation in the Rwandan genocide: mothers or monsters?" in *International Review of the Red Cross*, Volume 92 Number 877 March 2010.

<sup>43</sup> See for instance Davies, M., "The reintegration of elderly prisoners: an exploration of services provided in England and Wales", in *Internet Journal of Criminology*, 2011, ISSN 2045-6743 (Online).

The following table captures the age groups of our respondents in three different periods: the age group during genocide, the age group when they were imprisoned for genocide, the age group when they were released and the age group at the time of this research (end 2013).

**Table 2: Classification of respondents per age groups**

Age group	2013		During genocide		When Jailed		When Released	
	Fr	%	Fr	%	Fr	%	Fr	%
<b>Less than 18</b>	6	1.0%	37	6.2%	18	3.0%	5	0.8%
<b>18-24</b>	4	0.6%	82	13.8%	65	11.0%	23	3.8%
<b>25-29</b>	2	0.3%	107	18.0%	83	14.0%	28	4.7%
<b>30-34</b>	16	2.6%	108	18.2%	88	14.8%	60	10.0%
<b>35-39</b>	47	7.6%	86	14.5%	103	17.4%	84	14.0%
<b>40-44</b>	91	14.8%	88	14.8%	91	15.3%	91	15.2%
<b>45-49</b>	101	16.4%	37	6.2%	62	10.5%	121	20.2%
<b>50-54</b>	114	18.5%	24	4.0%	39	6.6%	58	9.7%
<b>55-59</b>	101	16.4%	14	2.4%	30	5.1%	76	12.7%
<b>60+</b>	134	21.8%	10	1.7%	14	2.4%	52	8.7%
<b>TOTAL</b>	<b>616</b>	<b>100.0%</b>	<b>593</b>	<b>100.0%</b>	<b>593</b>	<b>100.0%</b>	<b>598</b>	<b>100.0%</b>

Figures from the table above show that the dominant majority of respondents to this study are older people. In general, the number of respondents increases as the age itself increases. People aged 60 and above represent 21.8% followed respectively by those between 50 and 54; and 55-59 with respectively 18.5% and 16.4%. Young people – those aged between 18 and 34 represent an insignificant share of respondents with 3.5% of all respondents cumulatively. Children represent only 1%. The under-representation of young people and children in the sample is justified by the fact that children were released either in application of the criminal code or following the President’s decision.

Another lesson from the above figures is that the portion of respondents, especially those aged between 50 and above 60 at the time of their arrest, has drastically increased while the amount of young people has significantly reduced over years. This implies that they have spent many years in jail, which presupposes specific reintegration problems for this particular category. This issue is widely discussed in the next section.

#### 4.5 Distribution of respondents per employment status

Literature on the employment status of ex-prisoners and reintegration is abundant. It is generally believed that the employment status influences reintegration since it has a direct link with the ex-prisoners income and self-dependence. The following table reveals the employment status of ex-genocide prisoners who responded to the research questionnaire.

**Table 3: Distribution of respondents per employment status**

	Frequency	Percent
Unemployed	30	4.8%
Farmers	543	86.9%
Self-employed	18	2.9%
Local government employees	3	0.5%
Central government employees	14	2.2%
NGO employees	1	0.2%
Informal sector	9	1.4%
Retired	3	0.5%
Not specified	4	0.6%
<b>Total</b>	<b>625</b>	<b>100.0%</b>

In light of the findings above, the large majority of ex-genocide prisoners consider themselves as farmers (almost 87% of the total). Only an insignificant portion of respondents among ex-genocide prisoners work for monthly salary.<sup>44</sup> Back to farmers, experience has shown that Rwandans who do not have a monthly salary consider themselves as farmers. However, in the majority of cases, qualitative probing revealed that many of these people do not have or have very limited land.<sup>45</sup> Indeed, authoritative studies in this field have already revealed that the majority of Rwandans have limited land to practice a professional agriculture.

Indeed, the government of Rwanda estimates that 60% of the population is dependent on cultivating farms of less than 0.7 hectares, 50% cultivating less than 0.5 ha, and more than 25% cultivating less than 0.2 ha. This constraint is aggravated by the fact that most farms have multiple, scattered plots<sup>46</sup>. On its side, 2012 Rwanda CFSVA & Nutrition Survey, the smaller the plot of land cultivated the higher the likelihood of having a low food consumption score. The study shows that 55% of farming households cultivated less than 0.5ha in rural areas. These households account for 70% of rural households with poor food consumption, 73% of households with access problems and 67% of rural households with unacceptable food consumption (poor and borderline). 84% of rural households that have poor food consumption either farm no land or farm less than 0.5ha<sup>47</sup>.

<sup>44</sup> The qualitative data clearly show that these are people who were jailed in relation to genocide, but who were acquitted by the courts.

<sup>45</sup> This was namely revealed in Focus Group Discussion organized with genocide ex-prisoners in Bugesera on April 18, 2014.

<sup>46</sup> Ministry of agriculture and animal resources, *Strategic Plan for the transformation of agriculture in Rwanda- phase II*, Kigali, February 2009.

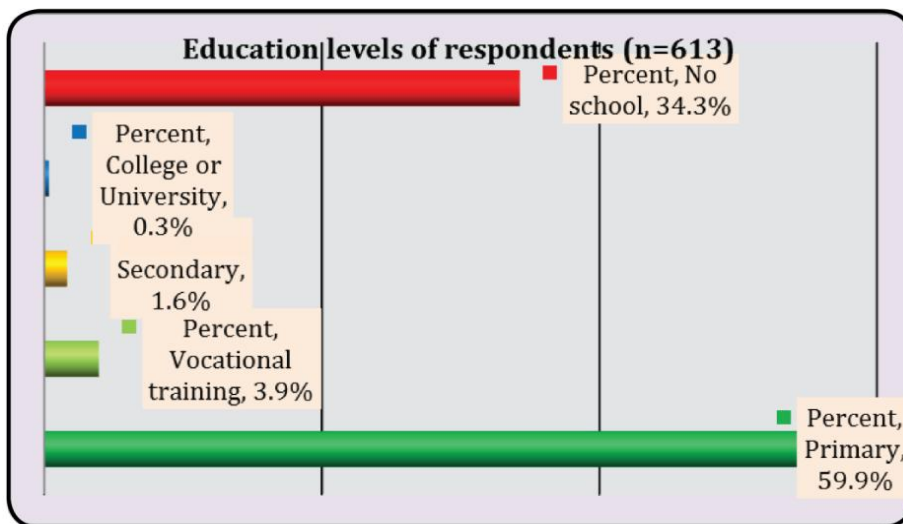
<sup>47</sup> World Food Programme Rwanda, *Comprehensive Food Security and Vulnerability Analysis and Nutrition Survey*, Kigali, December 2012, p. 55.

This situation may be even more critical among ex-genocide prisoners part of whom have failed to recover their land property following family conflicts and divorce among other things as discussed far in the next chapter.

#### 4.6 Distribution of respondents per level of education

Literature on reintegration after prison is convergent that when ex-offenders reintegrate into the community, they face a number of barriers to employment. One of the most important barriers is their capacity to find and maintain an employment, which depends mostly on their education/training level. For this reasons, many correctional services believe that providing ex-offenders with the supports and services they need to find and maintain employment, states can reduce recidivism. Pre prison education level, participation in comprehensive education and employment programming while incarcerated and a continued connection to education and employment services after release have been shown to reduce recidivism.<sup>48</sup> For this reason, using strategies such as progressive sanctions that hold ex-offenders accountable but that also keep them in the community connected to family and employment, can be just as effective, if not more effective, than a costly revocation. When ex-offenders are productively engaged in their communities, working and supporting their families, the community is safer and their families are more economically secure. The following graph provides details on the composition of respondents per their respective education levels.

**Figure 4: Distribution of respondents per level of education**



The findings above show that a very limited number of ex-genocide prisoners have attained secondary and vocational training. The majorities of the respondents (84.2 in total) have either completed only the primary level (59.9%) or have never been to school (34.3%). Out of 613 ex-genocide prisoners who provided information on this particular question, only 2, equivalent to 0.3% have completed higher learning education.

<sup>48</sup> The Reentry Policy Council, *Charting the Safe and Successful Return of Prisoners to the Community*. New York, 2005.

Considering the role of education/training in the reintegration process of ex-offenders, the above figures do not suggest an easier reintegration for ex-genocide prisoners in Rwanda. The next chapter provides details on the status of reintegration in Rwanda.

#### 4.7 *Distribution of respondents per personal monthly income*

One of the most pressing problems that the ex-offender encounters is low or even inexistent personal income that interferes with his/her ability to make a smooth transition to being a productive member of the community. After the offender is released, the problems of lack of employment and therefore lack of meaningful income can persist. When ex-offenders or ex-prisoners have a low income, the chance for reintegration process to succeed is limited. The findings in the following table suggest that the large majority of ex-genocide prisoners earn little money.

**Table 4: Distribution of respondents per personal monthly income**

	Frequency	Percent
Less than 35,000	465	75.5%
35,000 – 69,999	91	14.8%
70,000 – 174,999	39	6.3%
175,000 – 349,999	9	1.5%
350,000 – 699,999	9	1.5%
700,000 – 1056,999	3	0.5%
Over 1057,000	0	0.0%
Total	616	100.0%
Missing	9	

The study findings reveal that the large majority of ex-genocide prisoners have a very limited personal monthly income. Considering the average salary disposal after tax in Rwanda,<sup>49</sup> the above findings show that ex-genocide prisoners are predominantly poor. The level of personal income for ex-genocide prisoners does not match with the size of their households as well as their responsibilities as revealed in the following sub-section.

<sup>49</sup> See MIFOTRA and MINECOFIN’s data for details.



#### 4.8 Repartition of respondents per marital status and size of the household

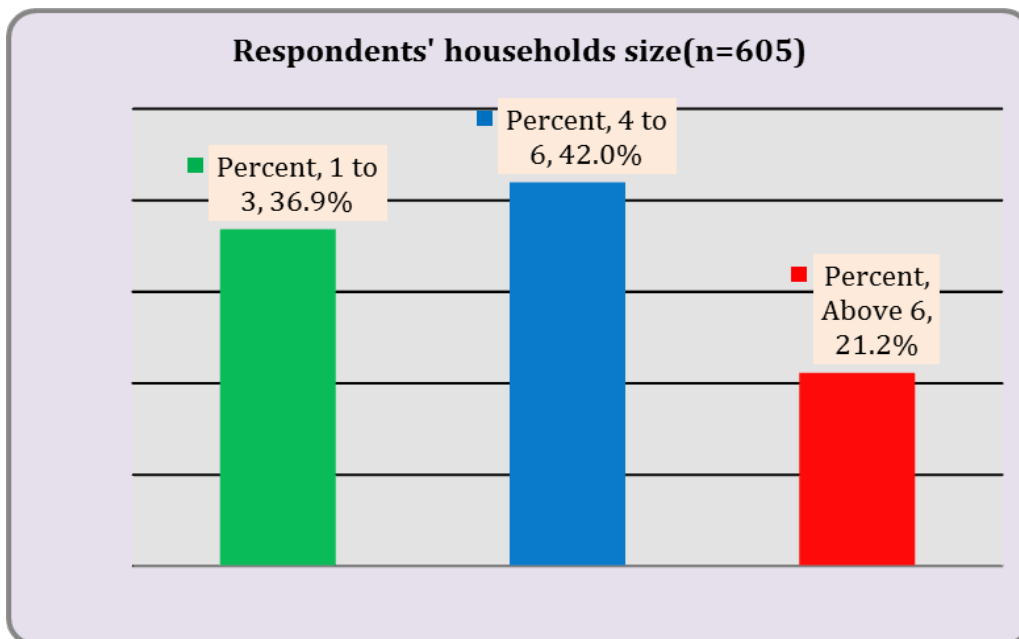
The following table shows the distribution of respondents per their respective marital status.

**Table 5: Distribution of respondents per marital status**

	Frequency	Percent
Married	578	93.1%
Single	15	2.4%
Widower	22	3.5%
Divorced/separated	6	1.0%
Total	621	100.0%
Missing	4	

The predominant majority of ex-genocide prisoners that filled the questionnaire are married. These represent 93.15 of the total respondents. The study row data show that of all the 568 married people among the surveyed ex-genocide prisoners, 85.4% are legally married while the rest, representing 14.6% are not. Overall the size of their households is bigger than the national average.

**Figure 5: Distribution of respondents per sizes of their respective households**



Overall, the findings from the above graph reveal that the majority of ex-genocide prisoners come from most populated households. These represent cumulatively 63.2%. While the national average of households size is 4.3 persons,<sup>50</sup> many respondents among ex-genocide prisoners (42%) live in households that count between 4 and 6 persons, while another significant share among them come from households that have more than 6 people. Compared to the income as discussed above,

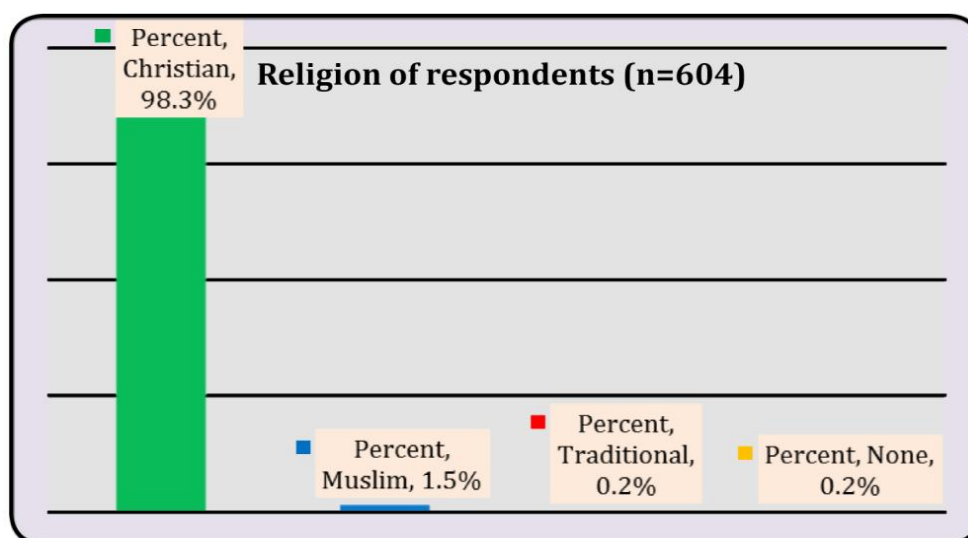
<sup>50</sup> General population and housing census in Rwanda, 2012.

These households are too big and are likely to turn into a serious burden in terms of reintegration of ex-genocide prisoners. Furthermore, the row data show that almost 96% of all ex-genocide prisoners are heads of households, which stresses their primary responsibility in their own reintegration.

#### 4.9 Distribution of respondents per religious affiliation

At the heart of many religious beliefs, including Christianity that is dominant in Rwanda, lie the concepts of repentance and change. The God who ‘forgives those who truly repent’ works through a set of beliefs that bear witness to the fact that human transformation is possible. Reintegration being all about the capacity to readapt and therefore change, the study sought to know whether respondents – ex-genocide prisoners- are affiliated to any of the religions that are present in Rwanda as displayed in the following graph.

**Figure 6: Distribution of respondents per religious affiliation**



Not surprisingly, a large majority of ex-genocide prisoners (98.3%) are members of Christian organizations while an insignificant share of other respondents are Muslim (1.5%). As elaborated in the next chapter, religious beliefs may have played a significant role in encouraging genocide perpetrators to confess and reveal their responsibility.<sup>51</sup>

<sup>51</sup> Focus Group Discussions with genocide ex-prisoners, relatives and community members, Nyamagabe, May 17, 2014.

#### 4.10 Residential locations of ex-genocide prisoners (during and after genocide)

Assessing the status of reintegration of ex-genocide prisoners requires that one knows whether these have gone back where they used to live during genocide or whether they changed their residential locations. Indeed, reintegration is partially about going back to the same community and feeling accepted. In order to escape from public shame after imprisonment for genocide, many genocide perpetrators or responsible may have chosen to resettle in areas where they are not known or not known at all. The findings in the following table show that a big majority of ex-genocide prisoners went back where they used to live during genocide.

**Table 6: Residential locations of ex-genocide prisoners) during and after genocide**

	<i>Frequency</i>	<i>Percent</i>
<b>Same location</b>	567	94.3%
<b>Different location</b>	34	5.7%
<b>Total</b>	<b>601(declared)</b>	<b>100.0%</b>

The fact that a large majority of ex-genocide prisoners live in places where they used to live before and during genocide lays a good foundation for neighbors and genocide survivors to assess the former's reintegration status in a more effective way. Indeed, it would be less appropriate for someone who have never met or knew or interacted with a genocide ex-prisoner and ask him to assess the reintegration process.

Figures in the above table were confirmed by qualitative data, especially in rural areas. Discussions in Kamonyi, Nyamagabe and Bugesera showed that many ex-genocide prisoners are well known of their neighbors. On the contrary, in Kigali it was very difficult for genocide survivors to identify a single genocide former prisoner!<sup>52</sup>

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<sup>52</sup> Group discussions of May 2014.

## PART II: STUDY FINDINGS

### CHAP. V. UNDERSTANDING THE BACKGROUND TO THE RELEASE MEASURE

For more than a decade, Rwanda has been releasing hundreds of thousands of genocide prisoners as part of an effort to deal with a very large number of prison populations, long term imprisonment and to encourage national reconciliation and healing processes. Today, several released ex-genocide prisoners continue to live on their hills alongside those they directly or indirectly wronged, i.e genocide survivors, and other community members respectively. Prior to embarking on the assessment of reintegration of ex-genocide prisoners per say, it is more than important to have a better understanding of the background to the release measure. In doing so, this chapter seeks first to delineate, one after one, a complexity of factors, sometimes interconnected, which prompted, in a way or another, this release measure. It then proceeds by delineating the release measure per say by putting a particular emphasis on the time when the idea started to emerge in the political discourse and what its practice implies throughout.

#### *5.1 Factors which prompted the release of ex-genocide prisoners*

The measures taken some years back by the Government of Rwanda to release some categories of ex-genocide prisoners was not accidental, neither was it a result of a top-down leadership as some researches<sup>53</sup> tend to affirm. Rather, as this study illustrates, it is a fruit of a long process which sought to respond to a complexity of citizenry demands for better governmental responses to the issues of prison overcrowding, understaffed prison system, long-term imprisonment and the resulting consequences, and more importantly, the need for restorative justice versus retributive justice as discussed below.

##### *5.1.1 Prison overcrowding*

The immediate aftermath of the 1994 genocide against the Tutsi was characterized by population's demand, in particular genocide survivors and other community members, for a criminal prosecution of all alleged genocide perpetrators<sup>54</sup> as a means to definitely put an end to impunity which had previously characterized successive regimes for a long time. In response to this demand, and more importantly due to the post-genocide government's commitment to end impunity, the post-genocide era saw genocide suspects increasingly being sent to prison. Moreover, it was even largely assumed that a far greater number of suspects remained free and that they too will have to be held accountable<sup>55</sup>. Thus, as time went by, the number of suspect genocide perpetrators sent to prison within Rwanda never ceased to increase as new arrests were being made, hence quickly resulting into prisons overcrowding. For instance, between 1999 and mid-2002, the number of suspects detained on the suspicion they had accounts to make regarding their alleged role in the perpetration of the genocide against the Tutsi was above 86,000<sup>56</sup>. Due to the increase of new arrests, in year 2002,

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<sup>53</sup> According to PRI (2014), the measure to release genocide ex-prisoners was a result of top-down leadership.

<sup>54</sup> Schabas, A.W (2005). Op.Cit, p.2

<sup>55</sup> Schabas, A.W. Op.Cit, 2

<sup>56</sup> Luyt, W. (2003), "Genocide in Rwanda: Detention and Prison Involvement" in "Acta Criminologica" 16 (4) 2003, Technikon SA

The occupancy level of Rwandan prisons was 202.4%<sup>57</sup>, far beyond their normal hosting capacity. Alluding to this situation and mostly to its complex consequences, Clark<sup>58</sup> observed that, by end of year 2002, the situation in Rwandan prisons was becoming more complex and less sustainable.

Owing to the fact that prisons were overcrowded by active but unproductive population, there were, on the one hand, increasing complaints by some members of the general population that genocide suspects in prison had become an insupportable financial burden to the Government which had to regularly feed them and cater for their clothing and health care. For instance, in 1999, about 86,000 genocide suspects in prisons cost Rwanda 2 % of its national budget, but still this budget was not even enough to provide them with regular food<sup>59</sup>, let alone other medical and clothing needs. This situation suggested that the budget impact to deal with this situation was to significantly increase as new arrests were being or were yet to be made. Yet, the Government had several other post-reconstruction needs and priorities to attend to, including the needs of genocide survivors and other members of the general population.

In regard to genocide survivors, it is worth recalling that apart from destroying hundreds of thousands of lives, the 1994 genocide against the Tutsi left amongst genocide survivors a big number of orphans, widows, mentally and physically handicapped, the traumatized and people infected with HIV and AIDS, to name but a few, who were also in need of Government's attention and support. Considering that every family of genocide survivors is allegedly a victim in a way or another<sup>60</sup> of such consequences, it is clear that the number of those who expected the Government's support was very high.

On the other hand, and mainly due to overcrowding, the Rwandan prison system was also faced with the issue of limited resources such as healthy food supplies, medical material and clothing<sup>61</sup>. Therefore, other members of the general population, namely relatives of genocide prisoners, were increasingly complaining about the Government's incapability to adequately feed their detained relatives, let alone providing them with clothing and medical care, a responsibility that *de facto* fell to the former. Yet, some families already suffered from the fact that their relatives in detention were not contributing to households keeping and community livelihoods. As Kiwuwa observed, it is alleged that, in Rwanda, every family of non-survivors has or has had a relative in prison on grounds of their alleged role in the genocide against the Tutsi<sup>62</sup>. Basing on this observation, the number of those affected by this issue was visibly so big and this magnitude suggested once again the far-reaching consequences the genocide against the Tutsi had on the Rwandan society at large.

