



# Lesson Plan

## Gacaca - Reconciliation & Restorative Justice - 1

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**Title: Gacaca - Reconciliation & Restorative Justice**

**Time: 45 minutes 1 hour**

**Objectives:** 1) Students will understand that Reconciliation is not restricted to individual Confession but also a part of the Church's role in society.  
2) Students will be able to distinguish between Retributive Justice and Restorative Justice and evaluate the pros and cons of both.

**Concepts covered:** Tribes of Rwanda - Hutu and Tutsi, Genocide, Sacrament of Reconciliation, Personelin a court of law, Retributive (Revenge) Justice, Restorative (Healing) Justice, Gacaca.

**Background Information:** After the Rwandan Genocide in 1994, thousands of persons were put in jail as accused parties in the execution of the genocide. The courts of the country would need 30 years to hear all of the cases while it was commonly known that many of the imprisoned were not guilty, or forced to do evil acts less they be killed themselves. Most of the country, even family of the victims, did not feel the courts would bring peace or reconciliation to the war torn country.

**Materials:** Photos found at [www.adsodalitatem.org](http://www.adsodalitatem.org),  
copy of provided worksheets for students to read, writing board

**Lesson:** Begin by asking students what the Sacrament of Reconciliation is. Ask them to describe what happens during the Sacrament. Also ask how the Sacrament makes them feel and whether or not it is easy to Reconcile? Finally, ask what reconciliation means.

***Notes:*** *The student's responses are heard without judgement. The responses are necessary to illustrate the upcoming points and make a connection that reconciliation is not merely a Sacrament of awkward confession, but an approach the Church seeks in all things.*

Reconciliation literally means "to come together again." To come together when there are injustices, the injustice first has to be rectified. Ask the students how injustices or crimes are solved in American society?

- courts of law

We are now going to take a look at the different ways Judicial Courts are structured in order to see the pros and cons of each system and whether they truly "bring people together" - bring reconciliation.



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Ask the students what a courtroom is and what kind of people they see in a court of law (most will know this from TV dramas). Write these on the Board.

Court: *a place where decisions are made as to someone's guilt or innocence according to the law. If someone is guilty, they must pay a fine or go to jail. If they are innocent, they may go free.*

Judges: *the one who maintains the order of the courtroom according to the law.*

The Defendant: *the one being judged.*

The Prosecutor: *The one accusing the defendant of doing something wrong. Represents the victim.*

Lawyer: *one for the Defendant and one for the Prosecutor.*

Jury *A group of people who hear the case and decide if the Defendant is guilty or not.*

Clerk *someone who records the words said in the courtroom.*

Witnesses *People requested by the lawyers to give evidence in the case.*

Audience *People who may watch the courtroom proceedings but do not participate.*

Have the students read the first worksheet and then discuss key terms

*Hutus*

*Tutsi's*

*Rwanda - Show map if available*

*Kigali - Captial City*

*Genocide*

*Retributive Justice*

Have the student's read the second part of the worksheet and discuss key terms

*Restorative Justice*

*4 levels of Genocide crimes*

*Gacaca*

*Reconciliation*

The worksheet ends with the question "Will it work? What do you think?" Ask the students to discuss this question in groups of 3-4 for 5 minutes, then come back as a large group.



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### Discussion:

To help answer the question more fully, let us compare the differences between a court of law and Gacaca. Return to the list on the board describing the personnel in a court of law.

Ask “How a Gacaca court is different than court in America?” - As students respond, cross out the elements of US courts that are different and add any content that Gacaca has.

- *there is no judge*
- *there is no jury*
- *there are no lawyers*
- *judgments are final*
- *the goal of the court is different restoration vs. retribution*

*Notes: These differences are why many outside voices have criticized the Gacaca system. There are no rules to protect against hearsay, no advocate for someone who is disliked or outcast, and no appeal for an unjust verdict. In addition the ruling of one Gacaca could be very different than that of another Gacaca only a short distance away, even if the same crime was committed.*

Ask the students, “In Rwanda, why would the Catholic Church be interested in supporting Restorative Justice as experienced in Gacaca over Retributive Justice as experienced in a court of law?”

Recall what Reconciliation means. How does the Church's position reflect the Church's dedication to Reconciliation?”