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<sup>57</sup> Luyt, W. Op.Cit, p.104

<sup>58</sup> Clark, Op.Cit, p.100

<sup>59</sup> UN (1999), *Report on the situation of human rights in Rwanda submitted by the Special Representative, Mr. Michel Moussalli, pursuant to resolution 1998/69*. UN doc.E/CN.4/1999/33, § 30

<sup>60</sup> Kiwuwa, 2012, p.135

<sup>61</sup> Ibid

<sup>62</sup> Kiwuwa, 2012, p.135

Arguably, the prison system overcrowding equally raised questions amongst genocide survivors, than it did amongst relatives of genocide prisoners and members of general population. As it unfolds from the previous, there were too many but complex expectations from the post-genocide Government given the fact that all concerned groups looked up to the latter for an inclusive response to their diverging needs. Having irreversibly committed to advancing unity and reconciliation, The Government of Rwanda was very cautious about its response as it avoided attending to the needs of one party without attending to those of the other. This was essential to avoid reigniting social tensions and therefore paved a way to a more sustainable national reconciliation process. After all, and though the nature and level may vary, every government in the world bears responsibilities for all its citizens, regardless of their status of wrongdoers.

## *5.2 Understaffed prison system*

Apart from the challenge of overcrowding and limited Government capacity to meet prisoners' needs, the Rwandan prison system was gradually faced with the issue of understaffing and or poor training capacity<sup>63</sup>.

In fact, prior to the 1994 genocide against the Tutsi, the country's judiciary system counted, in total, only 700 judges and magistrates<sup>64</sup>. Out of this number, only 50 had a proper legal experience and formal legal education<sup>65</sup>. However, as the genocide ended in July 1994, this number has drastically reduced. As of September of the same year, the whole country counted only about 20 lawyers with genuine legal education<sup>66</sup>. The rest of the 700 judges and magistrates the country counted before the year 1994 had either been killed during the genocide against the Tutsi and or during the liberation war as a consequence of the genocide, whilst another good number has fled the country to either escape from the genocide and or to seek asylum from foreign countries. Incontestably, the genocide has even worsened the impoverishment of the country's justice system which even prevailed before 1994<sup>67</sup>.

One major consequence of the understaffing of the Rwandan prison system included the fact that the country quickly found itself in the incapacity to respect the provisions of its own criminal law, let alone other international legal obligations<sup>68</sup>. For instance, in December 1994, a great majority of genocide suspects in detention had not been brought before a judge within five days following their arrest in order to establish the legality of their detention as per the provisions of the then national criminal code<sup>69</sup>. To Schabas<sup>70</sup>, this situation suggested that a great majority of those suspects in detention were or somewhat run the risk of being held illegally or held for longer time in prison than provided for by the law.

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<sup>63</sup> Luyt, Op.Cit, p.103

<sup>64</sup> Schabas, A.W (2005). Genocide Trials and Gacaca Courts. Journal of International Criminal Justice, 3. Last accessed on 1<sup>st</sup> June 2014 from [http://english.konferenz-nuernberg08.de/Schabas\\_Genocide\\_Trials\\_and\\_Gacaca\\_Courts.pdf](http://english.konferenz-nuernberg08.de/Schabas_Genocide_Trials_and_Gacaca_Courts.pdf)

<sup>65</sup> Schabas, A.W, Op.Cit, p.5

<sup>66</sup> Schabas, A.W, Op.Cit, p.5

<sup>67</sup> Morris, M.H (1994). "The Trials of Concurrent Jurisdiction: The Case of Rwanda", 7 Duke Journal of Comparative and International Law, 349  
See also Carroll, C. M,O (2000). "An Assessment of the Role and Effectiveness Of the International Criminal Tribunal for Rwanda 1994", Boston University International Law Journal, 163

<sup>68</sup> Schabas, A.W, Op.Cit, p.5-6

<sup>69</sup> Schabas, A.W, Op.Cit, 6

<sup>70</sup> Ibid

Another major consequence of this situation was delayed justice. Indeed, it has been reported that, between 1996 and mid 2002, only 6000 genocide suspects had domestically stood for trial<sup>71</sup> countrywide. It is worth mentioning that 2,406 genocide suspects out of those trialed so far had been trialed throughout till year 2000 by special genocide courts under the 1996 legislation which first categorized genocide suspects according to their degree of participation and level of responsibility either in the planning and or perpetration of the genocide against the Tutsi<sup>72</sup>. Whilst this number of trials rendered domestically was considered by some optimistic outsiders as being very impressive compared to the records of trials made by national courts in some European countries such as Germany, Austria and Italy in the 10 years following the end of World War II<sup>73</sup>, it was not at all encouraging for many Rwandans and some outsiders eager to see justice timely done. Aware of this prosecution pace, in 2000, several justice experts estimated that it would take a minimum of 100 years before all genocide suspects could be brought to trial<sup>74</sup>.

In these circumstances, delayed justice suggested that several genocide survivors would never see justice done during their life time as the average life expectancy for Rwandans by that period was below 50 years. Besides, delayed justice suggested that several thousands of genocide suspects or their accomplices yet free in the outer world will never be unmasked and brought before for justice. This situation raised generalized fear, on the one hand, that several thousands of suspects will go unpunished. On the other hand, genocide survivors and other witnesses feared about their personal physical security. Cases had been reported in some parts of the country where genocide survivors or other direct witnesses had either been killed or attempts to take their lives made by genocide suspects eager to suppress any evidences against them. Therefore, delayed justice meant that those free suspects will never be unmasked and that security threats targeted at genocide survivors and other direct witnesses will continue.

On the other hand though, delayed justice suggested that many genocide suspects would last longer in prison than provided for by the law. Besides, thousands of genocide prisoners, including innocent people, could be prevented from adequately benefiting from rehabilitation and or reintegration programs. Visibly, the longer the issue at hand and the resulting consequences, the more difficult the national reconciliation process was.

### ***5.3 Shortcomings of the retributive justice and the need for restorative justice***

Of the other factors discussed far above, the shortcomings of the retributive justice and subsequently the need for restorative justice remain the most important factor which prompted the measure to release some categories of ex-genocide prisoners. In fact, although genocide survivors and some members of the general population were convinced on the need to hold genocide suspects in jail until their trial, they, in particular genocide survivors, were at the same time suffering from the detainees' incapability to publicly tell the truth about their crimes<sup>75</sup>. To a greater extent, delayed justice or awaiting trials were a result of the fact that the prosecution was not at all helped by the classical national judiciary system.

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<sup>71</sup> Luyt, Op.Cit, p.104 See also Manyok, P. (2013), *Gacaca Justice System: Rwanda Quest for Justice in the post-genocide Era* Last accessed on 1<sup>st</sup> June, 2014 from ...

<sup>72</sup> UN (2000). *Report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operations in Rwanda*

<sup>73</sup> Morris, M.H (1997),

<sup>74</sup> **Ibid**

<sup>75</sup> **Ibid**

Due to its retributive nature, the Rwanda's classic judiciary system applied repression of offences instead of rehabilitation meant to bring back to the right path those citizens who committed or were manipulated to commit crimes during the genocide but had expressed remorse about their wrong deeds. Although the number of those genocide suspects who had confessed to their crimes either as a result of the guilty plea approach established by the Government of Rwanda under the "Confession and Guilty Plea Procedure" provided for by the 1996 legislation, or as a result of other non-state actors' initiatives had quickly increased, retribution remained dominantly in practice. Between the year 1997 and 2000, the recorded number of genocide suspects who confessed to their crimes had passed from 500 to 20,000<sup>76</sup>. Though the confession and guilty plea approach at the heart of the 1996 legislation brought about the desired effect, i.e revealing the truth about roles of genocide suspects in the perpetration of genocide and degree of responsibility, new issues arose as the "Rwandan justice system had trouble exploiting the larger number of confessions"<sup>77</sup>.

As a consequence of the situation depicted above, the judiciary apparatus was not able to punctually bring those who confessed to their crimes before courts in order to stand for trial as per the provisions of the 1996 law. Until early 2000, out of the 2,406 trials by genocide special courts, a sum total of 14.4% of genocide suspects received a death sentence, whilst 30.3% were sentenced to life imprisonment against 34 % who were given a term sentence ranging between 20 years and one year<sup>78</sup>, while the remaining 19% were acquitted<sup>79</sup>. Despite these efforts, the number of trials remained far below the number of confessions made so far.

Whilst the figures above illustrated the extent to what the nature of justice in Rwanda by then was dominantly retributive, they also brought in surface the major shortcomings inherent in the so called modern criminal justice in terms of dealing with larger number of public confessions. With regard to the effect of the confession program, some external commentators argued, in 2000, that if genocide suspects had the certainty that their confession would lead to a timely treatment of their case by specialized courts, and eventually release, there might have been more confessions<sup>80</sup>. But the major concern of the Rwandan Government and its people was not to achieve a greater volume of confessions for the sake of doing it, rather to achieve a highest possible number of sincere confessions as a means to unlock truth telling about the past and hence advance the country's agenda for national reconciliation and healing. Besides, there were concerns about the safety of genocide prisoners who had confessed to their crimes but were still mixed up with the general prison population who had not confessed yet<sup>81</sup>. Thus, the need to reassure all those detained genocide suspects who had confessed to their crimes of their safety and to protect them from reprisals became eminent.

As some experts have observed, one of the legacies of the protracted Rwandan conflict is that it polarized Rwandans along ethnic lines<sup>82</sup>. To Manyok<sup>83</sup>, this suggested that delivering justice in the aftermath of the genocide under the normal national judicial system, dominantly retributive, was not easy at all since it was quite difficult to find neutral judges and witnesses during the trial,

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<sup>76</sup> Schabas, Op. Cit, p.9

<sup>77</sup> Schabas, Op.Cit, p.9

<sup>78</sup> UN (2002)

<sup>79</sup> Ibidem

<sup>80</sup> Schabas, A.W, Op.Cit, p.9

<sup>81</sup> Ibid

<sup>82</sup> Manyok, Op.Cit, p.3

<sup>83</sup> Ibid



partly due to unhealed wounds for those directly affected by the genocide or due to the closeness of those involved in the trials, i.e judges and witnesses, with genocide suspects. Arguably, the retributive justice applied by the judicial system until the end of the 1990s did little to encourage a sustainably national reconciliation and healing process among Rwandans.

Arguments about the shortcomings of the classical judiciary system put a particular emphasis on the fact that it did not enable full and open participation of citizens in the trial processes<sup>84</sup>. The limited participation of citizens was partly attributed to the fact that its architecture gave much if not all powers to judges and or magistrates than it actually gave to the population who, in some cases, had witnessed the perpetration of the odious crimes of genocide, either because they were direct targets or were non-target observants. Visibly, the then prevailing judicial system denied the chance to the population who had witnessed what has happened to achieve justice needs both for genocide victims and all other persons suspected of genocide crimes and or complicity. There were also concerns among government officials that, under the classical judicial system, some arrests were made based on passion rather than on evidences<sup>85</sup>.

In many regards, it had become self-evident that the classical national judicial system, under which trials were made until 1999, was not going to effectively address the issue of long-term imprisonment and sustainably meet the societal needs of national reconciliation and healing<sup>86</sup>. It had equally become self-evident that the needs for national cohesion and reintegration processes<sup>87</sup> will never be effectively met. Thus, the Government of Rwanda had to gradually look for alternatives to long-term imprisonment, and giving a second chance to genocide prisoners to reintegrate their families and communities under the framework of restorative justice mechanisms was deemed the best way to go about this.

Clearly, the complex factors examined earlier played a great deal in bringing about the release measure which is being discussed in the next section.

#### **5.4 Release measure per say**

Although the decision to release ex-genocide prisoners was officially taken in early 2013, its genesis dates back to the end of the 1990s. In fact, in 1997, Paul Kagame, then Vice-President of the Transitional Government, had already declared his intent to see alternative methods to long-term imprisonment and transitional justice being introduced in Rwanda<sup>88</sup>. In this regard, Paul Kagame gave, at that time, an example of some form of community service orders, hence reaffirming the political will that conditional release ought to be considered as an alternative to retributive justice and long-term imprisonment. However, despite this clear political intent, it took nearly 6 years before not only conditional but also unconditional release measures could be adopted and come into force. On 1 January, 2003, a presidential decree ordered the release of various categories of detained genocide suspects<sup>89</sup>. The concerned categories included the elderly above 70s and the chronically sick whose health condition had been attested as unsustainable by competent medical authorities.

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<sup>84</sup> See Schabas, Op.Cit, p.9 See also the preamble of the 2001 Organic law determining the nature, organization and functioning of Gacaca Courts

<sup>85</sup> See the preamble of the 2001 Organic law determining the nature, organization and functioning of Gacaca Courts

<sup>86</sup> Manyok, Op.Cit.

<sup>87</sup> Schabas, A.W, Op.Cit, p.6 See also the 2001 organic law determining the nature, organization and functioning of Gacaca Courts

<sup>88</sup> Schabas, A.W, Op.Cit, p 10

<sup>89</sup> PRI (May, 2004), *From Camp to Hill. The Reintegration of released prisoners*, Kigali, p.16

Also targeted by this release measure were all prisoners who were minors, i.e were aged between 14 and 18 during the time genocide crimes they were being prosecuted for were committed<sup>90</sup>. In addition, the release measure was also targeted at any other genocide prisoner who had stayed longer in prison than provided for by the Gacaca organic law, and it clearly stated that they should be immediately released provisionally while waiting their trial.

Owing to the retroactive effect of the presidential decree, the category of prisoners targeted by this release measure was extended to include all genocide prisoners who had confessed to their crimes and had been trialed well even before the promulgation of the 2001 Gacaca organic. In particular, the presidential order requested that this category of genocide prisoners be entitled to the same advantages as those given to prisoners who confessed under the Gacaca organic law. However, the communiqué clearly stated that only imprisoned genocide suspects whose confessions complied with the provisions of the Gacaca organic law<sup>91</sup> should benefit from the release measure.

To ensure that the release measure is effectively implemented, the presidential order further requested competent judicial authorities to examine, within a period not exceeding one month after the communiqué release, whether confessions by target genocide prisoners were done in accordance with the Gacaca organic law provisions. In case it was found that the confession was made in conformity with the provisions of the earlier mentioned law and that the prisoner was ready to appear before Gacaca courts for truth telling<sup>92</sup> and seeking community forgiveness, the order requested that they should be immediately released provisionally while waiting their trial.

Not targeted by this release measure were all genocide prisoners who had confessed to their crimes but belonged to the first category of genocide prisoners, exclusively comprised of planners, organizers and rapists<sup>93</sup>.

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<sup>90</sup> Ibid

<sup>91</sup> This release measure also concerned any other person not accused of genocide crimes. More particularly, it targeted those detained on the ground of non-political crimes and infiltration crimes, who had spent more time in prison than provided for by the law. This category was also to be conditionally released and await their trials out of prison. This category is not being considered by this study, since our focus is only on the genocide crimes.

<sup>92</sup> Clark, P., Op. Cit, p.101

<sup>93</sup> Ibid

Following the implementation of the release measure articulated in the presidential order, Rwanda has since been releasing and continues to release thousands of genocide prisoners. As of the writing of this report, a sum total of 107,532 genocide prisoners have been released countrywide as it is being illustrated by the table below:

**Table 7: Release of ex-genocide prisoners between year 2003 and 2014**

No.	Name of Prisons	Year and number of genocide prisoners release											Total	
		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013		2014
1	Muhanga	1568	-	1 895	487	10 300	718	942	847	52	168	102	37	17 116
2	Musanze	102	43	122	582	1074	64	84	34	18	18	15	6	2 162
3	Gicumbi	110	47	58	183	1 179	176	106	20	71	21	22	9	2 002
4	Nyamagabe	205	95	728	484	3 143	1 198	925	613	575	731	622	257	9 576
5	Ngoma	12	16	17	286	2 343	149	190	31	51	55	39	6	3 195
6	Huye	2 861	1 131	2 821	804	12 370	2 116	1 572	803	407	716	583	128	26 312
7	Rwamagana	2 342	52	3 222	565	1 687	898	514	312	170	286	249	87	10 384
8	Bugesera	3 781	204	3 918	437	3 053	409	350	65	118	208	217	67	12 827
9	Nyanza	-	-	-	-	823	434	457	407	224	223	247	119	2 934
10	Nyarugenge	822	101	888	173	1 882	268	138	88	36	29	17	8	4 450
11	Gasabo	800	102	2 961	434	3 247	787	368	209	57	121	84	51	9 221

12	Rusizi	401	239	553	317	610	519	20	142	86	61	98	40	3 270
13	Rubavu	714	22	252	284	1 039	150	197	48	30	121	55	46	2 958
14	Nyagatare	-	1	-	108	877	115	13	-	-	4	4	3	1 125
	<b>Total</b>													<b>107 532</b>

Source: Data from the Rwanda Correctional Services, November 2014

## *5.5 Impact of the release measure on the judicial system and functioning of Gacaca Courts*

According to the Penal Reform International<sup>94</sup>, the presidential order to release some specific categories of genocide prisoners far above indentified had a major and wide-ranging impact on the functioning of the Gacaca courts, community services as well as on the functioning of the prison and judicial systems in Rwanda in general.

In fact, the decision to release some categories of ex-genocide prisoners coupled with four years experience of Gacaca courts piloting, paved a way to the amendment, in 2004, of the 2001 Gacaca organic law<sup>95</sup>. Part of the major changes effected in the amended law related to the sentences of genocide suspects. In particular, conditional release was introduced under the new law governing Gacaca Courts. More concretely, the amended law considered “the possibility of passing a suspended sentence, which could be associated with the obligation to carry out community service”<sup>96</sup>, hence giving shape to the nature of conditional release which was to be introduced.

Among other things, the amended Gacaca organic law considered community service as an alternative to long-term imprisonment whereby the sentence of the detainee may be reduced and converted into an obligation to carry out community orders for those genocide prisoners who have spent part of their term sentence in prison. In this regard, the release measure considerably reduced the general prison population, hence partly addressing the issue of prison overcrowding. As far as justice is concerned, the release measure had an effect of speeding up the processing of case files for genocide prisoners who had confessed to their crimes, hence leading to the expedition of their prosecution.

In conclusion, it clearly unfolds from the previous that, though the decision to release ex-genocide prisoners was unilaterally taken by the Government<sup>97</sup>, it was rather a response to a complexity of citizenry demands for better governmental responses to a range of issues affecting them in a way or another with regard to the long-term imprisonment of genocide suspects. Those issues included prison overcrowding, understaffed prison system, shortcomings of the retributive justice and the resulting consequences such as delayed justice and long-term imprisonment, and more importantly the need for a restorative justice as earlier discussed under this chapter. In this regard, the measure to release ex-genocide prisoners is not merely a result of a top-down leadership as it sounds to be.

The next chapter examines pre and post release reintegration of ex-genocide prisoners as a continuum.

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<sup>94</sup> PRI, Op.cit, p.18

<sup>95</sup> PRI, Op.Cit, p.8 See also Schabas, Op.Cit, p.16 .

<sup>96</sup> PRI, Op.cit, p.7

<sup>97</sup> PRI, Op.Cit, p.61

## CHAP. VI. PRE AND POST-RELEASE REINTEGRATION:

### 6. Programs underwent, release conditions and immediate destination

In this study, reintegration of ex-genocide prisoners has been approached as a continuum of two major steps, notably pre and post-release reintegration. Pre-release reintegration, alternatively named “custodian reintegration” refers to a range of support programs brought to ex-genocide prisoners either by state and non-state actors during their imprisonment in a bid to rehabilitate them and prepare them for a citizenry and law abiding life once in the outer world. On the contrary, post-release reintegration refers to any type of support programs which has been brought to former genocide prisoners after their release either at the end of their custodial sentence or as part of a conditional release program meant to prepare them for best adapting to the outer-world.

Authoritative researches on reintegration of ex-prisoners have established a causality link between the success of pre and post release reintegration programs underwent by ex-prisoners, and their release conditions. Drawing on some of their findings, this chapter examines any relevant pre and post release reintegration preparation programs underwent by the surveyed ex-genocide prisoners and the perceived or experienced impact of those programs onto their reintegration. It also discusses various conditions under which genocide prisoners were released and their immediate destination after release. This chapter subsequently assesses the immediate needs of ex-genocide prisoners and the expectations they had from their relatives, genocide survivors and community members. Finally, it discusses the attitudes of these various categories vis-à-vis returning ex-genocide prisoners and vice-versa.

#### *6.1 Pre-release programs underwent by ex-genocide prisoners*

It is widely recognized that mechanisms to enhance the chances of an offender to successfully reintegrate the society are an essential part of any strategy to reduce recidivism. The word reintegration appears to assume that the offender was well integrated in society prior to his or her imprisonment. Placing offenders in custody alone is not sufficient to solve the problem of crime. Imprisonment only temporarily removes criminals from the community. Most prisoners are freed and many of them relapse into the cycle of crime afterwards. The ultimate goal of corrections is offenders’ successful reintegration into the community. For this reason, offenders are sent to prison not only temporarily as a punishment to make sense of their wrongdoing, but also to receive the rehabilitation necessary to address their needs and behavior problems before being released in the community.

For this to happen, a number of programs have to be implemented during the prison period. The following table summarizes pre-release programs that ex-genocide prisoners benefited from while in jail. These programs and activities were meant to prepare and facilitate better reintegration of ex-genocide prisoners after release.

**Table 8: Pre-release programs that ex-genocide prisoners benefited from during imprisonment period**

	Frequency	Percent (n=594)
Reconciliation sessions	387	65%
Therapy/counseling sessions	370	62%
Genocide commemoration	288	48%
Religious/spiritual assistance	273	46%
Cultural sessions and recreation	200	34%
Visits by external medical staff	186	31%
Involved in prison external income generating activities	183	31%
Involved in prison internal income generating activities	161	27%
Vocational training	95	16%
Alphabetization	92	15%
Visits to prison's library	36	6%
Language training	11	2%
Nothing	24	4%

The findings in the above table suggest that reconciliation and human rehabilitation of ex-genocide prisoners are the two priority programs of which genocide perpetrators benefited from during their stay in prison. But the same findings show that many other activities were organized in favour of prisoners, including recreational and income generating activities performed both from within and without prison.

Examination of the findings above seems to show that vocational training, that is believed to play a significant role in the post-release reintegration, was not given enough attention. The same findings reveal that only 16% of ex-genocide prisoners have undergone vocational training. Among these, only 6.5% were issued with training certificates. Although this figure is encouraging when it comes to the potential of this nature of pre-release reintegration programs on the economic reintegration of ex-prisoners, it remains relatively low.

The study was not able to establish whether the relatively low number of ex-genocide prisoners who underwent vocational trainings during their imprisonment was due to their individual lack of interest in this specific pre-release reintegration program or to the limited capacity of correctional centers to attend to the needs of all prisoners' in this regard. No matter the factors behind, it should be well noted that vocational trainings are designed to provide inmates with useful vocational skills that will assist them in making a better future (in terms of professional career or employment choice) for themselves upon their release. No wonder why some experts consider the potential of vocational training on post-release reintegration as being more relevant than that of formal literacy for this particular category of people. According to Hanson,

Experience from worldwide has shown that literacy education has not had the reformatory influence which is expected from it and that moral and vocational instruction are the most potent of the educational influences in prisoners' reformation.<sup>98</sup> This suggests that no matter how important vocational training is, it is not enough for inmates' future reintegration, as there are other ingredients that contribute to the successful reinsertion and reintegration of law breakers in the community. These ingredients include among others continued contacts between prisoners and their family members, which are being next discussed.

On the contrary, qualitative data have shown a very different picture. Indeed, practical skills that ex-genocide prisoners have gained through vocational training during pre-release period are perceived as the most determining element of their relatively successful reintegration. In the eyes of community members, vocational training of ex-genocide prisoners has been so successful to the extent that other community members envy them, sometimes in a more surprising formula: "*Iyo jenocide irangira akaba aritwe dufungwa*" (*I wish we were jailed after the genocide*)..., declared Bosco, a 50 years aged genocide survivor. When asked to justify his position, Bosco pursued: "...*Bigiyeyo ubumenyi, Leta ibitaho none aho bagarukiye nibo bakire dufite*"<sup>99</sup> (*During their imprisonment, Genocide perpetrators acquired a lot of vocational skills, and we realize that after their release, they are economically better off than we are*).

This opinion that was confirmed later on in another focus group discussion in Nyamagabe district is highly expressive of the success of inmate vocational training. According to ex-genocide prisoners, most programs of the vocational training emphasized enhancing work skills for life after release and short-term training. Indeed, in accordance with the law, prisoners who have committed serious offences and/or have been imprisoned for 6 months and above are not eligible to public service and cannot access public employment.

In such conditions, vocational training is extremely important for future reintegration of offenders. Literature convincingly provides enough examples on the fact that lack of employment on the life of employable people has serious implication on such individuals in particular, and the society in general. Most prison inmates, if not gainfully employed after the expiration of their term of imprisonment will bring about increased criminality. Speaking of the context of Australia, Borzycki and Makkai buttressed this fact by stating that: "*If an ex-prisoner does not successfully reintegrate into the society, there are direct and indirect costs to the community. If prisoners reoffend after release, community safety is compromised through increased crime. There are the costs associated with policing and adjudicating these new offences plus the costs of administering new sanctions. These are far less easily quantifiable or indirect costs to society, such as those borne by the victims of these crimes, those associated with lost economic and community capacity, or through ex-prisoners relying on social services rather than contributing to society*"<sup>100</sup>.

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<sup>98</sup> See for instance Hanson, C., Prison Education – A gateway to nowhere? <http://www.mojuk.org.uk/cahrlesaugust27.html>. Nigerian Prisons Service Annual Report, Abuja, Nigeria, 2009.

<sup>99</sup> Focus Group Discussion with genocide survivors, Bugesera, April 18, 2014.

<sup>100</sup> Borzycki, M. & Makkai, T (n.d.), *Prisoner reintegration post-release*. Canberra, Australian Institute of Criminology



### 6.1.1 Family members' visits

As asserted by Clear et al., “*Improving familial ties and increasing social support are keys to successful reintegration*”<sup>101</sup>. In fact, family visits to inmates facilitate their reintegration upon their acquittal or their social rehabilitation in the event of conviction by a court<sup>102</sup>. It is therefore important that correctional services help the inmates to maintain or re-establish contact with their families. This, of course, is equally important for young and for adult offenders who are primary caregivers for children. Family support for incarcerated individuals is an important issue that receives little consideration in society even though it may be one of the greatest factors for change in the jail system for combating recidivism rates.

While conducting this study, it was hypothesized that increased family support of inmates while incarcerated would have a positive effect on the inmates and their behavior while in jail and later on their reintegration in the community. Quantitative findings regarding how many ex-genocide prisoners had family visit(s) while in detention were rather encouraging as it is being illustrated by the table below:

**Table 9: Ex-prisoners who were visited by their family members**

	<i>Frequency</i>	<i>Percent</i>
<b>Yes</b>	539	89.2%
<b>No</b>	65	10.8%
<b>Total</b>	<b>604</b>	<b>100.0%</b>

A larger majority of ex-genocide prisoners (89.2%) were visited by family members during their imprisonment. Only as few as 10.7% were never visited by family members due to three main reasons such as abandonment by family members or simply the lack of family (35.9%), location of prison far from their home places (34.3%), and financial constraints (15.5%). According to the Rwanda Correctional Services' schedule, all prisoners are visited once a week regardless of the crime or offence they have committed or are accused of. For relatives to ex-genocide prisoners', such visits are believed to have significantly contributed to the latter's reintegration in the sense that they made it possible to keep them informed about their families and communities<sup>103</sup>. The same was confirmed by ex-genocide prisoners who perceived these family visits as a very “*strong emotional support*.”<sup>104</sup> To the former, family members' visits were not only a privileged opportunity to see their beloved ones, and keep informed on changes occurred in their homes during their absence, but also an opportunity to get involved in the decision-making process over some pending family issues.

Studies have already established that family and friends' visits to their detained relatives have a huge impact on the psychological health of the latter. In the past, prison administration practices restricted the number of visits and limited the time that prisoners can spend with their family members. Besides,

<sup>101</sup> Clear, R.C et al. (2013). *American Corrections*, 10th edition, Belmont : Wadsworth Cengage Learning, p.395

<sup>102</sup> Abels. D. (2012). *Prisoners of the International Community: The Legal Position of Persons Detained at International Criminal Tribunals*, Berlin: Springer, p.646

<sup>103</sup> Nyamagabe Focus Group Discussion, May 17, 2014

<sup>104</sup> Interview with Emmanuel Rutagengwa, Volunteer for unity and reconciliation in Bugesera district, April 18, 2014.

They did not pay sufficient attention to the conditions of the visit and the positive emotional impact they have. According to some staff of the Rwanda Correctional Services, prison visits were often treated as a privilege that can easily be withdrawn as opposed to an opportunity for prisoners to re-engage with the community and to prepare for their return. But since the merging of the former National Prisons Service (NPS) and the Executive Secretariat of National Committee of Community Services as an alternative penalty to imprisonment into Rwanda Correctional Services (RCS), which was created under Law N° 34/2010 of 12/11/2010, there is a clear focus on the social reintegration of offenders, which has redirected the attention of practitioners and policymakers to the importance of family contacts.<sup>105</sup>

As discussed above in literature review, social support is a major factor for incarcerated individuals regarding their success upon release. Family is the most influential type of social support. From discussions with ex-genocide prisoners both in Bugesera and Nyamagabe, it was clear that returning prisoners rely on family and that family support can play an important role in successful reentry and reintegration. For these reasons, reentry programs involving families should benefit from a greater understanding of the circumstances faced by family members of former prisoners, the types of assistance that families are able and willing to provide to returning prisoners and the coping mechanisms and support systems these families rely upon.

However, discussions with relatives of ex-genocide prisoners pointed to a weak collaboration and information exchanges between public services in charge of prisoners and families. The same problem was noticed with regard to genocide survivors who claimed not having been prepared enough regarding return back to communities of ex-genocide prisoners.<sup>106</sup> Researchers, practitioners, and policymakers are increasingly realizing that family can be an integral part of the reentry process. For instance, Travis states that “*the imprisonment of millions of individuals and the disruption of their family relationships has significantly undermined the role that families could play in promoting our social well-being*”.<sup>107</sup> However, in Rwanda serious gaps exist in our knowledge about how families react to the return of an incarcerated family member and the type of support that former prisoners receive.

### 6.1.2 Privileged channels of information for inmates

Since most prisoners will be released into the community from which they came, it is essential that ties between their community and the society at large are maintained and encouraged while they are in prison. In addition to visits by family members and friends, access to information regarding various policy changes that occurred or are still occurring during the incarceration period is crucial in facilitating successful reentry after release.

**Table 10: Privileged channels of access to information for ex-genocide prisoners**

	<i>Frequency</i>	<i>Percent</i>
RCS sensitization and information programs	308	61.5%
Media	139	27.7%
Visits by family members and friends	54	10.8%
<b>Total</b>	<b>501</b>	<b>100.0%</b>

<sup>105</sup> Informal discussions, Kigali, May 20, 2014.

<sup>106</sup> Bugesera discussions stressed this more particularly.

<sup>107</sup> Travis, J., *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Washington, DC: The Urban Institute, 2005, p. 120.

Despite the critical role that contacts with families play in the process of reintegration of ex-genocide prisoners, the information on changes were mainly conveyed by two channels respectively RCS sensitization programs and media, specifically radio, TV and newspapers. As declared Pierre, a former genocide prisoner released in 2007, “*Amakuru ahanini twayamenyaga binyuze muri gahunda ya gereza y’ubukangurambaga n’ibitangamakuru*”<sup>108</sup> (we were mainly informed about changes going on at the societal level through RCS sensitization sessions and media programs). Reconciliation, including forgiveness, truth telling and peaceful coexistence were the most dominant themes during these sensitization sessions. It is in this regard that “Reconciliation Clubs” were established within Prisons. These clubs served as a framework for debate and sensitization over the need for truth telling and reconciliation. Public policy reforms were equally and continue to be given due attention within this sensitization framework. As one senior official in the Rwanda Correctional Services put:

*“We consider Prisons as a particular administrative Sector, in addition to the 416 we currently have in Rwanda. This is why we sensitize the inmates on the relevance of any new public policy or reform coming up. Every new governmental policy or program, for instance Ndi Umunyarwanda, is also disseminated within prisons, in a similar way it is done in all administrative Sectors of the country. We believe it is the better way to keep them informed on how the country is being governed and therefore prepare some of them for successful reentry and reintegration upon their release”<sup>109</sup>.*

The above statement corroborates the testimony by surveyed ex-genocide prisoners according to which the most discussed public policies during pre-release sensitization campaigns were Vision 2020, EDPRS, National Policy on Unity and Reconciliation, Gacaca laws, Land Use Consolidation, and the National Cooperative Strategy<sup>110</sup>.

### 6.1.3 Perceived impact of pre-release sensitization sessions

As discussed far above, pre-release programs aim at preparing successful future reintegration of inmates. Training activities, visits by family members, information on national and society programs, sensitization on reconciliation and cohesion to mention but a few are all meant to help prisoners to readapt when back to the community. The following table displays findings on what ex-genocide prisoners consider the impact of sensitization activities had on their attitudes.

**Table 11: Perceived impact of pre-release sensitization sessions**

	Frequency	Percent (n=515)
I regretted my deeds	363	70.3%
I felt the need for begging pardon/I apologized	282	54.7%
I developed sympathy, empathy and compassion towards my victims	201	39.0%
I sensitized my inmates to seek pardon	150	29.1%
They had no impact	37	7.2%

<sup>108</sup> Bugesera, April 18, 2014.

<sup>109</sup> Statement by a senior Official of the Rwanda Correctional Services made during the inhouse validation of this study’s findings at Novotel Hotel on the 2<sup>nd</sup> April, 2015

<sup>110</sup> Bugesera, April 18, 2014.

For the majority of respondents, the most important impact of reconciliation oriented sessions that they benefited during the imprisonment is that they regretted their deeds. A significant share of respondents among this category representing 54.5% said they sought pardon from victims and the Rwandan society in general while other 39% declared having developed sympathy, empathy and compassion towards victims. However, information collected from victims regarding this particular response of ex-genocide prisoners tends not to confirm what the later said. Indeed, in Bugesera and Nyamagabe, group discussions with genocide survivors revealed doubt about compassion and empathy that ex-genocide prisoners feel about them. Statements from survivors show that peaceful coexistence between the two groups is more a result of the government vigilance than real change that genocide perpetrators achieved: “...*Tubana neza kubera ko Leta ariko ibishaka, ntabwo abatwiciye bigeze bahinduka... Nta kibitugaragariza*” (we coexist peacefully not as a result of genocide perpetrators change, but because the government wants us to coexist...We don't see encouraging indicators of this change), insisted a senior man who survived genocide in Bugesera.

## 6.2 Dynamics of post-release reintegration

Prior to assessing the current status of ex-genocide prisoners' reintegration, it was deemed necessary to look not only into the former's release period, but also into their release conditions and their immediate destination after release. The purpose here was to best understand the surroundings of their reinsertion, as a starting point for their new life in the outer-world.

### 6.2.1 Release period

As revealed by the quantitative findings of this study, most surveyed genocide-ex-prisoners were released starting from 2003, year when the presidential decree establishing the measure to release some categories of ex-genocide prisoners was inaugurated. Precisely, 30.2% of surveyed ex-genocide prisoners were released between 2003 and 2005, period corresponding not only to the establishment but also to the enforcement of the release measure and the piloting process of Gacaca Courts.

Interestingly, the largest proportion of surveyed ex-genocide prisoners (61.3%) were released in the period starting from year 2006 onwards, visibly after the countrywide operationalization of Gacaca Courts. Arguably, the campaign run by the Government and other non-state actors in a bid to encourage suspect genocide prisoners to admit to their guilt and hence express remorse about their negative role in the genocide significantly contributed to increasing the number of genocide prisoners' releases. Quantitative findings emanating from the present study illustrate that ex-genocide prisoners released between 2003 and 2013 cumulatively represent 91.5% of the total releases against only 8.4% who were released before the year 2000.

These findings corroborate the data availed by the Rwanda Correctional Services regarding the status of genocide prisoners' release between year 2003 and 2014 as discussed in the previous chapter.

Apart from the fact that the above emphasizes that the release of ex-genocide prisoners has been a progressive process, it also illustrates the high degree of compliance by competent judiciary and or correctional authorities with the presidential decree ordering the release of some specific categories of ex-genocide prisoners.

## 6.2.2 Release Conditions

According to experts, release conditions, when they are well prepared and properly implemented, play a vital role in making possible the reintegration of prisoners returning home. It is generally assumed that when a prisoner on the one hand, and a receiving community on the other hand, are willing to observe the terms of the release, every release condition has its own role or potential in easing the successful reentry and then the reintegration of former prisoners.

From this study, it came out that surveyed ex-genocide prisoners were released under four diverse conditions, notably conditional release, unconditional release, acquittal by court or simply release after serving their term of sentence. Although the data availed by the Rwanda Correctional Services regarding the number of ex-genocide prisoners over the last eleven years was not disaggregated by the latter's release conditions, this study sought to explore the role and potential, if any, each release condition mentioned above is believed to have in terms of easing the successful reintegration of surveyed ex-genocide prisoners.

## 6.2.3 Released after serving their term of sentence

As revealed by the quantitative findings, majority, concretely 47.4% of surveyed ex-genocide prisoners were released after serving their maximum term sentence and were therefore not subjected to any community supervision. Ex-genocide prisoners released under this condition were trialed either by genocide special courts or Gacaca pilot courts and others were trialed by Gacaca courts following their countrywide operationalization. Any genocide suspect trialed by either court and found guilty of genocide-related criminal offences was only released after serving his or her term of sentence in prison.

There seems to be no consensus, worldwide, among post-release reintegration researchers or practitioners on whether prisoners acquitted after serving their maximum term of sentence stand a higher chance of being successfully reintegrated than their peers released under other conditions. However, a recent study conducted in New Jersey, in the United States, found that the rate of recidivism by unconditionally released prisoners was far higher than that of conditionally released prisoners<sup>111</sup>. In Rwanda, this study was not able to identify some experiences related to the potential the release granted to ex-genocide prisoners after serving their maximum term of sentence had on their own reintegration. However, qualitative information gathered through individual interviews and Focus Group Discussion<sup>112</sup> revealed that there were widely shared perceptions among genocide survivors and community members that ex-genocide prisoners released after serving their term of sentence are believed to be more dangerous.

Compounding the widespread perceptions that ex-genocide prisoners released after serving their maximum term of sentence are more dangerous than those released under other release conditions is, on the one hand, the view that some of the former have either superficially confessed to their crimes or simply never confessed. In this regard, it is believed that some may not have made sense of their wrongdoings to both their victims and the victimized society at large and can therefore reoffend if an opportunity arises. Drawing on this belief, there was a largely shared perception among the general public in general and genocide survivors in particular that the likelihood of genocide ideology and related

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<sup>111</sup> Siegel, L.J & Warral, J.L (2014). *Introduction to Criminal Justice*, 14<sup>th</sup> edition, Belmont, Wardsworth Cengage Learning, p.549

<sup>112</sup> This point was unanimously made during personal interviews and focus group discussions held at all sites of field qualitative data collection

practices among unconditionally released ex-genocide prisoners was higher than among any other category.

On the other hand, there is a shared belief that unconditionally released ex-genocide prisoners are aware that they are not formally subjected to any community supervision. Consequently, some if not most of them feel quite often like they can do whatever they like, even when they know that it is not at all law-abiding. Some informants also believe that ex-prisoners released under this condition quite often feel like they have completely served their term of sentence and that they therefore owe nothing to their victims and the victimized society at large as far as their own role in the reintegration process is concerned. Instead, furthers this argument, they tend to victimize themselves as some of them behave as if it is their victims and the victimized society at large that are indebted to them in this regard.

Although the above argument is not substantiated by any fact, it clearly suggests knowledge gaps and hence calls for the need for further studies to deeply examine the causality link between the reintegration status of ex-genocide prisoners and their release condition. Meanwhile, there is a consensus amongst the general public that a minimal level of community supervision is needed for any ex-genocide prisoner convicted of genocide related criminal offences, regardless of his or her release condition. Proponents of this deterrence measure regard it as a normal community policing practice under the popularly framework of “Ba ijisho ry’umuturanyi” program which literally translates as “Watch your neighbor”. In this regard, introducing minimal community supervision is nothing else but a security imperative especially if one considers that Rwanda is a post-genocide nation which has fully committed not to seeing genocide happen again.

#### **6.2.4 Unconditionally released**

The second most important release condition comprises of ex-genocide prisoners unconditionally released. This represents 27.4% of all surveyed ex-genocide prisoners. As the naming of their release condition suggests, unconditionally released genocide prisoners were not subjected to any further condition such as carrying out community service orders after their release. However, they had, like any other responsible citizen, the duty to tell the truth about what they knew about the perpetration of the genocide against the Tutsi. Their role in this process was vital as the involvement of every Rwandan was and still it is deemed important to fully unlock the process of establishing the responsibilities for the genocide.

Former genocide prisoners released under this condition essentially include those ones who were not charged with any criminal offences<sup>113</sup> and were therefore released in accordance with the provisions of the release measure established by the presidential decree far earlier discussed. In fact, prior to the announcement of the release measure in January 2003, there was a growing recognition among competent public authorities that due to the lack of public participation in the arrests and trials made under the classical judicial system, some arrests may have been made based on passion rather than on evidences<sup>114</sup>. In this context, it was very possible that some errors or eventually abuses may have occurred in the arrest process, hence resulting in some cases whereby concerned people were held in detention without any official charge against them or even others stayed longer in prison than provided

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<sup>113</sup> Clark, P. (2010), *The Gacaca Court. Post-Genocide Justice and Reconciliation in Rwanda. Justice without Lawyers*, Cambridge: Cambridge University Press, p.100

<sup>114</sup> See the preamble of the 2001 Organic law determining the nature, organization and functioning of Gacaca Courts



for by the law. It is partly on these grounds that genocide prisoners who had stayed longer in prison than provided for by the law were also released under this condition.

Apart from former genocide prisoners who were not charged with any criminal offences or had stayed in prison longer than provided for by the law, the elderly aged above 70s and the chronically sick charged with genocide offences but whose medical condition was attested as not being sustainable by competent medical authorities were also released under this condition. Genocide prisoners who were minor, i.e. were aged below 18, during the perpetration of the genocide were equally released under the same condition. Noticeably, the release of these categories of genocide prisoners was granted on pure humanitarian bases or because the country wanted to comply with the principle of “penal responsibility” respectively.

### 6.2.5 Acquittal by court

A third most important release condition of ex-genocide prisoners is “acquittal by courts”. In fact, former genocide prisoners acquitted represent 18.7% of all surveyed ex-genocide prisoners. This category specifically comprises any former genocide prisoner who was not found guilty of any genocide (related) crime and was consequently acquitted by court.