*Notes: Reconciliation is a Sacrament in the Catholic Church, amending the wrongs between peoples and between and people and God. Reconciliation is the reason Jesus came to Earth. Jesus is a Sacrament to the Church by his gift of Reconciliation between God and people. He brought us together. The Church is called to be a sacrament to the world by calling for reconciliation, by bringing people together. When possible, the Church advocates for the dignity of all people, the victims of crime and the criminals. The Church does not believe that society is better by permitting criminals to commit more crimes. Instead the Church calls criminals to change their behavior and right the wrongs they have done. The Church, the community, criminals, and even the victims of crime have roles in bringing about reconciliation.*

Before class ends, ask the students, “If you committed a crime, which would you rather be tried under? A court in the United States or Gacaca?” Take down the numbers on each side. Instruct the class that in the following lesson, they participate in a Gacaca and a Court room and evaluate the pros and cons of each.



# Lesson Plan

## Gacaca - Reconciliation & Restorative Justice - 2

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**Materials needed:** Copies of Role Play 1 and Role Play 2 for each character, writing board

Before class, have the classroom set to hold a Gacaca. If you feel comfortable you may move desks out of the way and put down a blanket for the “elders to assemble.” Others gather around the elders.

When class begins review the key concepts talked about in the previous class

*Reconciliation*  
*Retributive Justice*  
*Genocide*

*Gacaca*  
*Restorative Justice*  
*Hutu & Tutsi*

**Role Play:** Instruct the classroom that we will hold a Gacaca for an actual case that was tried in Rwanda. Select the cast members and give them the role play sheet provided.

Set the scene. We are now eight years after the Genocide. We are gathered around the elders of the village. The elders will ask questions of three main people. Augustina, Phillepe, and Jean, but at a certain point in time, everyone in the village - the rest of the class, may feel free to ask questions or comment on how they think the elders should decide. Augustina had her house burned down during the genocide. Phillepe has been in jail for 10 years for this crime. Jean actually did the crime. Let us see how the case begins.

When they come to the end of the script. Help the class continue the role play making up their own script. Facilitate the comment of Augustina, Phillepe, and Jean. Ask the “villagers” - the class - what they think should be done. Ask the named characters if they think something would be fair or not. Always ask them to justify their comments. In the end, let the elders decide the fate of Phillepe, Augustina, and Jean.

*Notes: This actual case is hard for us to conceive of here in the United States. Obviously we would send Jean to jail and give apology to the Phillepe. This did not happen in the Gacaca. After the Gacaca hearing, the three persons were able to sit down at the table and accept what had happened. Jean does his best to assist Phillepe and Augustina with daily needs, but does not serve time in jail. When asked “why” they responded, “We have seen war and violence. We do not need more violence and separation to bring peace. Although it is difficult, peace can only come from moving past our differences and working together.” Gacaca facilitated this restoration. Reconciliation was valued over retribution.*

Now reset the room to be more like a courtroom. Give the handouts to the parts in the second role play. Instruct the class that we will examine another way this case might be handled if it happened in the United States. Now the class is the “Jury” not the villagers. Now they get to decide the case. Read the second role play.



## Lesson Plan - 2

### Gacaca - Reconciliation & Restorative Justice

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When the role play is finished. Ask the students what they think will happen to Pillepe?

*- He will probably go free because the state cannot prove he did anything. All fo the evidence brought against him was hearsay or speculation.*

Ask, "What will happen to Jean?"

*- He will never have to admit that he was the one who burned down the house.*

Ask, "Will Augustina feel like justice was done?"

*- Very unlikely. She will never know the truth and no one will ever be found guilty.*

Both systems - retributive and restorative have good qualities and bad qualities. Pros and cons. Write on one side of the board "retributive/court of law." Write two columns below and write pro and con. Then write on the other side "restorative/Gacaca" and write pro and con below . Ask the students to name what they consider the pros and cons of each system.

*Retributive -*

*Pros - no hearsay only facts, advocates for both sides (lawyers), rule of law, judge, -others  
Cons - justice not always served, punishment does not bring reconciliation -others*

*Restorative -*

*Pros - reconciliation is the aim, truth valued over punishment, community must come together to find peace. -others  
Cons - no rule of law/standards, hearsay permitted, no advocates/lawyers, no right to an appeal -others*

Once again ask how many people would prefer to be tried in a court of law or a Gacaca. Compare the answers from the previous class and ask students why they changed their minds or why they remained with the same choice.