As it was done for the previous release conditions, the potential the acquittal by court has on the successful post-release reintegration of ex-genocide prisoners was also discussed. Drawing on existing literature in contexts other than Rwanda, pessimistic commentators argue that whether conditionally or unconditionally released, acquitted by court or released after serving their term sentence, all ex-prisoners will face reintegration problems, perhaps at different degrees, on the simple grounds that they once have been in prison. As Conklin<sup>115</sup> puts it, a person with a criminal record, even when found not guilty and hence acquitted by court, will have difficulty finding a job in a same way a person found guilty would find it. Conklin further argues that the main reason behind this rejection is that, in the popular imagination, the arrest itself is synonymous of guilty<sup>116</sup>. In this regard, the possession of information by community members regarding a criminal background of an ex-prisoner can, for instance, lead to a difficult path to his or her entry and eventually reintegration not only into the labor market<sup>117</sup>, but also into the social, political and cultural life of a given society.

Other barriers to the successful reintegration of acquitted prisoners may be inherent in themselves. This is particularly true when acquitted prisoners, in general, have persisting feelings that they have been unjustly held in prison for a prolonged period by the society. As a result, some of them tend to consider that the time spent in away in prison will never come back and that their development prospects will never be the same again and therefore tend to approach the life ahead of them with more pessimism. While gathering qualitative information from the field, it was not possible to interview some acquitted ex-genocide prisoners and gather their perspectives in regard to the above. Future studies could further enquire the extent to what acquittal by court enhances or not the prospects of ex-genocide prisoners’ reintegration.

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<sup>115</sup> Conklin, J.E (1975). *The Impact of Crime*, New York, Macmillan

<sup>116</sup> Conklin, J.E (1975). *The Impact of Crime*, New York, Macmillan

<sup>117</sup> Bushway, S.D et al. (2007). *Barriers to Reentry? The Labor Market for Released Prisoner in Post-Industrial America*, New York: Russell Sage Foundation

Contrary to pessimistic commentators on the potential of acquittal by court on successful post-release reintegration, some genocide survivors and community members met during qualitative data collection in Kamonyi and Nyamagabe Districts were rather optimistic. Though they believe that ex-genocide prisoners acquitted by courts are neither spared by stigma, they however emphasized that this category of ex-genocide prisoners stands a relatively higher chance to be more easily accepted by community members especially if the former were acquitted by Gacaca Courts, and there is therefore no doubt about their innocence<sup>118</sup>. These informants were even aware that, in Rwanda, enforceable laws and policies provide that any ex-prisoner, ex-genocide prisoners inclusive, can still have access to employment in the public sector and practice some professions when their innocence has been proven by a competent court. Drawing on the previous, some informants therefore strongly asserted that acquitted ex-genocide prisoners can less problematically get accepted by community members and hence gain access not only to employment, but also get less reluctantly involved in other social and cultural life within the society.

### 6.2.6 Conditional release

Quantitative findings by this study revealed that a lesser proportion, only 6.5% of surveyed ex-genocide prisoners, was conditionally released. This category includes any ex-genocide prisoners who, during their imprisonment term, had genuinely confessed to their crimes, and were therefore ready to stand for justice and truth telling before Gacaca courts about not only their own responsibility in the perpetration of the genocide against the Tutsi but also about the responsibility of their accomplices<sup>119</sup>.

Unlike in other contexts, for instance in Slovenia<sup>120</sup>, whereby conditional release was granted to a convicted person who has served a considerable number of years of his or her term sentence<sup>121</sup>, conditional release in Rwanda has this exceptional that some of its beneficiaries had never been convicted before. In fact, some of them were only convicted well after their conditional release under the framework of the Gacaca Courts. Though the intent of this study was not to compare the experiences of both countries, one may note that in Rwanda, like in Slovenia, another proportion of ex-genocide prisoners had been convicted and had served almost half of their term of sentence in prison, the remnant years having been converted into a conditional release.

According to experts, it has been proven in some contexts that conditional release can reduce risks of recidivism and hence ease the reintegration of ex-offenders especially when the individual circumstances of every offender are taken into consideration<sup>122</sup>. During focus group discussions and individual interviews, it was consistently recognized by all categories of participants that conditional release has the potential to catalyze proximity between the released prisoner, their families, and the wronged or victimized community, and the individual victims. It was however emphasized that the probability for this proximity to succeed depends, to a greater extent, on the behavior of the returning prisoner vis-à-vis honoring the conditions that he/she was subjected to prior to being released.

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<sup>118</sup> This nuance implies a relatively higher level of trust the public had in the Gacaca courts compared with ordinary courts during the prosecution of genocide-related crimes.

<sup>119</sup> Clark, Op.Cit, p.101

<sup>120</sup> <http://www.lawteacher.net/criminology/essays/conditional-release-in-slovenia.php>

<sup>121</sup> In Slovenia, ex-prisoners benefiting from this measure have often spent more than a half of their term sentence.

<sup>122</sup> Sonja et al. « Prisons and Punishment in Europe » in Genderot, S.B et al. (eds.) (2013). *The Routledge Handbook of European Criminology*, New York : Routledge, p.432



In the Rwandan context, conditionally released ex-genocide prisoners were subjected to more or less similar formal conditions. These ranged among other things from appearing before Gacaca courts for public confessions, truth telling about own role or the role of accomplices in the perpetration of the genocide against the Tutsi, as well as seeking forgiveness from both the public and their individual victims. Besides, the other formal condition was that in addition to going through Ingando, they accept being subjected to a period of community supervision while carrying out community service popularly known under the abbreviation of TIG<sup>123</sup> before being permanently released. Of course, like in any society where early or conditional release is practiced, one more condition, informal though but substantive in nature, consisted in obtaining the parole of the released that he/she will never offend again. This reaffirms the perceived central role of non-recidivism in achieving a successful reintegration of ex-prisoners. In the best of our knowledge, conditional release was a complete novelty in the Rwandan context as far as accountability for mass crimes against humanity was concerned, let alone genocide crimes.

By conditionally releasing some genocide prisoners to their homes and community of origin, it was being anticipated, on the one hand, that the former could regain a place in the Rwandan society less problematically if they had genuinely revealed the truth about what happened by establishing their responsibilities during the perpetration of the genocide as well as the responsibilities of other people they cooperated with but were still free. However, this anticipation has not always been met, as during Gacaca time, it was very often observed that some conditionally released prisoners had only confessed to their crimes in a very superficial manner<sup>124</sup>. Consequently, those found guilty of partially or superficially confessing to their crimes returned to prisons to serve the remainder of their term sentence.

The previous explains perhaps why the proportion of surveyed ex-genocide prisoners who were conditionally released is lower compared to the number of those released under the remaining release conditions far above discussed. In addition to the truth telling condition, it was anticipated that conditional release of those who had confessed to their crimes would serve a catalyst to get more fellow prisoners or their accomplices yet in freedom to genuinely confess to their crimes and hence be eligible for a shortened imprisonment term sentence. No wonder perhaps why the number of acquitted ex-genocide prisoners is the highest, concretely 47.4% of the total releases.

### **6.3 Immediate destination after release**

Understanding the immediate destination of ex-genocide prisoners after their release is very key for a better understanding of the post-release reintegration process. This is particularly true since it allows a better understanding as to whether their reentry into their new destination was immediate or not. In other words, this understanding is vital in as much as it tells how much preparation programs, if any, ex-genocide prisoners have undergone, upon their release, prior to their reentry either into their families, for those who still had them, or into the community of origin.

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<sup>123</sup> Travaux d'intéret general which translates in English as community service orders.

<sup>124</sup> See Clark, Op.Cit, p.210

According to the findings of this study, some ex-genocide prisoners were immediately released from prison to their homes, whilst others had first to go through civic education and reintegration camps known as Ingando, whereas others went through TIG camps prior to joining their families and hence reinterring their communities<sup>125</sup>. This suggests that though the end-destination of all categories of surveyed ex-genocide prisoners was their home/family, their immediate destination following their release was rather function of their release conditions in line with the provisions of the 2003 presidential decree establishing the release measure. All these destinations are being discussed in this sub-section.

### *6.3.1 Family/Home*

As revealed by the quantitative findings of this study, practically a half, i.e 50% of surveyed ex-genocide prisoners, was immediately released to their homes/families. This means that, for this category of ex-genocide prisoners, there was no transition between prison and home and that their reinsertion or reentry into their families and community of origin has been direct.

There exist a couple of reasons as to why the proportion of ex-genocide prisoners immediately released to their homes/families is relatively higher. First, this proportion encompasses a range of ex-genocide prisoners who were unconditionally released, those who were acquitted by courts, and those who were released after serving their term of sentence in prison and were therefore not subjected to any early release measure. Second, when the countrywide operationalization of Gacaca Courts started in year 2006, there were no more Ingando<sup>126</sup>. As a matter of fact, some genocide suspects who were still free but were found guilty by Gacaca courts and hence convicted to a shortened term of sentence never underwent the Ingando after their release. Cases were even reported in some parts of the country, for instance Kamonyi, whereby ex- genocide convicted by Gacaca courts reported for TIG from their homes, suggesting that they were released to their homes. Third, during focus group discussions with ex-genocide prisoners, it was consistently highlighted that at the time of their conditional release, some ex-genocide prisoners preferred, as a result of radicalization, to serve their full term of sentence in prison rather than carrying out community orders.

### *6.3.2 Reintegration camps (Ingando) to family*

As it was highlighted far above, Ingando took place only before the countrywide operationalization of Gacaca courts had started i.e before 2006. In fact, starting from January 2003, genocide prisoners who had confessed to their crimes while in prison were subjected to go through Ingando as a formal condition prior to reentering their families and or community<sup>127</sup> after their release. According to the quantitative findings of the present study, 29, 9% of surveyed ex- genocide prisoners went through this process.

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<sup>125</sup> See about the number of those released by Gacaca Courts at this link: <http://www.umuseke.rw/37-byabakatiwe-igihano-cya-tig-ntibagikoze/>

<sup>126</sup> This information was unanimously revealed by genocide ex-prisoners during Focus Group Discussions in Kamonyi and Nyamagabe respectively in May, 2014.

<sup>127</sup> Clark, Op.Cit, p.100

Going through Ingando prior to reentering one's family was not an accidental measure. In fact, the Ingando served the purpose of imparting civic education to those who were going to be conditionally released, and the emphasis was quite often put on the Rwandan values and the country's history before, during and after colonial time. Besides, the Ingando prepared released genocide prisoners for the new life they were going to embrace in the outer world, including any negative or positive changes occurred in their respective families or in the society at large during their imprisonment and how they shall responsibly behave vis-à-vis those changes. Last but not least, the Ingando prepared them for a more adequate and responsible appearance before Gacaca courts<sup>128</sup>.

Commenting about the impact and potential of Ingando on his post-release reintegration, a 58 years old male ex-genocide prisoner in Nyamagabe stressed:

*“Gucishwa mu ngando mbere y’uko dusubira mu ngo zacu, cyari igikorwa rwose cy’intagereranywa. Kuba twari twarigishijwe ndetse tugategurirwa kuzitwara neza haba mu bibazo ndetse no mu byiza tuzahura nabyo tugeze hanze, byatumye tudahungabana, tukaba tubasha ubu kubaho mu buryo butatugoye cyane. Kubera ko mu guhugurwa twabaga twahawe amakuru ku mpinduka nziza ndetse n’imbi z’ibyaberaga hanze ndetse tukanigishwa n’uko twazabyitwaramo turamutse duhuye nabyo, byatumye na nyuma yo gusubira mu miryango yacu ndetse no mu murungu nyarwanda muri rusange tudahangayika, ubu tukaba muri rusange tubasha kwisanga neza”* (Going through ingando was a critical stage in our reintegration path. Given that the Ingando prepared us for the new life we were going to embrace, including positive and negative changes that occurred in our respective families or the society at large during our absence from home, we have been far or less quickly and less problematically readapting to our new life in the outer world)<sup>129</sup>

Visibly, the above testimony emphasizes not only the preparedness role of Ingando not only for the reentry of ex-genocide prisoners into their family and community of origin, but also for easing their post-release reintegration.

### **6.3.3 Reintegration Camps to TIG**

As it has previously been stressed, the Ingando only took place before the countrywide operationalization of Gacaca Courts in 2006. However, as the Gacaca kicked off, the last cohort of conditionally released ex-genocide prisoners was still undergoing Ingando<sup>130</sup>. Thus, when the countrywide operationalization of Gacaca started, some former genocide prisoners were immediately called from their reintegration camps to appear before Gacaca courts. Depending on the Gacaca court sentence, some prisoners who had not yet served their full term of sentence in prison saw the latter being converted into carrying out community orders (TIG) before regaining full freedom and hence rejoining their families. At least 10% of surveyed ex-genocide prisoners went through this post-release reintegration process. Whilst Ingando prepared them for best approaching their new life after prison, TIG subjected them to community supervision as a means to fully make sense of their responsibility before being permanently released.

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<sup>128</sup> Clark, Op.Cit, 1001

<sup>129</sup> Focus group discussion with genocide ex-prisoners in Nyamagabe in May, 2014

<sup>130</sup> Focus group with genocide ex-prisoners in Musambira in May, 2013

### 6.3.4 TIG to family

The quantitative findings revealed that 9.5% of surveyed ex-genocide prisoners subjected to carrying out TIG while undergoing community supervision at the same time before being permanently released to their families. This proportion includes essentially any genocide ex-prisoner convicted under Gacaca courts above the year 2006<sup>131</sup>. According to the data availed by the Rwandan National Commission for the fight against Genocide, 29% of ex-genocide prisoners (i.e 91,556 cases) were countrywide subjected to carrying out community service under TIG<sup>132</sup>. Although the nature of community service work varied depending on the needs of the region where it was performed<sup>133</sup> the former generally consisted in building or rebuilding homes for genocide survivors, construction of structure such as schools, bridges roads, creating terraces for agriculture use or planting trees or eroded soil.

Community-based sanctions against any released ex-genocide prisoner found of guilty of violating the conditions of their release.

It is a universally established fact that long-term imprisonment, no matter the detention conditions, has some consequences on the inmate<sup>134</sup>. The consequences quite often come with a range of needs and or expectations for concerned inmates. This study also hypothesized that in Rwanda too, ex-prisoners returning home have a range of needs along with expectations from their immediate environment. The study further hypothesized that once those needs and expectations are adequately met or answered to, they can ease not only reentry but also the reintegration of ex-prisoners into their respective families, and victimized community. From this viewpoint, the next section discusses the needs of ex-genocide prisoners upon their release along with their expectations from their respective families, genocide survivors and Rwandan society at large. Similarly, the expectations of genocide prisoners' relatives, genocide survivors and community members vis-à-vis ex-genocide prisoners are equally being reviewed along with their needs.

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<sup>131</sup> Focus group discussion in Musambira, Kamonyi District, held on 26<sup>th</sup> April, 2014

<sup>132</sup> Quoted by Brehm, et al. (2014). Genocide, Justice and Rwanda's Gacaca Court. *Journal of Contemporary Criminal Justice* 3, 333-35

<sup>133</sup> Brehm, H. et al. *op.at*

<sup>134</sup> Iyer, N. (March 2009), *Returning Home: Resettlement and Reintegration of Detainees Released from the US Naval Base in Guantanamo Bay*: University of California, International Human Right Law Clinic & Human Right Center, p.8

#### 6.4 Immediate needs of ex-genocide prisoners following their release

While identifying and assessing the most pressing and immediate needs of ex-genocide prisoners following their release, the study found that they tended to oscillate around the most basic needs as it reads in the table below.

**Table 12: Most pressing and immediate needs of ex-genocide prisoners following their release**

Most pressing and immediate needs upon release	Frequency	Percent (n=616)
Access to food	347	56.33%
Access to shelter	249	40.42%
Freedom of movement	186	30.19%
Being perceived as a rehabilitated person/ positive representation	174	28.25%
Access to employment	157	25.49%
Access to health/medical insurance	79	12.82%
Start-up reintegration package (toolkit, money, etc.)	49	7.95%
Being provided with support to access education	18	2.92%
Forming a family ( marrying, and getting children)	18	2.92%
Cattle (cow, goats, etc.) as sources of income	16	2.60%
Trustful relationships with relatives, community members and genocide survivors	12	1.95%
Being forgiven by my victims/those I wronged	1	0.16%
Nothing	2	0.32%

### 6.4.1 Food

As the table above shows, the need for food ranked first as it was expressed by 56.33% of all surveyed ex-genocide prisoners. There exist several interpretations to this prioritization, but the main and perhaps the most obvious one is that food is the most basic thing every human being needs for his or her survival<sup>135</sup>. Last but not least, during their imprisonment, all genocide prisoners, regardless of whether they came from a better off socio-economic class, primarily depended on the Government's support, through the Rwanda Correctional Services, for a daily access to food as the most basic need for their survival<sup>136</sup>. Thus, by returning home and seeing the responsibility to cater for their food needs shifting either entirely to their families or to themselves (ex-prisoners), one may assume that some ex-genocide prisoners felt a kind of food insecurity, especially those from poor backgrounds, who could not be sure of at least having one meal per day.

### 6.4.2 Shelter

A considerable number, 40.42% of surveyed ex-genocide prisoners considered shelter as one of their priority needs and therefore considered having this need met as an important milestone in their own path to post-release reintegration. A number of factors, below depicted, explain why shelter mattered for surveyed ex-genocide prisoners.

First, as revealed by quantitative findings from this study, only 45.4% of surveyed ex-genocide prisoners possessed their own residential houses prior to being sent to prison. Drawing on this, one may assume that majority of ex-genocide prisoners who were in need of a shelter following their immediate release were part of those ones who did not own a house. Second, like food, shelter is another universal human need<sup>137</sup>. Therefore, having shelter needs met for all human beings, regardless of their status of offenders, is vital for them to lead a life that is recognizably human.

Another factor behind the prioritization of shelter among the most urgent needs after release is rather anthropological in nature. In fact, a comparison of the socio-demographic data of surveyed ex-genocide prisoners by age groups reveals that cumulatively 32.5% were below their 40s at the time of their release against 42.8% by the time they were sent to prison. Qualitative information gathered from the field indicated that a non-negligible number of ex-genocide prisoners were sent to prison prior to being socio-economically autonomous<sup>138</sup>. From an anthropological viewpoint, this implies that some did not own a house or were simply not yet in the position to rent out one. Besides, it is worth recalling that, upon their release, some ex-genocide prisoners were not welcome in their families who claimed having been stigmatized by the former's wrongdoings<sup>139</sup>. Moreover, qualitative data obtained from the field revealed that some ex-genocide prisoners had no families to host them upon their release.

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<sup>135</sup> Niehof, A. (2010), *Food, diversity, vulnerability and social change. Research findings from insular southeast Asia, Mansholt publication series, Vol.9*, the Netherlands: Wageningen Academic Publishers

<sup>136</sup> During focus group discussions, this information was unanimously confirmed by ex-genocide prisoners and their relatives.

<sup>137</sup> Alemayehu, M. (2000). *Industrializing Africa. Development Options and Challenges for the 21<sup>st</sup> Century*, Asmara: Africa World Press

<sup>138</sup> In Rwanda, the average age for socio-economic autonomy for the male is 30 years.

<sup>139</sup> This was particularly emphasized by the Executive Secretary<sup>139</sup> of "Tumaini", this being one of the rarest local non-governmental organizations specializing in supporting the post-release reintegration process of all categories of ex-prisoners. The same was also revealed by homogenous focus group discussions held separately (in Nyamagabe and Kamonyi Districts) with ex-genocide prisoners, genocide survivors, ex-genocide prisoners' relatives and community members.

This was either due to the fact that their families were still living in asylum, or their relatives were no longer alive or simply their whereabouts were unknown<sup>140</sup>.

Though this study was not able to establish how many have so far had their shelter needs met, it revealed that 3.48% of ex-genocide prisoners were provided with housing by their relatives within the six months following their release.

### 6.4.3 Freedom of movement

The need for food and shelter was followed, in 3<sup>rd</sup> position, by the need for freedom of movement which was expressed by 30.19% of all surveyed ex-genocide prisoners.

Commenting on why freedom of movement mattered for them, a former genocide prisoner released after serving his term of sentence explained “*Nta kintu na kimwe cyendaga kuduhamiriza ko twahawe andi mahirwe yo gusubira no kwisanga mu buzima busanzwe uretse kugira uburenganzira bwo kwishyira tukizana*<sup>141</sup>” (For us, nothing than freedom of movement expressed better the second chance we were given to reenter and reintegrate our families and the community). He maintained that “*Kugira uburenganzira bwo kwishyira ukizana kuri twe byasobanuraga ko tutakiri muri gereza, ariko yari n’impuruzi kuri twe kugirango tumenye ko twari dusubiye mu muryango mugari nyarwanda aho bose bari baduhanze amaso ngo barebe niba koko twarahindutse abanyarwanda bashya biteguye kubaho ubuzima buzira icyaha kandi bwubahiriza amategeko*” (Freedom of movement suggested that we were shifting from confinement to a new environment where a test to prove that we had really been rehabilitated and were therefore ready to live a crime free and law-binding citizenry life awaited us)<sup>142</sup>.

According to Glynn<sup>143</sup>, total freedom of movement allows an ex-offender to “smell and taste freedom”. Glynn maintains that freedom of movement also enables an ex-prisoner to broaden his or her horizons to envision a new reliability as well as choose where he or she can live in the world with the ultimate purpose to achieve a new status that will not only broaden employability opportunities, but also increase social bonds among other things.

During qualitative data collection, it was consistently highlighted that the need for total freedom of movement was felt among all categories of ex-genocide prisoners, including those ones who were conditionally released. However, during focus group discussions with other categories of ex-genocide prisoners and members of the general population, it came out that the need for total freedom of movement felt by conditionally released genocide prisoners was rather due to a lack of good will to accept the terms of their release condition. Compounding this assertion was the view point that prior to their release, all conditionally released genocide prisoners were aware that they would be subjected to a number of conditions, part of which community surveillance which would restrict their freedom of movement.

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<sup>140</sup>This information was obtained from Focus Group Discussion with ex-genocide prisoners held in May 2015, in Nyamagabe District.

<sup>141</sup> Interview with a former genocide prisoner in his 60s held in Kamonyi on 26<sup>th</sup> April, 2014

<sup>142</sup> Ibid

<sup>143</sup> Glynn, M. (2014). *Black Man, Invisibility and Crime. Towards a Critical race theory of desistance*, New York: Routledge, p.117



Despite the perceived potential of freedom of movement for a successful reintegration of ex-genocide prisoners, views in this regard are never unanimous. As Chapman<sup>144</sup> observes, opponents to this idea argue that unlimited freedom of movement limits the possibility for the host community to monitor its ex-offenders. Chapman even goes further to emphasize that some categories of offenders pose such a risk of serious harm to the public to the extent that their freedom of movement has to be restricted. In light of this, freedom of movement can be detrimental to the society rather than vital.

An almost similar view to the previous was echoed by some members of the general population met during focus group discussion in Nyamagabe who argued that, for purpose of a more effective community policing, ex-genocide prisoners ought to be closely monitored as this serves as a an effective deterrence measure which broadens the prospects of a more sustainable collective security.

#### **6.4.4 Being represented as a rehabilitated person**

The need to be represented (both by their relatives, genocide survivors and community members alike) as rehabilitated persons, rather than endlessly incorrigible criminals, was expressed by 28.25% of all surveyed ex-genocide prisoners. For the majority of ex-genocide prisoners interviewed, this need was mainly justified by the fear of stigmatization by their relatives, genocide survivors and community members alike.

According to post-release reintegration experts<sup>145</sup>, the representation of former prisoners by their relatives, victims or members of the victimized or host community, influences the extent to what the former are able to successfully reintegrate or not. It is largely assumed that when this representation is positive, the likelihood for a successful reintegration is also higher in the sense that it increases the level of trust various people have in ex-prisoners. Conversely, negative representation reduces the likelihood of a successful reintegration, whilst neutral representation sustains the uncertainty as to whether ex-prisoners ever really get successfully rehabilitated. Such an uncertainty is often sustained by the image which is world-widely associated with prison.

In most parts of the world, and perhaps all, prison is associated with the image or label of the 'bad' which is quite often applied to prisoners as opposed to the label of the 'good' that generally applies to people in the outer world. This image makes it that prison is word-widely considered as a place of low trust<sup>146</sup>, and consequently, ex-prisoners, tend quite often to be looked at by their victims and the victimized community as people of low trust, even when the former represent themselves as rehabilitated persons. Arguably, the image associated with prison word-widely contributes, to a greater extent, to the perpetuation of stigma.

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<sup>144</sup> Chapman, T. (2010). "Revisiting the National Outcomes and Standards for Criminal Justice social work service in Scotland" in McNeill, F. et al. (eds.). *Offender Supervision. New Directions in Theory, Research and Practice*, New York: Routledge, p.438

<sup>145</sup> See for instance Eve et al., 2006 , Combessie, 2004 and Marion, 2004),

<sup>146</sup> See for instance Goulding, D. (2007). *Recapturing Freedom: Issues Relating to the Release of Long-Term Prisoners*, Annandale: Hawkins Press, p.41



Drawing on the reality depicted above, it is not surprising that, in the immediate aftermath of their release, ex-genocide prisoners aspired to being represented as rehabilitated persons rather than continually being represented as incorrigible criminals. However, community members of and genocide survivors met during qualitative information gathering seemed being unanimous on the fact that ex-genocide prisoners bear the primary responsibility for their victims, relatives and Rwandans in general to build a renewed image of theirs. They argued that unless ex-genocide prisoners are able to prove their ability to comply with national laws and hence the social and moral order prevailing in the Rwandan society not only by avoiding only reoffending but also by seeking customized forgiveness from their victims, no one is likely to take them seriously as truly rehabilitated persons.

Qualitative data collected from the field indicated that there exists a close relationship between the nature of crime committed, its severity in the eyes of the public, and the representation of the offender by the victimized society at large. According to some community members interviewed in this regard, such a representation will tend to continuously remain negative in instances of crimes of not only a magnitude of genocide, but also of any killing.

Although ex-prisoners bear a primary responsibility for their host community to build a renewed image of the former, the community has also a role to play in this process. As Goulding<sup>147</sup> advises, it is also in the interest of the hosting community to ensure that they do their best to bring the needed support to a rehabilitated ex-prisoner so as to avoid them from being subjected to prejudices or stigmatization. Otherwise, failure to avoid them prejudice would mean rejection, hence possibly pushing them to sink again in anxiety and depression that can open new door to reoffending<sup>148</sup>.

#### 6.4.5 Employment

The need for employment was expressed by 25.49% of surveyed ex-genocide prisoners. As it came out during focus group discussions and interviews with ex-genocide prisoners, employment is a very important source of incomes and hence a means to reduce if not halve their dependence on their relatives, close friends, government and any other reintegration actor.

According to experts, employment can increase the prospects of not only economic reintegration but social reintegration of ex-prisoners. This is as true as it enables the latter to meaningfully earn their living and to engage into new relationships and loyalty.

However, during focus group discussion with genocide survivors in Kicukiro District, some genocide survivors were not buying the idea of having employment needs of ex-genocide prisoners met by the society. As one of them, a female genocide survivor in her 50s, clearly indicated “*Kubaha akazi ni ukubongerera imbaraga zatumara batumara*” (giving them a job would be empowering them: it would purely be a way of giving them more power over us, hence putting us in a more fragile and defenseless position” before adding “*Kubaha akazi kwaba ari ukubahembera ibyaha bakoze*” (Giving them a job would simply be rewarding their wrong deeds). Her position was later on joined by that of a male genocide survivor in his 40s who stressed “*Mbona nta n’icyo bakagombye gusaba kuko bahawe byinshi*” (I feel like they should even ask nothing since they were given too much!). In contexts other than Rwanda,

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<sup>147</sup> Goulding, *Op. Cit*, p.41

<sup>148</sup> Ibid

The reluctance about meeting employment needs of ex-prisoners is also shared by employers in general, even when they are convinced about the potential the former's knowledge and skills can make on the overall productivity of their institutions or companies. According to Thompson<sup>149</sup>, this reluctance is mainly due to the stigmatization of ex-offenders which is sustained by the fact that employers fear that when they have been convicted of crimes, ex-prisoners will not be reliable again in the society.

The previous illustrates the extent to what, when the scars due to past sufferings remain open amongs the victims or when stigma persists, the reintegration of ex-prisoners is and remains rather a problematic process. It was very encouraging to find out though that, as of the writing of this report, only as few as 4.8% of ex-genocide prisoners were unemployed. Majority, almost 87%, reported being farmers, whilst 2.9% were self-employed. Undoubtedly due to legal and policy restrictions related to the employment of ex-genocide prisoners convicted of crimes, the number of those employed by the government, both central and local, remains low and lesser again in non-government institutions. Cumulatively, 2.7% claimed being employed in government institutions, against 0.2% in non-governmental organizations. Despite the challenges earlier mentioned, the above figures rather suggest that the employment needs of ex-genocide prisoners have far or less been met, an aspect which, in the view of this report, increases the prospects for the former's reintegration.

In light of the previous needs prioritization, it is clear that basic needs, in Maslow's human needs typology<sup>150</sup> jargon, came in the first position, followed by self-actualization needs such as freedom of movement, positive representation, and employment. Although medical insurance, start up reintegration package, education, and income generating activities were equally stated as priority needs, they rather came in the middle if not towards in the bottom of the list of priority needs. It is important to observe that this prioritization of needs is not that different from those expressed by returning ex-prisoners elsewhere. In the US for instance, ex-prisoners' immediate needs, at least in the first year following their release, range from access to shelter, clothes, medical services, education and or training, employment and tools, to name but a few<sup>151</sup>. This suggests that returning prisoners, in different parts of the world, tend to have more or less similar needs. Surprisingly, returning prisoners seem to be primarily concerned with their personal needs rather than those of the wronged society in general, and those of their victims in particular. This is evidenced, in this specific case of Rwanda, by the fact that as few as 0.16% of all surveyed ex-genocide prisoners felt, upon their release, the need to be forgiven by their victims, against 1.95% who felt the need for engaging into trustful relationships with relatives, community members and genocide survivors respectively.

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<sup>149</sup> Thompson, A.C (2008). *Releasing Prisoners, Redeeming Communities: Reentry, Race and Politics*, New York: New York University Press, p.22

<sup>150</sup> In his attempts at establishing a typology and hence hierarchy of human needs, Maslow, not uncontested though, distinguished between basic needs and growth needs. According to him, basic needs include safety and security, and physiological needs (air, food, sleep, sex, etc.), whereas growth needs comprise self-actualization, esteem and self-esteem, love and belonging. According to Maslow, basic needs constitute the primary human needs in the sense that no-one would go for meeting growth needs, indeed secondary in his view, before meeting the former. See Zwemer, A.J (2006). *Basic Psychology for Nurses in India*, Chennai: BI Publications PVT LTD, p.73 and they constitute the primary human needs in the sense that none

<sup>151</sup> Iyer, N. (March, 2009), *Returning Home: Resettlement and Reintegration of Detainees Released from the US Naval Base in Guantanamo Bay*, Berkeley: University of California, International Human Rights Law Clinic & Human Rights Center, p.8 see

#### 6.4.6 *Multi-actors' Expectations following the release of ex-genocide prisoners*

As it was earlier stressed, reintegration of ex-prisoners is a multi-actor process. To best understand how various actors relate to the reintegration of ex-genocide prisoners, this study also sought to understand the range of expectations ex –genocide prisoners had from their relatives or families, genocide survivors and community members respectively following their release. The findings from this research effort are being presented one after another below.

#### 6.4.7 *Ex-genocide prisoners' expectations vis-à-vis own families*

The role of family in failing or facilitating a successful reintegration of returning prisoners is world-widely believed to be very decisive. As briefly discussed far earlier, proponents of the idea that the family has a key role to play in the reintegration of ex-prisoners argue that it provides a great emotional encouragement or support and sometimes a material assistance to ex-prisoners returning home<sup>152</sup>. Moreover, experiences elsewhere have shown that ex-prisoners, whose expectations from their own families have been adequately met, stand a relatively higher chance to achieve quicker if not most successful level of reintegration than those whose expectations were unmet. It is no longer a disputed fact that ex-prisoners who have strong ties with their family members and who really feel supported, find a lot of emotional support that helps them to go about embracing their future and available opportunities more optimistically than anybody else. This is basically why Marlow makes the case that sometimes “...a prisoner’s family is the only source of hope in the face of the overwhelmed correctional system”<sup>153</sup>.

The findings of this study revealed that in Rwanda as well the understanding, especially amongst returning prisoners, of the central role of family in enabling their post-release reintegration. This was the key reason as to why, upon their release, most ex-genocide prisoners had a range of expectations from their own families. As the quantitative findings revealed, more than a half (59.11%) of surveyed ex-genocide prisoners expected to live in harmony with family members they found home, while 56.22% expected to be accepted as returning family member. In the same vein, 32.4% expected to be rehabilitated in the household responsibilities they used to have prior to imprisonment against 22.49% who expected to have access on or recover their properties.

According to some ex-genocide prisoners met in the field during qualitative data gathering, the above hierarchy of expectations vis-à-vis their respective families was partly explained by the fact that during their prolonged imprisonment, ties with family members were no longer regular. In some cases, they furthered, this had resulted into increased tensions within families, reverse of power relationships at household level and sometimes into a loss of access and decision-making rights on family property and its use. In this regard, ex-genocide prisoners considered that nothing than having their own expectations adequately met by their respective families would express to them whether they still counted for their relatives and were therefore welcome at home.

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<sup>152</sup> See for instance Levan, K. (2013). “Adult Offender Recidivism Reduction Programs” in Mackey, D. A & Levan, K. (eds.) (2013). *Crime Prevention*, Burlington: Jones & Barlett Learning, p. 305

<sup>153</sup> Marlow, E. (2008). *The Impact of Health Care Access on the Community Reintegration of Male Prisoners*, Ann Arbor: ProQuestLC, p.19

#### 6.4.8 *Expectations from community members*

Apart from the perceived role their respective families are believed to play in their post-release reintegration, the findings also show that surveyed ex-genocide prisoners were aware of the role community members are capable of playing in either failing or making their post-release reintegration successful. This is evidenced by the expectations they had from community members, which mainly ranged from being actively associated with collective initiatives meant for post-conflict reconstruction and national development, and eligibility for social protection programs. Surprisingly, all these expectations seemed to be primarily if not exclusively centered on the only interests of the ex-genocide prisoners, hence completely overlooking those of their respective families. Yet about 88% of the latter suffered from stigma over the genocide related crimes committed by their relatives.

#### 6.4.9 *Being associated with collective works of public interest*

According to the quantitative findings, about 43.61% of surveyed ex-genocide prisoners expected to be actively associated with initiatives meant for post-conflict reconstruction and national development. There exist several explanations behind this response rate. During focus group discussions and in-depth interviews with all categories of informants, it came out that, partly as a result of Ingando, ex-genocide prisoners had been educated and were therefore massively aware of the importance of actively taking part in any collective work of public interest.

According to some community members, active participation of ex-genocide prisoners in any collective work of public interest serves, in a way, as a tangible indication to their host community that they were rehabilitated into new citizens worth being trusted as development actors rather than endless agents of destruction. However, this view is far from being unanimously shared as other community members still doubt whether this active participation is voluntary and genuine, and not a face-saving mechanism.

Surprisingly, the expectation by ex-genocide prisoners to be actively associated by community members with initiatives meant for post-conflict reconstruction and national development was more attributed to the formers' gratefulness to the Government of Rwanda which unexpectedly granted them a release, rather than to an ordinary civic duty. As one genocide male ex-genocide prisoner explained during a Focus Group Discussion in Kamonyi, "*Kwitabira gahunda za Leta ni ukuyitura imbabazi nagiriwe. Tubikora tuzirikana neza ibyiza Leta yadukoreye twari dukwiriye gupfa. Ubu turatuje, ntawe utinya uwamutera*"<sup>154</sup> (Taking active part in government programs is my way to express my gratitude to the Government of Rwanda for having granted us a release, while we deserved a death sentence. As of now, we are at peace and we don't fear for our security). Though this explanation was almost commonplace during focus-group discussions and in-depth interviews researchers had with some ex-genocide prisoners in Bugesera and Nyaruguru Districts as well, some community members considered that there is a huge sense of irresponsibility attached to it. According to some community members, it is not appropriate to see ex-genocide prisoners formulating their participation in collective works of public interest as an expectation which ought to be met by the community, simply because participation is a civic duty which appeals to any responsible citizen.

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<sup>154</sup> Interview with an ex-genocide prisoner in Kamonyi District

Qualitative data from the field later on indicated that the key reason as to why active participation in government programs, including collective works of public interest, mattered for ex-genocide prisoners following their release was far beyond their only gratefulness to the Government. For instance, during an in-depth interview with an ex-genocide prisoner in his 40s, from Kamegeri Sector in Nyamagabe District, the following was clearly stated:

*“ Ngifungurwa, numvaga kwitabira nitangiye itama gahunda z’imirimo ya Leta igamije inyungu rusange nk’umuganda cyangwa ibindi, bituma nsohoka mu bwigunge, ngahura n’abandi banyarwanda b’ingeri zose. Iyo mbikora mba ntanga umusanzu mu gusana, kubaka no gukomeza bimwe mu byo nasenye mu myaka yashize. Bituma nongera kumva ko mfite icyo maze mu muryango nyarwanda kitari ukwica no gusenya gusa, ahubwo binatuma abanyishishaga batangira kumbona nk’undi muntu, bakiga no kongera kunyizera bundi bushaya gahoro gahoro” (Upon my release, I was convinced that taking active part in work of public interests such as Umuganda , etc., enables me to come out from self-isolation and interact with Rwandans from all backgrounds. When I actively participate, I feel like I am contributing my energy as part the efforts to rebuild part of what I destroyed in the past, and be part of the entire process of national development and consolidation of earlier development gains. This is an important path in my reintegration since it makes me feel that I still have something positive to contribute in the development of the Rwandan society rather than serving as a pure agent of destruction. Besides, it enables people around me to change the image they had of me as some of them have now started looking at me as a rehabilitated person and hence slowly getting to re-learn how to trust me again”).*

From the statement above to which some other interviewed ex-genocide prisoners fully subscribed, participation in collective works of public interest was considered as an opportunity for them not only to get out of (self) isolation, but also to forge new and or deepen existing inter-personnel relationships. According to some ex-genocide prisoners, they viewed in these relationships a potential to progressively overcome mistrust amongst genocide survivors and community members alike.

#### **6.4.10 Eligibility for social-protection programs**

In addition to being actively associated with collective works of public interests and other government programs, 29.98% of surveyed ex-genocide prisoners expected to be eligible for social protection programs such as VUP, Girinka, One cow per family, etc. This situation suggests that ex-genocide prisoners returning home tend to consider themselves as needy people and therefore identify themselves with vulnerable groups. However, this expectation was a divisive topic during the qualitative data collection from the field. Even though various categories of respondents interviewed in this regard were unanimous on the fact that prolonged absence from prison may be an important factor contributing to the degradation of the socio-economic conditions of a prisoner, there was a different argument, especially in rural areas, that some ex-genocide prisoners came out of prisons more empowered skills-wise than they were prior to their incarceration.

Given the situation depicted above, some community members and genocide survivors alike felt like it will be simply unjust to include ex-genocide prisoners on the list of Rwandans eligible for social protection programs. The following statement by a 57 years old genocide-survivor in this regard is too much revealing: “*Ubu se sibo bakize ahubwo? Urebye ubumenyi, amahugurwa anyuranye bakuye muri gereza, nibo birirwa bakora imirimo y’ubwubatsi aha dutuye no mu migi iyo, ndetse ni nabo bazi ibyo guhinga kijyambere. Bavanye ubumenyi muri gereza; ayo mahirwe yo kwiga imyuga twe ntayo twabonye!?*” (As of now, they are economically better off than us. Thanks to the vocational skills they gained while in prison, they are technically more competitive. As a result, they grab any available casual work opportunity such as construction, and they are very good at modern agriculture. We didn’t have the chance they had to learn vocational skills). This position was almost joined by another community member in Nyamagabe who emphasized “ *Ubu nibo rwose bameze neza aha ngaha dutuye. Mbese iyo muri gereza, bahakuye rwose ubumenyi bwinshi kandi bigaragara ko bubabeshejeho ku buryo bufatika*” (Currently, they are economically better off than all of us on this hill. Indeed, it is self-evident that the vocational skills they gained while in prison are outstandingly earning them a living less problematically than we do).

The previous statement, too general though, re-emphasizes the huge potential pre-release programs such as vocational training had on the seemingly successfully economic post-release reintegration of some ex-genocide prisoners. However, it rather sends a warning that in a context of poverty or vulnerability not yet adequately addressed, the relatively economical success of ex-prisoners can be considered as an asymmetric empowerment over their direct victims and other community members, and therefore a hindrance to their successful reintegration rather than a catalyst. This revives the whole debate by Iyer<sup>155</sup> that whilst returning prisoners may be entitled to some programs meant to ease their successful reintegration, it is not advisable nor desirable to give them (more) benefits other members of the community do not receive.

#### ***6.4.11 Expectations of ex-genocide prisoners from their victims***

Upon their release, ex-genocide prisoners had multi-dimensional expectations vis-à-vis their victims, i.e. genocide survivors. As the findings of the study at hand showed, their expectations were unexpectedly dominantly positive as they ranged from tolerance, forgiveness, image of a rehabilitated person, living together without fear, and being associated with various social activities. However, like their immediate needs following their release, one may note at first glance that, again, their expectations were primarily centered on their individual interests rather than those of the host society at large.

#### ***6.4.12 Tolerance***

Tolerance ranked to on the list of expectations ex-genocide prisoners had from their victims, i.e. genocide survivors. It represented 54.2% of surveyed ex-genocide prisoners’ choice. According to qualitative data obtained from the field, most ex-genocide prisoners expected more or less tolerant attitudes instead of revenge acts directed at them by genocide survivors.

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<sup>155</sup> Iyer, *Op.Cit*, p.8



One of the major factors behind the top prioritization of tolerance is that ex-genocide prisoners' expectations were strongly influenced by the high level of trust they had in the Government of Rwanda which had unexpectedly granted them a release and promised to effectively look after their security, as it does for any other Rwandan. Moreover, they were aware that both genocide survivors and community members had been prepared for their release. This is what is being inferred by one male genocide ex-prisoner interviewed in Kamonyi District when he states “ *Twari tuzi neza ko Leta yateguye abo twari tugiye gusanga aho twari dutuye mbere y’uko dufungurwa, harimo yewe n’abacitse ku icumu rya Jenoside, by’umwihariko bakaba bari barigishijwe kubana natwe mu mahoro, birinda kutugirira nabi cyangwa se kwihorera*”<sup>156</sup> (We were aware that members of our host community, including genocide survivors, had been prepared by the Government prior to our release. Since we were aware that our victims had been urged to coexist peacefully with us, we knew we stood no eminent risk of revenge acts directed to us by those we had directly wronged and or other community members).

According to experts, social tolerance towards ex-prisoners, has the potential to desist the latter from crime and hence ease their reintegration within the community<sup>157</sup>. Farhal ad Calverly<sup>158</sup> go even further to stress that ex-prisoners find the greatest motivation within themselves to desist from crime from their interactions with other members of the community, including their victims. This reaffirms the idea that while reintegration remains a responsibility of an ex-offender himself or herself, positive or more or less tolerant interactions vis-à-vis ex-offenders is an important reintegration enabling factor.

### 6.4.13 Forgiveness

Forgiveness ranked second amongst the immediate expectations ex-genocide prisoners had from genocide survivors. As the quantitative findings revealed, this expectation mattered for only 50.2% of surveyed ex-genocide prisoners.

During interviews with ex-genocide prisoners, it was observed that this expectation is rather motivated by the former's desire to earn the trust of those they had wronged and to mark a start of new relationships. Whilst it was reported that some ex-genocide prisoners genuinely expected to seek forgiveness in recognition of the sufferings they had inflicted to their victims in order to feel at peace with themselves, it was also reported that others were indifferent. Views in this regard were diverging though.

Talking about the attitudes of their peers following their release, some ex-genocide prisoners felt like forgiveness was not a top expectation to some of them. They suspected that this attitude was either due to the fact that their peers had superficially confessed to their crimes only in order to benefit from the release measure, or simply because they never felt nor expressed remorse about the sufferings caused to their victims or genocide survivors at large.

Tolerance (54.2%); Forgiveness(50.2%); image of a rehabilitated person(39.7%); living with them without fear (10.8%) and being associated with their various activities (9.9%)

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<sup>156</sup> A 62 years old male genocide ex-prisoner interviewed in Nyarubaka Sector, in Kamonyi District on the 19<sup>th</sup> April, 2014

<sup>157</sup> Healy, D. (2013). “Advise, Assist and Befriend: Can Probation Supervision Support Desistance?” in Kemshall, H. (ed.) (2013). *Crime and Social policy*, Oxford: Wiley-Blackwell, p. 37

<sup>158</sup> Farhal, S. & Calverly, A. (2006). *Understanding Desistance from Crime: Theoretical Directions in ressettlement and rehabilitaion*, Berkshire: Open University Press, p.197

## **CHAP. VII. SOCIO-ECONOMIC REINTEGRATION OF EX-GENOCIDE PRISONERS**

In countries practicing reintegration of ex-prisoners, the re-adaptation of the latter to the social and economic life at family and or community levels is considered as a very powerful indicator of a fulfilled reintegration of ex-prisoners. This chapter delineates the socio-economic status of reintegration of all categories of released ex-genocide prisoners in Rwanda. In the first instance, it shades light on the status of relationships between ex-genocide prisoners and their immediate environment, i.e the community they were released to. Then, it proceeds by analyzing the extent to what the contact between ex-genocide prisoners and their next of kin during imprisonment as well as the recovery of property after release contribute or not to their current socio-economic status. The chapter also examines whether ex-genocide prisoners are indiscriminately eligible for diverse social protection programs which are initiated by the Government of Rwanda. In the last instance, this chapter examines whether the former are eligible to be members to cooperatives or associations, and the implications their eligibility or non-eligibility have on their successful reintegration.

### **7.1 Relationships between ex-genocide prisoners and their immediate environment**

According to Crewe<sup>159</sup>, re-adaptation of ex-prisoners to the social and economic life of the community they are released to entails rebuilding new relationships with those they found including partnerships and loyalty. Gregory et al.<sup>160</sup> maintain that the rebuilding of new relationships is very essential to address the consequences of imprisonment which primarily include the banishment from political, and most importantly, the banishment from social and economic life of their community of destination. In regard to new relationships, experiences from other contexts show that the extent to what an ex-prisoner is socially and economically reintegrated is chiefly a result of the image, also referred to as representation that victims, relatives and community members have of the ex-offender after prison<sup>161</sup>. In instances where this representation is positive, reintegration will tend to be more successful than in cases of neutral or negative representation. Indeed, it is that image which determines the nature and hence influences the status of relationships between ex-prisoner and their family and or community members. Hence, reintegration is basically a result of relationships transformation.

In this study, researchers sought to examine whether the status of relationships between ex-genocide prisoners and their immediate environment, notably their relatives, genocide survivors and other members of the community of origin, such as neighbors and friends has much to do with the relationships between the former and the latter. In doing so, the study looked at different parameters, notably peaceful coexistence, distrustful relationships, conflictual relationships, mutual avoidance, forced coexistence.

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<sup>159</sup> Crewe, (2009). p.

<sup>160</sup> Gregory et al. (2009)

<sup>161</sup> Eve et al. (2006). See also Combessie (2004) and Marion (2004).



### 7.1.1 Status of relationship between ex-genocide prisoners and other citizens

As the table far below suggests, the study found that the relationships between ex-genocide prisoners and survivors as perceived by the latter are not harmonious. Slightly above the average of surveyed genocide survivors, cumulatively 51.8% consider that their relationships with their offenders are not peaceful, at least if peace is taken in its positive meaning as a situation of no (open) violent conflicts. This perception is perhaps a result of the fact that the release and hence reentry of ex-genocide prisoners to their hills of origin may have started at a time when some members among the community of genocide survivors were not ready yet and hence willing to coexist with their offenders, partly due to open scars, or to fear of potential risks to their physical security that the release of their offenders posed to them.

During focus group discussions with genocide survivors in various regions of the country, statements such as, “*Ntawamenya erega niba barahindutse. Ese ubwo Leta itabaye maso, ntibakongera bakatumara?*” (No one can really be sure if the imprisonment has transformed our offenders into new beings who are capable not to recidivate. I wonder what could happen if the Government was not vigilant!) were common. These statements partly explain why 35.4 % of genocide survivors consider their relationships with their offenders as being distrustful. In terms of image or representation, distrustful relationships rather suggest a more or less neutral representation of ex-genocide prisoners by their victims, since there exist doubts on whether the offenders have positively changed, whether they remain the same killers or whether they have rather worsened as a consequence of imprisonment.

For the 10.1% of surveyed genocide survivors who don't interact with their offenders, qualitative information also revealed that the avoidance of the latter was due to persisting doubts amongst genocide survivors as to whether their offenders cannot really recidivate. For other genocide survivors, also the qualitative information revealed, the avoidance of ex-genocide prisoners was a result of persisting feeling of resentment, which hence indiscriminately perpetuated a negative representation of their offenders. Although at a lesser magnitude of perception, the negative representation of ex-genocide prisoners is also evidenced by the fact that 3.7% of genocide survivors reported having personally experienced or continue to experience conflictual relationships with their offenders.

During focus group discussions in Busegera, Kamonyi and Nyamagabe, it unanimously came out that enduring conflictual relationships are mainly, but not necessarily, sustained by two major factors, one being material and another one immaterial. As far as the material factor is concerned, some genocide survivors attributed those conflictual relationships to the fact that some ex-genocide prisoners are unwilling to pay reparation to their victims, yet they have the necessary resources to do so. A study conducted on behalf of International Alert Rwanda by Tobie and Masabo in 2012<sup>162</sup> which aimed at assessing the project known as “reconciliation, Socio-Economic Reintegration in Rwanda” jointly implemented by International Alert and other local NGOs<sup>163</sup> also came to the conclusion that owing to the fact that most court executions are still unimplemented, the reparation for all genocide victims were yet to be fully done. During field data collection, cases were even reported to our research team in Bugesera and Kamonyi, whereby ex-genocide prisoners sell of their properties at the knowledge of local leaders who are responsible for court judgment execution such as Cell Executive Secretaries,

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<sup>162</sup> Tobie & Masabo (2012)

<sup>163</sup> Those local NGOs included among others ARCT Ruhuka and Profemmes Tweshamwe, to name but a few.

without the latter compelling the former to use the gains resulting from those transactions to compensate their victims. Whilst the present study could not attest the truthfulness of this situation nor determine the exact number of genocide victims still awaiting their reparations to be done, suspicions were raised by some genocide survivors we interacted with suggesting the prevalence of corrupt practices in the execution of court judgments.

Apart from the unwillingness to pay reparation, conflictual relationships are also due to the fact that in some cases, the real value of damaged or looted property was overestimated during the valuation, a fact which tended to push some ex-genocide prisoners to feel like fair justice was not being done, revealed one genocide ex-prisoner in his 60s in Nyamagabe. Although they seemed not to agree with the statement that the overestimation of property during valuation means that no fair justice was being done, chiefly because the harm caused to the victims is beyond price and cannot be undone by their offenders, other respondents, namely community members and relatives of ex-genocide prisoners, shared the view that property overestimation was a non-negligible factor contributing to conflictual relationships between genocide survivors and their offenders though.

As far as the immaterial factor is concerned, some genocide survivors in Kamonyi, Nyamagabe and Bugesera explained that the conflictual relationships existing or which tend to exist between them and their wrongdoers is due to the fact that apart from having publicly confessed to their crimes and begged for pardon during Gacaca, their wrongdoers never came to their victims to seek personalized forgiveness. The following statement by a female genocide survivor in Bugesera is much revealing in this regard:

*“Erega bariya bantu batojwe na Leta gusaba imbabazi, nabo baza bazisaba biciye muri Gacaca ngo bafungurwe gusa, ariko ahari bitanabavuye ku mutima. None se uratekereza ute ko nzabana neza n’umuntu wamariye umuryango n’ibyange, atarigeze aza iwanjye mu rugo ngo anyisabire imbabazi usibye kuba yarazisabaga abanyarwanda muri Rusange? Ubu rwose nibanira gusa n’agahinda k’ibyo bankoreye, ndetse bintera n’umujinya.”<sup>164</sup>* (Those people have been trained by the Government to confess to their crimes and apologize for their wrong deeds, and they obeyed: they did not necessarily confess to their crimes and apologize because they were genuine with their action, but may be to benefit from the release measure. How do you expect me to peacefully coexist with a person who killed my beloved ones and damaged or looted my property, and who never came to my home after his or her release to seek for my forgiveness, apart from the simple fact he/she begged for pardon from Rwandans in general? As of now, I still leave with the pain of the harm they did to me and I feel like going for revenge.)

To genocide survivors, this situation begged question as to whether their status of victims was really recognized by their wrongdoers and hence raised doubts on the latter’s genuineness during confessions before Gacaca. As a consequence of this situation, some genocide survivors just tend to have a feeling of anger and resentment vis-à-vis their wrongdoers, and sometimes the Government who authorized the release, a feeling that, some of them affirmed, can lead to revenge if they did not fear a strong response by the Government.

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<sup>164</sup> Interview held with a female genocide survivors in her 50s in Bugesera in March, 2014.

Talking about his feeling of revenge, one male genocide survivor in his 60s told us the following in Bugesera:

*“ Iyo hatabaho Leta, natwe rwose twari kubatema. Gusa, uko igihe cyagiye gihita nyuma y’aho bafungurirwe, bigenda bigabanuka ariko gusa ku baba baraje iwanjye mu rugo ntari nabyiteze baje kunsaba imbabazi z’ibyo bankoreye. Iyo bansabye imbabazi njye ku giti cyanjye n’umuryango wanjye, numva nduhutse ndetse n’umujinya mbafitiye ugatangira gushira. Rwose abo nababariye mbona ko bansabye imbabazi babikuye ku mutima ntaho bampisha, ubu natangiye kubabonamo ibyiza. Turasangira, tugatabarana nk’inshuti”<sup>165</sup>.*

The previous statement is a more evidence that, in a same way that forgiveness can trigger the need for and hence contribute to interpersonal reconciliation, likewise seeking forgiveness by a wrongdoer from his or her victims can serve as an incentive for successful reintegration by those ones he or she once wronged. This testimony confirms the assertion by reintegration as well as forgiveness experts such as McKay & Maybell<sup>166</sup> and Konstan<sup>167</sup>, according to which forgiving benefits as much as the wrongdoer in the same way it benefits the wronged person and the society in general. Indeed, for the wrongdoer, forgiveness genuinely sought from the wronged person opens new prospects for the emerging of a renewed of the offender and hence creates new relationships. For the wronged, forgiveness appeases his or her anger against the wrongdoer<sup>168</sup>, and opens door for the wronged to start looking for values in the wrongdoer<sup>169</sup>.

Moreover, and though in a lesser proportion, as few as 1.6% of surveyed genocide survivors recognized that they coexist with ex-genocide prisoners only because the law wants them to coexist, a situation which suggests that some genocide survivors would rather have chosen the path of complete avoidance of their offenders and perhaps radicalization, should the Government have not compelled them to coexist peacefully in the interest of national stability. Qualitative information insistently highlighted the role of the Government in the relative peaceful coexistence at the expense of changes that former genocide prisoners may have experienced. As one senior genocide survivor told our research team in Bugesera, “*Tubana nabo kuko Leta ishaka ko tubana nabo. Naho ubundi iyaba ari njye uhitamo, ntawo twabana rwose*” (We only coexist because the Government wants us to coexist. But if I were to choose, we could not leave together at all).

As it unfolds from the above, the relationships between ex-genocide prisoners and genocide survivors are dominantly characterized with a mixture of neutral representation of ex-offender, indeed the most prevailing, and negative representation. However, it is worth considering that nearly a half, actually 49.2% of genocide survivors, consider that their relationships with ex-genocide prisoners are harmonious. Likewise, half of respondents (all categories combined: ex-genocide prisoners, survivors, relatives and neighbors) consider that coexistence is peaceful, which suggests why the general level of satisfaction with the reintegration status of ex-genocide prisoners is overall is satisfactory well above the average as discussed far above. One explicative factor for this perception is the positive role played

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<sup>165</sup> Statement made by a male genocide survivor during a focus group discussion held in March 2014 in Bugesera.

<sup>166</sup> McKay, G. & Maybell, S.A (2004), *Calming the Family Storm. Anger Management for Moms, Dads and All the Kids*, California: Impact Publishers

<sup>167</sup> Konstan, D. (2010), *Before Forgiveness. The Origins of a Moral Idea*, Cambridge: Cambridge University Press

<sup>168</sup> Ibid

<sup>169</sup> McKay & Maybell, Op.cit, p.280

by ex-genocide prisoners in their respective communities. Far from being the optimal situation the country aspires to in terms of reintegration of its former offenders, the above findings are rather encouraging in a sense that they confirm a situation where social cohesion is being progressively built.

### **7.1.2 Relationships between ex-genocide prisoners and their spouses**

As it was earlier discussed, the family and hence the relationships between ex-prisoners and their families, including spouses for those who are married, are a crucial factor in succeeding or failing the reintegration of ex-prisoners. Post –release reintegration of ex-prisoners tends to be more successful in cases of harmonious relationships with the spouse and or relatives than in cases of non-harmonious relationships. Having this in mind, this study also sought to determine whether the nature of relationships between ex-genocide prisoners and their spouses, and eventually their relatives had an impact on their status of reintegration.

Asked to assess the current status of their relationships with their spouses, a very big proportion of surveyed ex-genocide prisoners, 94.0%, responded that they have harmonious relationships as illustrated by the table below.

**Table 13: Status of relationships between ex-genocide prisoners and their spouses after release**

Status of relationships after imprisonment	Frequency	Percent
Harmonious relationships	544	94.0%
Conflictual relationships	22	3.8%
Mutual avoidance	2	0.3%
Not married	11	1.9%
Total	579	100.0%

Surprisingly, the study also found that there exist a direct correlation between the status of relationships which prevailed between a genocide ex-prisoner prior to his or her imprisonment, and the ones prevailing today. Indeed, prior to their imprisonment, 87.9% of ex-genocide prisoners had harmonious relationships with their spouses. This suggests that the status of relationships between spouses and ex-genocide prisoners following the latter’s release are highly influenced by the status of their relationships prior to imprisonment. As most respondents, all categories included (ex-genocide prisoners, genocide survivors, community members and relatives of ex-genocide prisoners) emphasized during qualitative data collection, their experience, whether direct or indirect with the variable being analyzed, has showed that households where harmonious relationships existed between spouses prior to one couple member’s imprisonment tend to remain more or less the same. This is perhaps because spouses tend to bear with each other and hence incarnate values of empathy, sympathy and compassion when their relationships are harmonious, regardless of the gravity of crime on ground of which one member of the couple is being held in prison.

**Table 14: Status of relationships between ex-genocide prisoners and their spouses prior to imprisonment**

Status of relationships prior to imprisonment	Frequency	Percent
Harmonious relationships	489	87.9%
Conflictual relationships	4	0.7%
Mutual avoidance	3	0.5%
Not married	60	10.8%
<b>Total</b>	<b>556</b>	<b>100.0%</b>

The slight difference of 7.9%, which suggests that a regression has occurred in the pre and post-release status of harmonious relationships, is perhaps the result of long-term imprisonment. It is very possible that some relationships may have turned from harmonious to conflictual relationships or relationships of mutual avoidance during the imprisonment period. As Goulding<sup>170</sup> rightly observed, one of the major consequences of long term imprisonment include the shift of social identity, i.e how the prisoner views not only him or herself. Also, furthers Goulding, imprisonment brings about a shift in how the prisoner is viewed by others, i.e relatives or spouses, community members or inmates, and hence how he or she signifies her feelings of belonging to a family, a community and therefore how he or she makes meaning of own life.

<sup>170</sup> Goulding, (2007), p.9

Perhaps a missing factor amongst the consequences of long-term imprisonment described above by Goulding, and not the least one, is reduced contact between family members, including spouses with their beloved ones in prison. While examining pre-release reintegration programs in chapter V, it came out that at least 10.8% of surveyed ex-genocide prisoners had never been visited by their family members due to various reasons, among which family abandonment, location of prison far from their home place and financial constraints. Even though the study could not establish whether the currently observed regression of 7.9% in the harmonious relationships between spouses and ex-genocide prisoners after imprisonment is a direct consequence of inexistent or limited contact with family, one should notice that the intensity of conflict between ex-genocide prisoners and their spouses has increased during the imprisonment period, which suggests a non-negligible degradation of relationships throughout. Indeed, conflictual relationships between both parties have passed to the current 3.8% from 0.7% prior to imprisonment, despite post-release reintegration programs which, during the Ingando, prepared genocide prisoners to diverse changes that had occurred at the societal level during their absence, including changes in the relationships with their own families. Qualitative information provided by all categories of respondents met in Nyamagabe also confirmed the increasing intensity of conflict in households with ex-genocide prisoners. However, this particular finding is to be taken cautiously since the study was not able to establish whether the intensity of conflict among spouses were particularly higher in households with ex-genocide prisoners than in other households.

As far the dominant causes of increasing intensity of conflicts amongst spouses and ex-genocide prisoners in the aftermath of their release are concerned, quantitative data revealed that extra-marital relationships during the absence of a husband or wife ranked first (39.0%), followed with children born out of marriage during imprisonment of a wife or husband (31.7%), mismanagement of family resources during imprisonment of a wife or husband (24.4%) and reversed power relationships and roles, whereby an ex-prisoner has no more say in family matters (22.0%). Qualitative information attributed the perceived reverse of power relationships and roles to the enforcement of the gender concept in the aftermath of the genocide.

Whilst other causes seems to be less important in terms of the percentage they occupy in the table below, they are rather equally important causes of conflict between spouses in households with ex-genocide prisoners. In fact, as Galtung<sup>171</sup> rightly put it, every cause of conflict equally matters for parties to that conflict. Surprisingly, sexual deviance characterized either by non-natural ways of engaging into sexual intercourses was not mentioned among the common and most dominant causes of conflicts, perhaps because this is a very intimate topic which respondents do not easily discuss with third parties out of the small or restricted family circle.

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<sup>171</sup> Galtung, J. (1996), *Peace by Peaceful Means*, London: Sage Publications

**Table 15: Dominant causes of conflictual relationships between ex-genocide prisoners and their spouses**

Causes of conflictual relationships between ex-genocide prisoners and their spouses	Frequency	Percent (n=41)
children born out of marriage during imprisonment of a wife or husband	13	31.7%
Extra-marital relationships when the husband or wife was in prison	16	39.0%
Reversed power relationships: no more say in family matters	9	22.0%
Mismanagement of family resources during imprisonment of a wife or husband	10	24.4%
There is no longer any family warmth	5	12.2%
I wasn't accepted by my spouse upon my return back home	5	12.2%
Told lies over me	1	2.4%
My husband left because I was absent	1	2.4%
My wife was incapable to endure my absence alone	1	2.4%
Divided by a third party	1	2.4%
Disregarded by a spouse	1	2.4%
Misconduct and enduring extra-marital relationships	1	2.4%
My wife or husband relocated to another country	1	2.4%

Overall, the status of relationships between ex-genocide prisoners and their spouses and or their relatives is perceived as being the highest than any other type of relationships engaged into by the former with other categories of respondents, namely community members and genocide survivors for a number of reasons discussed by this report. The reason as to why this is the case is undoubtedly because ex-genocide prisoners tend to rely more on their spouses and or relatives for their successful reintegration than to any other external actor, partly because they trust that their relatives will bear with them no matter the gravity of the crime committed or accused of. Besides, both quantitative and qualitative information collected from ex-genocide prisoners suggested that they found a great emotional support from their contact with their families than from anybody else.

Quantitative data regarding a proportion of 22 % of ex-genocide prisoners who, during their term of imprisonment, had caretakers for their families, chose in first place their siblings (55.1%) followed by 33.9% who rather chose their parents for this responsibility, whereas friends or neighbors occupied 6.5% and 5.6 % respectively. Asked to hierarchically motivate their choice of caretaker for their respective families, most surveyed ex-genocide prisoners (78.2%), responded that they trusted their siblings than anybody else. Besides, qualitative data collected from all categories of respondents stressed that feelings of empathy, sympathy and compassion vis-à-vis wrongdoers are often strongly experienced by their spouses and relatives very often in the name of family solidarity than they are actually experienced by community members and or victims. According to the same quantitative data, this choice was not betrayed since at 79.5 % of caretakers were regarded by ex-genocide prisoners as having been very supportive to the families.

Regular contact was also reported by 20.2% of surveyed genocide prisoners to be a second important factor determining the choice of a family caretaker as reveals the table below.

**Table 16: Importance of factors influencing the choice of family caretaker for ex-genocide prisoners**

Importance of factors influencing the choice of family caretaker for ex-genocide prisoners	Frequency	Percent
I trusted him/her the most	97	78.2%
He/she kept regular contact during my stay in prison	25	20.2%
He/she lived closer to my home	14	11.3%
He/she was my best friend before imprisonment	7	5.6%
I had no other choice	6	4.8%
Other unspecified reasons	3	2.4%

## ***7.2 Property ownership before and after prison/Property recovery after release***

The aftermath of massive violence such as war and or genocide, are often followed by mass arrests of crimes perpetrators or suspects, and in some instances, by the looting and or wrangling of property which used to belong to arrested crimes perpetrators or suspects. As ex-prisoners return home after their release, they can, and it often happens, face property ownership problems. From an economic point of view, experts assert that a prolonged deprivation of productive asserts has the potential to reduce the horizons of economic reintegration for ex-prisoners. In order to determine the extent to what the regain of ownership rights by ex-genocide prisoners over their property contributes or not to their successful reintegration, this study sought first to identify and hence come up with an inventory of assets or property which was owned by ex-genocide prisoners prior to their release.

The quantitative data revealed that ex-genocide prisoners possessed a range of movable and non-movable productive assets. However, the most owned property comprised of immovable assets such as land which was possessed by 77.5%, followed by residential houses (45.4%). Movable assets such as small cattle and big cattle were respectively owned by 29.6% and 28.0% of ex-genocide prisoners. About 14% possessed nothing. Surprisingly, this rate is above the property recovery rate for genocide survivors.



**Table 17: Property ownership among ex-genocide prisoners before imprisonment**

	Frequency	Percent (n=608)
Land	471	77.5%
Residence house	276	45.4%
Hen	180	29.6%
Cows	170	28.0%
Nothing	84	13.8%
Vehicle	16	2.6%
Bank money	16	2.6%
House for rent	9	1.5%
Other properties	6	1%

For the dominant majority of ex-genocide prisoners land and residence houses were the most important property. As evidenced by the following findings, the majority of ex-genocide prisoners recovered their property upon release.

**Table 18: Whether the property was recovered after release or not**

	<i>Frequency</i>	<i>Percent</i>
<b>Yes</b>	482	90.1%
<b>No</b>	53	9.9%
<b>Total</b>	<b>535</b>	<b>100.0%</b>

The majority of ex-genocide prisoners have recovered their properties upon release. This is probably one of the most important factors that encourage peaceful coexistence according to a local volunteer for unity and reconciliation in Bugesera: “*Kuba barasubiranye imitungo yabo, kabone n’ubwo yaba ari bike, byatumye bumva ko bafashwe nk’abandi baturage bose. Erega abantu bakoze jenoside bumvaga ahari ntabundi burenganzira na bumwe bazongera kugira (...)* Ibyo bibafasha kubana neza n’abandi baturage no kwizera inzego za Leta” (Recovery of property no matter how small it was has proven that ex-genocide prisoners are treated like any other citizens. It seems ex-genocide prisoners thought they were no longer eligible to any right (...).

This participates in promoting peaceful coexistence and trust in the State’s organs).<sup>172</sup>

<sup>172</sup> Interview with Emmanuel Rutagengwa, Bugesera, April 18, 2014.

### 7.3 Access to cooperatives and eligibility to social protection programs

Since 2008, Rwanda has embarked on an ambitious cooperative programme. The aim is to fight poverty through increased access to cooperatives and therefore credits. In addition, the Government of Rwanda provides vulnerable households with social support through various policy schemes including Girinka and VUP. The findings of this study clearly show that former genocide prisoners have equal access to these opportunities compared with the rest of eligible Rwandans.

**Table 19: Access to cooperatives/income generating activities among ex-genocide prisoners**

	<i>Frequency</i>	<i>Percent</i>
<b>Yes</b>	327	54.2%
<b>No</b>	276	45.8%
<b>Total</b>	<b>603</b>	<b>100.0%</b>

In light of the findings above, it appears that 54.2% of all ex-genocide prisoners are members of income generating activities, including cooperatives and community associations. Among these, 35.5 are members of formal cooperatives, 39.6% are members of community associations while 25.2% adhered to Ibimina. Discussions in groups confirmed that ex-genocide prisoners who meet the criteria are eligible to social protection programs like any other citizens. According to a former genocide prisoner, “*access to these programme is based on the status on vulnerability, there no other consideration*”.<sup>173</sup> Our informant who is also deputy president of the “la Paix” association that bring together ex-genocide prisoners and genocide survivors, further confirmed: “*Bareba icyiciro umuntu arimo batitaye ku mateka ye*” (to be eligible to social protection programmes, they look at the category (of poverty or income level) of each candidate they don’t consider one’s history). For this man aged between 47 and 50, the only issue ex-genocide prisoners face is deprivation of political rights and obligation and more specifically the right to vote and to be elected: “*...Ako kazavaho ryari? Ni ikintu abafungurwe bahuriyeho. Ahubwo se ni iyihe nzira umuntu yanyuramo kugira ngo akurweho imiziro? Aho tuhafite ipfunzwe pe!*”

<sup>173</sup> FGD with genocide ex-prisoners of April 18, 2014 in Gahembe, Bugesera.

## 7.4 Challenges facing socio-economic reintegration of ex-genocide prisoners

Long stays in prison always generate problems that hinder the future reintegration process. The following table summarizes the key challenges that ex-genocide prisoners face in the context of Rwanda.

**Table 20: Challenges facing reintegration according to genocide former prisoners**

	Frequency	Percent (n=69)
Poverty	25	36.2%
Negative attitudes among ex-genocide prisoners themselves	15	21.7%
Conflict with spouses	14	21.5%
Stigma due to persistent image of “criminal”	10	14.5%
Poor preparation of the reintegration process	6	8.7%
Lost property	6	8.7%
Lack of appropriate family support	5	7.2%

For ex-genocide prisoners who recognized there are challenges facing their reintegration – these are 69 in total- the most important problem for them is poverty. Other significant challenges include negative attitudes<sup>174</sup> among ex-genocide prisoners, conflict with spouses, stigma from other community members and poor preparation of reentry. Qualitative data are more expressive on the challenges that ex-genocide prisoners are facing in relation to their reintegration. Still, the most pressing problems that the ex-offender encounters are the obstacles that interfere with the ability to make a smooth transition to being a productive member of the community. The following challenges were presented as the most important.<sup>175</sup>

### 7.4.1 Attitudes of ex-genocide prisoners

Gacaca has reoriented the course of Rwandan justice by emphasizing confession, apology, and forgiveness. The alternative (to the continued imprisonment of more than 1 million genocide suspects) was both untenable and undesirable. But, according to field data, in spite of many advantages that the Gacaca offered, ex-genocide prisoners are perceived to do little in order to encourage their own reintegration and therefore reconciliation. Though the findings suggest non negligible progress, the way to go is still long. Indeed the cohabitation between ex-genocide prisoners and survivors which was initially marked by mutual fear, improves progressively with the passing of time. However, the populations, and more specifically genocide survivors, persistently question the willingness, seriousness and honesty of ex-genocide prisoners to contribute to reconciliation. For many survivors, ex-genocide prisoners were not cooperative enough to reveal the truth and acknowledge their individual responsibilities. As a result, the truth is on partial in the sense of incomplete and deformed. For many interviewees, if the truth cannot be revealed and the request for pardon is a tactic to avoid living on the outskirts of society, if repentance is not sincere, reconciliation will not happen. And yet to rebuild, to live in peace (and not just superficially), true reconciliation is essential.

<sup>174</sup> These include failure to express regret and formally apologize, aggressive behaviors...

<sup>175</sup> These challenges were listed and discussed mainly during group discussions with both former genocide prisoners and other community members (met separately).

#### 7.4.2 Poverty and unemployment

Although it is tempting to think in isolation about each of the problems reentering ex-offenders face, they tend to be linked. For example, the persistent image of criminal also affects the ability of ex-offenders to secure and maintain employment. The relationship between this image and seeking and maintaining employment has been described as interconnected.<sup>176</sup> On one hand, some might argue that the nature of certain offenses might warrant exclusion from specific occupations, such as participation in genocide. The logic of this sort of “exclusion” lies in its direct relationship to the nature of the offense of which the ex-offender was convicted. On the other hand, some still might argue against these specific exclusions because the exclusions fail to acknowledge the effect of therapy and the potential for changes in the offender’s conduct and character.

Regardless of how one might resolve this debate, it is hard to construct a justification for blanket restrictions that makes sense. If the objective of the society is to promote effective reintegration of former ex-genocide prisoners, and therefore social cohesion, applicants for employment should be reviewed individually rather than having to face the additional punishment of being barred from a position regardless of the offense. In addition, by precluding every ex-offender from specific occupations, the Rwandan society may be preventing too broad an array of potential workers from becoming productive members of the community. Previous studies have already indicated that providing ex-offenders with the supports and services they need to find and maintain employment can reduce recidivism.<sup>177</sup> This is where TIG is likely to contribute to the reintegration process. Indeed, using strategies such as progressive sanctions that hold ex-offenders accountable but that also keep them in the community connected to family and employment can be effective.

As discussed far above, the most pressing problems that the ex-offender encounters are the obstacles that interfere with the ability to make a smooth transition to being a productive member of the community. Collaborative efforts will need to take into consideration that the communities receiving the largest number of ex-offenders are also the communities most often at risk. The high rate of incarceration following the genocide against the Tutsi has placed added stresses on low-income communities, especially in rural areas. The loss of young men who were potential wage earners and supports for families has a detrimental effect on the social organization of poor communities while the offender was in prison. After the offender was released, the problems of lack of employment and lack of meaningful connection with the community persisted. Although only an insignificant number of female former genocide prisoners were covered by this study, one would anticipate that limited employment opportunities for former inmates has a disproportionate impact on children and families. A brief examination of the problems that women encounter on reentry may lead to a decision to have gender-specific approaches to reentry. For example, women offenders tend to be particularly stigmatized by their community.

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<sup>176</sup> Discussed mainly in Bugesera.

<sup>177</sup> See for instance Nally, J. M., Lockwood, S., Ho, T., & Knutson, K. (2012). “The post-release employment and recidivism among different types of offenders with a different level of education: A 5 -year follow-up study in Indiana.” in *Justice Policy Journal* 9, 1, pp. 2-29

Although men who commit crimes are not necessarily seen as good members of the community, they are rarely ostracized. Women who engage in crime are often seen as defying a gender role, which is perceived by communities as deviance of a higher order<sup>178</sup>.

According to discussions researchers had, policymakers treat reentry problems generically more often than not. That tendency has almost hidden from view the unique but quite compelling difficulties that female ex-offenders face upon release. Indeed, women who are incarcerated have unique health needs and often experience different mental health issues that may have contributed to or arisen out of their confinement. Yet, perhaps the most significant factor that distinguishes women from their male counterparts relates to their real and perceived responsibility for their children. It is the impact of the parental role that often weighs most heavily on the woman ex-offender and guides her choices upon release (a factor too often ignored in examinations of the problems posed upon reentry).

### 7.4.3 *Weak of community trust*

The announcement of the first wave of releases of ex-genocide prisoners gave rise at first to a strong feeling of fear, especially among the survivors, who questioned how the released prisoners would behave, fearing that they would continue the cruelty of the past. Despite the fact that the majority of respondents (quantitative) seem to be satisfied with the status of reintegration of ex-genocide prisoners, qualitative data reveals fear and doubts among community members regarding the level of commitment to peace by the former. As a general rule, communities are quite adept at considering and anticipating the potential safety issues posed by the release of offenders. Overall, discussions with community members and genocide survivors pointed to serious concerns on whether former genocide perpetrators have truly changed. Answers like “we never know”, or “let us wait and see” were legion.

Though joint cooperatives and reconciliation clubs are playing a significant role in reconnecting ex-genocide prisoners and the rest of the community members, building trust between the former and genocide survivors will not surprisingly take time. As already identified by other studies<sup>179</sup>, lack of honest remorse and forgiveness poses serious problems for the process of trust building and reconciliation. It was noticed during group discussions with survivors that it was very hard for them to forgive the offenders. The absence of accountability on the part of offenders coupled with the “delay” to engage effective reparation efforts poses a challenge every bit as serious. The fact that many survivors have almost lost hope of compensation, either from the perpetrators of the crimes (who for the most part are very poor) or from the State, which has not yet approved the law on compensation, does not encourage reintegration of genocide ex-detainees. This undermines the chance for groups to recreate trust between them, which understandably affects both the process of reintegration of ex-genocide prisoners and reconciliation.

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<sup>178</sup> Informal discussion, Kigali, May 26, 2014.

<sup>179</sup> See for instance Kohen, A., Zanchelli, M. and Drake, L., “Personal and political reconciliation in post genocide Rwanda”, in *Social justice research*, 2011.

#### *7.4.4 Limited family support*

Having a stable support network upon release from prison is vital to successful reintegration as discussed above. Families can be a source of that support, provided they are equipped to do so. Parents who have been imprisoned face hardships re-establishing relationships with their children, especially if the custodial parent does not want them to have a relationship.

An non negligible share of ex-genocide prisoners (7.2%) have declared lacking family support. While many families are happy to support their loved one and do whatever is necessary, others do not have the means to do so. In cases where family support is not possible, it is important for the former inmate to seek out an alternative support system. These can be groups that focus on rehabilitation and recovery, faith-based organizations, friends, or other non-profit organizations dedicated to helping former inmates re-integrate successfully. Discussions in Nyamagabe and Bugesera suggest very few non familial support structures exist to help former genocide prisoners to reintegrate. In these conditions, not only does the former inmate face the societal stigma, but the family does as well.

## GENERAL CONCLUSION

Overall, the objective of this study was to assess the process of ex-genocide prisoner's reintegration at the family and community levels. From this overall objective, the study responded to various specific objectives as developed in the next paragraphs.

### Key findings

The study found that ex-genocide prisoners had enormous needs, some of which tend to be immediate and others mid or long-term needs and or expectations. As far as immediate needs are concerned, the study found that basic needs such as food and shelter, health care, and employment came in the first position, followed by self-actualization needs such as the freedom of movement and positive representation. Other needs tended to be mid or long-term. However, ex-prisoners' immediate expectations varied depending on whether they were to be met by their families, those they wronged, and or the community at large. As a general observation originating from this study, ex-genocide prisoners immediate expectations vis-à-vis own families/relatives tended to be positive in as much as they were associated with sympathy, whilst those from the Rwandan society at large tended to be more or less portrayed by indifference of community members vis-à-vis the reintegration of the former. Unlikely, ex-prisoners' immediate expectations from genocide survivors were anticipated to be characterized by not only reluctance but also revenge. However, as time went on, even the less optimistic expectations had gradually proven to be not as dangerous as they were initially thought to be.

Overall, the study found that ex-genocide prisoners are relatively successfully reintegrated. However, the level of reintegration varies depending on whether they find themselves among their families, or among genocide survivors and or their friends and neighbors. Above 60% of released prisoners have a feeling of being truly reintegrated not only in their families, but also in the community of genocide survivors as well as in the rest of general population. However, 69.2% of interviewed ex-genocide prisoners tend to equally feel truly more reintegrated by their families and neighbors than by genocide survivors with whom the level of reintegration was gauged at 63.5%. The same reintegration trend was also confirmed by other respondents, notably friends and neighbors to ex-prisoners whose witnesses revealed that 71.4% were perceived to be truly reintegrated in their own families against 57.2% and 43.5% respectively by their neighbors and genocide survivors. This finding, which was also confirmed during qualitative data collection, brought our research team to the conclusion that reintegration by a wronged party evolves more slowly than reintegration by other members of the community less directly affected by the crimes of the past. Indeed, even when efforts for self or reintegration by a third party are genuinely done, they tend to be not interpreted as such given the fact that learning how to trust each other again remains the most problematic aspect of the relationships between the wronged and the wrongdoer. The study was however incapable to determine which category of prisoners among those released under conditional release, unconditionally release, those acquitted or simply those released after serving their term sentence were more reintegrated than others.

Regarding social and economic reintegration, the majority of ex-genocide prisoners have the feeling of being more socially reintegrated than they are economically. However, genocide survivors consider that former genocide prisoners are well reintegrated than they are themselves. During the quantitative data collection, it came out that only 54.2% of released genocide prisoners have joined common interest projects that generated them some incomes, hence making them capable to meaningfully earn their living and hence contribute to their own social welfare, that of their families and the community where they live in general. Projects most commonly adhered to include associations with accounted for 39.6% of interviewed ex-genocide prisoners' membership against 35.3 % for cooperatives , and 25.2% for "ikimina", a kind of informal saving and rotative credit scheme. The quest for increased interaction with diverse stakeholders and mostly the quest for mutual interest constituted one of the key driving forces for their membership to these kinds of agencies. Indiscriminately, ex-genocide prisoners, neighbors and genocide survivors alike unanimously acknowledged that such interactions enabled transcendence of mutual distrust and hence paved a way to a more reconciled future among antagonistic categories and their descendants. In addition to joint interests initiatives, pre-release vocational training and former genocide prisoners' eligibility to social protection programs has proven to be another determining factor that significantly contributes to their reintegration. The feeling that ex-genocide prisoners are not discriminated was clearly expressed. Some members of the community, including genocide survivors consider that the former are even given more than they deserve;

Only as few as 3.6 % feel like prison is a better place to be, i.e they feel that they are not either socially nor economically reintegrated. In all instances, this state of affairs was perceived to be a consequence of prizonalization which, in most cases, was exacerbated by poverty, at least for nearly 36.2% of interviewed ex-prisoners, followed respectively by radicalization and mistreatment by a husband or a wife which occupied 21.7% and 15.9% of their responses. Although social stigma and resulting exclusion were also reported as contributing factors to this prizonalization phenomenon, it rather occupied less than 15%. This situation therefore confirms the hypothesis according to which reintegration is most likely to be successful when a prisoner is fully aware of the correctional and or rehabilitative role of prison and takes every pre-release reintegration program as a golden opportunity to better him or herself.

The study findings suggest there are no specific reintegration mechanisms at the family and community levels. The study noticed the existence of reconciliation clubs bringing together former genocide prisoners and genocide survivors among others. But discussions held during the field work tend to show that these clubs are primarily financial oriented than socially motivated. As a result, social cohesion between the two groups is still weak despite encouraging progress. The study equally pointed to weak coordination and communication between the government's structures in charge of rehabilitation and reintegration of former prisoners and more particularly between the government and families of inmates.

Among the factors that hinder reintegration of ex-prisoners poverty, deprivation of the right to vote and to be voted and limited access to employment opportunities were listed as the most important issues that former genocide prisoners are facing. However, these are not particularly vulnerable compared to other needy groups including a significant share of genocide survivors, some of whom do not hesitate to describe former genocide prisoners' situation as better.



Although the number of female former genocide prisoners that were interviewed was too small to draw representative conclusions, indicative data tend to show that poverty, limited access to employment and social stigma are particularly severe against women.

The study also found that the role of a released prisoner in his or her own reintegration is very critical for the process to succeed or to fail. Those who had internalized the correctional and or rehabilitative role of prison and had adequately made use of life skills acquired during pre and post-release reintegration programs had a higher chance of success than those who had not. Almost 38.9% acknowledged having been successfully reintegrated thanks to their own role in keeping their new promise vis-à-vis themselves, their families and the community in general. Promises made consisted in living a more humane and responsible citizenry life, free from recidivism. Apart from ex-prisoners' own role in their reintegration, other enabling factors for the former's successful reintegration chiefly included a peace friendly national top leadership provided in the post-genocide era, along with the political will to enforce the reintegration process, followed by the well established pre and post-release reintegration programs, to name but a few. Besides, those ex-prisoners whose needs and or expectations from a variety of actors were met had a higher chance to successfully reintegrate. Furthermore, ex-genocide prisoners are unanimously recognized as playing an exemplary role when it comes to participating in any community or national development initiatives.

The study was not able to determine the impact of ex-genocide prisoners' reintegration status on social cohesion and reconciliation processes. However, it was noticed that there was a peaceful coexistence between various groups in presence and the existence of connecting opportunities such as common projects and reconciliation clubs. No matter what the primary objective of these projects and clubs is, they provide all groups with the opportunity to interact and share ideas, which in itself contributes to "demobilizing" the minds. However, the impact of reintegration process on ex-prisoners households' welfare is self-evident. Even if employment opportunities are limited, former prisoners have reintegrated their families and are involved in various casual works that make it possible for them to earn some money.

## Recommendations

The findings of this study reveal a number of gaps that need to be addressed for a more successful reintegration of ex-prisoners.

### *To Rwanda Correctional Services*

- The findings show that collaboration between RCS and families of inmates is weak. There is a need to improve exchanges and initiate joint activities during and up to the end of the imprisonment period in order to facilitate successful future reintegration;
- Improve on implementation of reintegration mechanisms at the family and community levels. It is urgent to sensitize both of them in order to establish mechanisms aimed at facilitating reentry and reintegration. Highly recommended to improve the inclusive strategy, may be the development or adding new chapters in the reintegration policy that will define, among other things, the role and responsibilities of various parties in the reintegration process;

- Despite some scattered good practices of ex-genocide prisoners' reintegration identified, there are currently no formal reintegration mechanisms of the former at the family and community levels. Thus, it is urgent to draw on the identified good practices in a bid to improve the existing reintegration policy, in substance the national correction policy. The improvement shall be done in such a way that the existing policy integrates, among others, aspects of post-release reintegration and defines the roles and responsibilities of various actors in its implementation.
- The study findings suggest that female former genocide prisoners are particularly confronted with poverty. It is therefore necessary to develop a gender-specific reintegration strategy that takes into account women low income and their parental responsibility.

#### *MINALOC and MIGEPROF*

- Encourage families and communities to create grass root reintegration initiatives;
- Raise awareness of family members on their responsibility to provide support to former ex-genocide prisoners and other ex-inmates.

#### *National Unity and Reconciliation Commission*

- There is a feeling, especially among genocide survivors, that former genocide prisoners are given a privileged treatment. Sensitization sessions to raise awareness of citizens on the rights of former prisoners to recover economically and fully reintegrate the community are paramount to promote social cohesion and reconciliation.

#### *Human rights and survivors' organizations*

- Advocate for the establishment of wider vocational training programmes among CSOs and private sector organizations intended to survivors of genocide

#### *Faith Based Organizations*

- Create spaces for and encourage dialogue between ex-genocide prisoners and survivors through church services;

#### *ex-genocide prisoners*

- Deploy efforts to normalize relationships with individuals they harmed during the genocide;
- Join as much as they can joint interests initiatives and inclusive community structures;

#### **Areas for further studies**

This study has raised a number of questions without providing a comprehensive answer. For interested organizations and individuals, the following aspects can be studies further:

1. A deep and comprehensive study on female reintegration challenges and obstacles;
2. The role of rehabilitation and compensation of survivors in the reintegration of perpetrators;
3. The place of remorse and regret by crime perpetrators in their future reintegration into communities.

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## ANNEXES

### MAIN QUESTIONNAIRE

#### ASSESSING THE REINTEGRATION PROCESS OF GENOCIDE EX-PROSONERS

O. INTERVIEW DATA									
<b>Interviewer Name</b>									
<b>Interviewer Number</b>				<b>Questionnaire Number:</b>					
<b>Interview Date</b>							<b>Start Time</b>		

Hi, my name is \_\_\_\_ I am conducting a study on behalf of NURC to assess the process of reintegration of ex-genocide prisoners at the family and community levels. The results of this survey will help NURC and its stakeholders to adapt, if need be, interventions aimed at promoting effective reintegration of ex-genocide prisoners. I would appreciate if you would give me your views on the research topic. The information collected will be treated confidentially and your name will neither be recorded nor revealed.

A. INFORMATION ON THE RESPONDENTS				
A.1 Geographic location				
Province	Code			
<b>Kigali</b>	<b>01</b>	<b>1. District</b>		
<b>South</b>	<b>02</b>	<b>2. Sector</b>		
<b>East</b>	<b>03</b>	<b>3. Cell</b>		
<b>North</b>	<b>04</b>	<b>4. Village</b>		
<b>West</b>	<b>05</b>			

A.2 Residence		Urban		01		Rural		02		A.3 Sex		Male		01		Female		02		
<b>A.4 Which of the following age groups do you belong/you belonged to in the periods below:</b>																				
1) Today:																				
2) At time of genocide:																				
3) At time of emrisonnement:																				
4) At time of release:																				
18-24	01					35-39		04			50-54				07					
25-29	02					40-44		05			55-59				08					
30-34	03					45-49		06			60+				09					

A.5 Employment Status					A.6 Highest Level of education attained					A.7 Personal Income per month				
	Before prison	Today	Code		Before prison	Today	code		Before prison	Today		Before prison	Today	
Unemployed			01		Primary Only		01		Less than 35,000					01
Farmer			02		Vocational training		02		35,000 – 69,999					02
Consultant			03		Secondary Only		03		70,000 – 174,999					03
Employed by local government			04		University		04		175,000 – 349,999					04
Employed by central government			05		None		05		350,000 – 699,999					05

Employed in CSO/NGO					700,000 – 1056,999			06
Informal sector					Over 1057,000			07
Retired								
Other ( specify)								
<b>A.8 Marital Status</b>								
	Before prison	Today	Code			Before prison	Today	Code
Married			01					01
Single			02					02
Widow /er			03					
Divorced/separated			04					
<b>A.11 Size of the HH</b>								
	Before prison	Today	Code				Yes	No
1. Between 1 & 4			01					
2. Between 4 & 6			02				01	02
3. Above 6			03					
<b>A.12 Religion affiliation (if any)</b>								
	1. Christian							
	2. Muslim							
	3. Traditional							
	4. None							
<b>A.13 Residence</b>								
Is where you reside today the same place where you resided before genocide?								
Code								
01								
02								
03								
04								

## **IMPRISONMENT AND PRE-RELEASE PREPARATION FOR EX-GENOCIDE PRISONNERS REINTEGRATION**

### **1. When were you arrested for genocide crimes?**

#### a. Before Gacaca courts were started

- (i) 1994-1996
- (ii) 1997-1998
- (iii) 1999-2000
- (iv) 2001-2002
- (v) 2003-2005

#### b. After Gacaca courts were officially started

- (i) 2006-2008
- (ii) 2009-2011
- (iii) 2012

### **2. While in prison, did you benefit from the following programmes:**

- a. Vocational training
- b. Alphabetization
- c. Access to prison's library
- d. Involved in prison internal income generating activities
- e. Involved in prison external income generating activities
- f. Reconciliation Sessions
- g. Genocide Commemoration
- h. Therapy/counseling sessions
- i. Cultural sessions and recreation
- j. Religious/spiritual assistance
- k. External medical visits

### **3. If you benefited from vocational training, were you issued with a certificate?**

- a. Yes
- b. No

### **4. If yes, is it clearly mentioned that the certificate was issued in prison?**

- a. Yes
- b. No



5. **If yes, is the certificate recognized on the national standards?**
  - a. Yes
  - b. No
  
6. **If you benefited from therapy/counseling sessions, what were their impacts on you?**
  - a. I regretted my deeds;
  - b. I developed sympathy, empathy and compassion towards my victims;
  - c. I felt the need for begging pardon/I apologized;
  - d. I sensitized my inmates to seek pardon;
  - e. They had no impact.
  
7. **While in prison, did the family members keep regular contacts with you?**
  - a. Yes
  - b. No
  
8. **If yes, how?**
  - c. Regular visits
  - d. Monitored letters
  - e. Media announcement
  - f. Telephone calls
  - g. Internet
  - h. Other (specify)
  
9. **If no, what are the reasons?**
  - i. Far from home
  - j. Abandoned by the family members
  - k. Financial constraints
  - l. No family members
  
10. **If family members didn't keep regular contacts with you, why?**
  - a. Fear of social stigma
  - b. Extra marital relationships
  - c. Relocation to other countries
  - d. Property wrangles within family members
  - e. Previous conflictual relationships
  - f. My role in the killings of the spouse's relatives
  - g. Absolute rejection due to my role in the genocide
  - h. Other (specify)

**11. While in prison were you informed about changes in terms of policies, laws and administrative reforms that happened in the country?**

- a. Yes
- b. No

**12. If yes, through which channels?**

- a. In prison sensitization campaigns,
- b. Media,
- c. Personal visits

## EX-GENOCIDE PRISONNERS POST RELEASE PREPARATION, NEEDS AND EXPECTATIONS FROM FAMILY AND COMMUNITY

### 13. When were you released?

- a. Before 2002
- b. 2003-2005
- c. 2006-2008
- d. 2009-2011
- e. 2012-2013

### 14. Under which condition were you released?

- a. Unconditional
- b. Conditional
- c. After serving the sentence
- d. Acquitted

### 15. When you were released, what was your immediate destination?

- a. Reintegration camps to family
- b. Reintegration camps to TIG
- c. Reintegration camps to Family through TIG
- d. Family

### 16. At your exit from prison, what were your immediate needs from the family and community?

- a. Access to job and income generating activities,
- b. Access to housing,
- c. Access to health facilities,
- d. Access to education facilities,
- e. Access to social protection programmes, (VUP, Girinka, One cow per family, District vulnerable funds....)
- f. Access to productive assets (land)
- g. Other (specify)...

**17. At your exit from prison, what were your expectations from the society?**

- a. Regaining access to my property
- b. Image of rehabilitated person
- c. Involvement in community activities
- d. Membership in associations
- e. A comprehensive package for resettlement
- f. Community support programmes (Joint re-humanization programmes)
- g. Freedom of movements

**18. At your exit from prison, what were your expectations from your family?**

- a. Acceptance
- b. Re-establishment of family ties
- c. Rehabilitated in responsibilities
- d. Access to property
- e. Warm welcome ( party)
- f. Pardon from the family if was abandoned

**19. What were your expectations from the genocide survivors?**

- a. Nothing,
- b. To bear with me,
- c. Image of rehabilitated person,
- d. Being associated in their various activities,
- e. Vengeance,
- f. Conflictual relationships,
- g. Other (specify).....

## **FAMILY AND COMMUNITY'S ATTITUDES VIS-A-VIS EX-GENOCIDE PRISONNERS**

**20. At your return back home, what did the community do in the first six months that positively touched you?**

- a. Community cleansing meeting,
- b. Friends and neighbors specific welcome party,
- c. Visits by friends and neighbors,
- d. Reintegration donation
- e. Got a job
- f. Invitation to various societal activities ( weddings, burial ceremonies, anniversaries)
- g. Access to health facilities,
- h. Benefited from social protection programmes,
- i. Access to housing,
- j. Nothing.

**21. If something positive was done after the first six months, when was that?**

- a. 6-9 months
- b. 10-12 months
- c. 12 months +

**22. At your return back home, what did the community do in the first six months that negatively touched you?**

- a. Contested my return back,
- b. Boycotted a community event that I attended,
- c. Throwing stones at my residence,
- d. Vandalized my assets,
- e. Psychological harassment of my relatives and myself,
- f. Other ( specify)

**23. If nothing was done, what do you think are the reasons?**

- a. Not happy about my return,
- b. No mechanisms for community reintegration,
- c. Feeling that my reintegration is my own responsibility not theirs,
- d. Continued criminalization,
- e. Feeling that the sentence was not clement compared to the severity of the crime,
- f. Property wrangles,
- g. Community beliefs that reintegration is automatic,
- h. Other (specify).

**24. At your exit from prison, what did the family do for you?**

- a. Nothing,
- b. Extended Family welcome party,
- c. Restitution of properties,
- d. Reintegration contributions, and donation
- e. Invitation to various family activities ( weddings, burial ceremonies, anniversaries)

**25. If nothing was done by the family, what are the reasons?**

- a. Not happy about my return,
- b. No mechanisms for family reintegration,
- c. Feeling that my reintegration is my own responsibility,
- d. Continued criminalization
- e. Feeling that the sentence was not clement compared to the severity of the crime
- f. Property wrangles
- g. Family beliefs that reintegration is automatic
- h. No family ties were existing even before my imprisonment
- i. Other ( specify)

**26. After you were released, how did the genocide survivors react?**

- a. Avoidance
- b. Anger and bitterness,
- c. Hostility,
- d. Threats,
- e. Welcomed me,
- f. They relocated because of my return
- g. Other (specify).

## ROLE OF EX-GENOCIDE PRISONNERS IN OWN REINTEGRATION

**27. How well did you appreciate the correctional role of prison?**

- a. Very good,
- b. Good,
- c. Fair,
- d. Poor,
- e. Doesn't exist,
- f. Don't want to answer.

**28. From the time you knew you will be released, what was your new promise to yourself for a new start?**

- a. Promote human dignity,
- b. Become a God fearing person,
- c. Leave a crime - free-life (Not re-offending),
- d. Act as a responsible citizen,
- e. Respect the social contract ( social norms),
- f. I had no new promise,
- g. Other (specify).

**29. From the time you knew you will be released, what was your new promise to your community for a new start?**

- a. Promote human dignity,
- b. Become a God fearing person,
- c. Leave a crime - free-life (Not re-offending),
- d. Act as a responsible citizen,
- e. Respect the social contract ( social norms)
- f. I had no new promise,
- g. Other (specify).

**30. After you're released, did you celebrate for yourself?**

- a. Yes
- b. No

**31. If yes, whom did you invite?**

- a. Relatives,
- b. Friends,
- c. Neighbors,
- d. Other genocide survivors,
- e. Fellow ex-genocide prisoners,
- f. Thanks-giving to God

**32. If no, why?**

- a. I thought it was not worth it,
- b. I didn't deserve it,
- c. Thought would psychologically be harassing genocide survivors,
- d. Had no resources,
- e. Because the family negatively welcomed me
- f. Because the family negatively welcomed me
- g. Other ( specify)

**33. After you're released, how did the community know about your return back home?**

- a. Introduced myself to Umudugudu,
- b. Participated in community activities,
- c. Invited community for a celebration,
- d. Visited my victims or relatives to beg for pardon,
- e. Other (specify).

**34. Ever since you returned back home, have you been invited to any event by a genocide survivor?**

- a. Yes
- b. No

**35. If yes, did you attend?**

- a. Yes
- b. No



**36. If you didn't, why?**

- a. Wasn't in the mood,
- b. Fear of what people would say,
- c. Felt the invitation wasn't sincere (show-off),
- d. Haven't the courage to face my victim(s),
- e. I felt very sorry for them,
- f. Other ( specify),

**37. Since you're released, have you ever been prosecuted again?**

- a. Yes
- b. No

**38. If yes, what were the reasons for your prosecution?**

- a. Re-offended by committing the same crime,
- b. Re-offended by committing a different crime,
- c. Scapegoat,
- d. Harassment,
- e. Other ( specify)

**39. If you re-offended by committing the same crime, when was it after your return back home?**

- a. 1-3 months,
- b. 4-6 months,
- c. 7-9 months,
- d. 9-12 months,
- e. 12 months +

**40. Which of the following community activities do you attend?**

- a. Umuganda,
- b. Itorero ry'Igihugu,
- c. Reconciliation Campaigns, ( churches / any other actor)
- d. Construction or rehabilitation of houses for survivors,
- e. Meetings,
- f. Nationals programmes / policies and sensitization campaigns,
- g. Community policing,
- h. Financial contribution to specific programmes,
- i. Other (specify).

**41. Have you participated in Gacaca courts?**

- a. Yes
- b. No

**42. If yes, what was your role?**

- a. Witness,
- b. Begged community's pardon,
- c. Active participant,
- d. Encouraged other genocide perpetrators to confess
- e. Passive participant.

**43. If you participated in Gacaca Courts, what was your feeling thereafter?**

- a. I felt relieved after unveiling the truth on my role in the genocide,
- b. I felt justice was done for my victims,
- c. I felt the community was making things right,
- d. I felt I accounted for my dark past,
- e. I felt honest with myself, my family and with the community,
- f. I felt Gacaca courts were new hell (was taken back) to me,
- g. I felt Gacaca courts were a public shaming mechanism
- h. Other ( specify)

## **SOCIO-ECONOMIC MANIFESTATIONS OF EX-GENOCIDE PRISONNERS REINTEGRATION**

**44. How better do you characterize the relationship between you and the genocide survivors to date?**

- a. Harmonious relationships
- b. Conflictual relationships
- c. Mutual avoidance
- d. Other (specify).....

**45. How better do you characterize the relationship between you and your spouse to date?**

- a. Harmonious relationships
- b. Conflictual relationships
- c. Mutual avoidance
- d. Other (specify).....

**46. How better do you characterize the relationship between you and your spouse before your imprisonment?**

- a. Harmonious relationships
- b. Conflictual relationships
- c. Mutual avoidance
- d. Other (specify).....

**47. If the relationships with your spouse are currently conflictual, what are the causes?**

- a. My spouse got extra-marital children in my absence
- b. My spouse got extra-marital partner during my absence,
- c. I do no longer have any say in family matters,
- d. Family resources were miss-managed in my absence,
- e. There is no longer any family warmth,
- f. I wasn't accepted by my spouse upon my arrival,
- g. Other (specify).

**48. During your imprisonment time, did you ask someone to take care of your family?**

- a. Yes
- b. No

**49. If yes, who was that?**

- a. Parents,
- b. Brother / Sister,
- c. A friend,
- d. A neighbor,
- e. Other (specify)...

**50. If no, how did you make sure your family's needs were catered for?**

- a. Had other source of revenues,
- b. They catered for themselves,
- c. Transferred my prisoner's remuneration to them,
- d. Couldn't help it,
- e. Relatives, friends, and, neighbors catered for them on my behalf,
- f. Other (specify).....

**51. What did you possess before your imprisonment?**

- a. Land
- b. Cattles
- c. House for rent
- d. Residential house
- e. Savings in Bank
- f. Deposits in Bank
- g. Nothing,
- h. Other (specify).....

**52. If you possessed some property, who remained in charge of them during your imprisonment?**

- a. A relative
- b. A friend
- c. A neighbor
- d. Justice ( under justice administration)
- e. Was grabbed
- f. None
- g. Other (specify).....

**53. After your imprisonment, did you regain access to your property?**

- a. Yes
- b. No

**54. If the answer is no, why?**

- a. A relative registered it as own or sold it off
- a. A friend registered it as own or sold it off
- b. A neighbor registered it as own or sold it off
- c. It is still under justice administration
- d. The grabber registered it as own or sold it off
- e. Other (specify).....

## ASSESSMENT OF EX-PRISONERS FEELING OF REINTEGRATION

### 55. To what extent do you feel reintegrated by;

1. Relatives:
  - f. Truly reintegrated,
  - g. Reintegrated,
  - h. Only integrated but not reintegrated ( Rejected)
  - i. Prison was a better place to be
2. Friends and Neighbors
  - a. Truly reintegrated,
  - b. Reintegrated,
  - c. Only integrated but not reintegrated ( Rejected)
  - d. Prison was a better place to be,
3. Genocide Survivors
  - a. Truly reintegrated,
  - b. Reintegrated,
  - c. Only integrated but not reintegrated ( Rejected)
  - d. Prison was a better place to be

### 56. If you feel you truly reintegrated by your family, how do you realize it?

### 57. If you find you are neither truly reintegrated nor integrated, which factors do you find are hindering your reintegration process?

- j. Stigma,
- k. Rejection,
- l. Restriction in accessing job in public service,
- m. Restriction in accessing job in non-public service
- n. Rejection of my application for membership in non-ex prisoners owned associations
- o. Rejection of my application for membership in non-ex prisoners owned cooperatives
- p. Not recognized as head of household
- q. Unaddressed needs,
- r. Unmet expectations,
- s. Lack of appropriate family support,
- t. Lack of community support,
- u. Lack state, private and civil agencies support,
- v. Prisionalization,
- w. Recidivism
- x. Absence of pre and post release reintegration support and monitoring mechanisms (laws, policies, programmes),

**58. If you found that you're not reintegrated, what attitude did you adopt?**

- y. Avoidance of social interaction,
- z. Left my home to restart a new life,
- aa. Excessive use of alcohol,
- bb. Use of drugs,
- cc. Feeling to put end to my life,
- dd. Aggressiveness,
- ee. Relocate,
- ff. Other (specify)

**59. If you found you're either truly reintegrated or integrated, which factors encouraged your reintegration?**

- gg. Keeping my new promise vis-à-vis myself and the community,
- hh. Well established pre and post release reintegration programs,
- ii. My needs were catered for;
- jj. My expectations from my family were met,
- kk. My expectations from the community were met,
- ll. Sustainable peace friendly leadership provided in the post genocide era,
- mm. Political will to enforce reintegration process,
- nn. Preparedness of the community and families for ex-prisoners' release,
- oo. Community support to sustainable peace and reconciliation efforts,
- pp. Ex-genocide prisoners' commitment to peace and reconciliation values,
- qq. Multi-facets social reintegration support programmes.

## DIVIDENDS OF EX-GENOCIDE PRISONERS REINTEGRATION

Do you see any dividend of reintegration of ex-Genocide prisoners by the family and the community on peace, rebuilding of social capital, social cohesion, reconciliation, social welfare and development?

- a. Yes
- b. No

If yes, what are they?

- a.
- b.
- c.

What are your appreciation on reintegration of ex-Genocide prisoners by the family and the community on peace, rebuilding of social capital, social cohesion, reconciliation, social welfare and development?

## RECOMMENDATIONS

-Where do you see the need for amelioration?

### Interview guide

#### EX-PRISONERS

1. Programmes (reintegration oriented?) benefited while in prison?
2. What was the place of vocational training? How many have got certificates?
3. For those who benefited reconciliation and related activities, what was the outcome?
4. Information on policy/government activities while in prison
5. After release, what was the immediate destination? Reactions of spouses? Relatives?
6. Main challenges immediately after release?
7. Expectations from genocide survivors immediately after release?
8. Reactions of family members after release
9. Cases of recidivism? Causes?
10. Participation in public events/meetings? Which ones? Why? (commemoration events rank 3<sup>rd</sup>.  
Check with gen survivors: barabyitabira byo kwiyerurutsa according to 32.2%!)
11. Property before and after imprisonment? Reasons?
12. Membership in income generating projects/initiatives (54.2%)
13. Reintegration challenges (to be asked all groups of respondents)



## RELATIVES

1. Contact with the prisoner during imprisonment? Impact on current reintegration status?
2. Changes communication in the family (22.5% did not)? Why?
3. Immediate destination of the released after release/expectations/why?
4. Expectations from the former prisoner after he was released?
5. Participation in community activities
6. Recidivism (to be asked all respondents): 24.1% according to gen survivors against 6% ex-gen prisoners
7. Membership in various income generating activities
8. Property before and after prison
9. Role of ex-prisoners in their own reintegration?
10. Cohabitation between former gen prisoners and gen survivors: gap in figures!
12. Main reintegration challenges

## GENOCIDE SURVIVORS

1. Preparedness before ex-genocide prisoners were released?
2. Appreciation of the forgiveness process
3. Interactions
4. Truth-telling by ex-genocide prisoners
5. Feelings when ex-genocide prisoners were released
6. Main challenges immediately after release?
7. Expectations from ex-genocide prisoners immediately after release?
8. Status of coexistence today, reconciliation
9. Cases of recidivism? Causes?
10. Participation in public events/meetings? Which ones? Why?
11. Membership in the same cooperatives
12. Challenges faced in relation to reconciliation and reintegration of ex-genocide prisoners.