**Conclusion:** Sum up the lesson by quickly reviewing the lesson. We began by talking about the Sacrament of Reconciliation. For the Church, it is more than just meeting with a priest, but a way of living in the world in which we attempt to "bring people together." The Church is interested in justice, and does not consider any political or judicial system the right answer in every case. The reason the Church in Rwanda advocates for Gacaca is because the Church feels it is the best system to bring Reconciliation and peace to Rwanda, but as we can see by the list of pros and cons, both systems have strengths and weaknesses, which may or may not bring out the ultimate goal - Reconciliation, justice in the midst of injustice.



# Worksheet

## Gacaca - Reconciliation & Restorative Justice - 1

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The courtrooms we have in the United States are used to solve disputes between people. Sometimes these disputes are simple and sometimes they are very difficult. We have a highly organized system with procedures that determine what can be done in the courtroom and what the effect will be for the one defending him or herself. Often penalties are give out according to the law. This is known as Retributive Justice. Retributive Justice is a system which tries to correct a crime or violation by forcing a guilty individual to take actions which are just punishment for the crime committed. Such an example might be someone who is forced to go to jail for a period of time because they stole from a store, or damaged someone else's property on purpose. The most dramatic instances are when someone has killed another person.

Rwanda has a unique problem in regards to Retributive Justice. During the 100 day genocide in 1994, approximately 1 million people were killed. The main conflict was between the Tutsis and Hutus. The Tutsis known as the cattle owners and the wealthiest in Rwandan Society. The Belgian colonist used the Tutsis to rule the country and encouraged hostility between the Tutsis and Hutus. The Hutus were mainly farmers. When democracy came to Rwanda after World War II, the Hutus, almost 80% of the population, took political power and began a series of political endeavors aimed at oppressing the Tutsis. One of these decisions lead to exiling all Tutsis from the country.



*The Tutsis raised cattle. Here cattle move freely through the village. Today is considered an insult to ask if someone is Hutu or Tutsi. Citizens are known as Rwandan.*

Hutu extremists ordered a complete extermination of any Tutsi or Tutsi supporter.

There were so many people that participated in the genocide that the jails were overflowing with people after the genocide. The courts of law would take 30 years to be able to hear all the cases. Many of those imprisoned were innocent or committed crimes that would not cause them to be imprisoned for a long period of time. There was great dissatisfaction with the legal system.



*A market where sweet potatoes are sold the Hutu's were known as the farmers.*

Many Tutsis came back, but were ostracized by Hutu extremists. The conflict came to a head in the early 1990s. The Tutsis organized into a rebel force which began to march on the capital city, Kigali, and try to take over the government. As the United Nations forged a peace agreement, the Hutu president's plane was shot down. (It is still debated whether Hutus or Tutsi's shot down the plane.) The remaining



*In villages all over Rwanda they recall the Genocide with memorial buildings like this one*

*In this village, a mass grave is decorated with flowers. Over 1,000 bodies are buried here.*





# Worksheet

## Gacaca - Reconciliation & Restorative Justice - 2

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It was clear that the court systems which employed Retributive Justice were not designed to adequately handle this number of disputes. A movement began in the country to restore earlier



forms of conflict resolution. In Rwandan society, before European courts of law, the elders of a community would assemble to resolve disputes. They would sit down with the community and hear the stories of disputes. They would discuss these disputes openly and together decide on what action should be taken to bring peace to the community. There were no jails, so if the crime was the destruction of someone's cow, the guilty person would have to work to replace the cow. If it was stealing bananas from a tree, then the guilty person would have to replace those bananas with ones that he/she grew. These courts bore the name Gacaca (pronounced Ga cha ka). Gacaca literally means "grass" and the image of these courts is that

they were held where the elders of the village gathered on the grass.

These courts practiced what is known as Restorative Justice. In this form of justice, the goal is reconciliation, what it takes for people to be at peace with one another. The goal is not punishment for the sake of revenge, but having the guilty party rectify the problem and work to right what was wrong. It also requires the victim to forgive the infraction.

Gacaca has been reintroduced in Rwanda to help solve the disputes over the Genocide. Selected leaders in the community are chosen to sit and hear the cases brought before the community. Community members are encouraged to tell their story about what happened and why someone is accused. These selected leaders can then decide for the community what should be done. There are no lawyers, no clerks, no jury, no appeal of the decisions of the Gacaca.



The first task is to decide what crimes a Gacaca may hear. There are four categories of crimes after the genocide. First the organizers and killers, they can only be tried by courts of law. Second those who assisted the killers, for example those who rounded up the Tutsis and brought them to places to be killed. Third those who committed violent crime, this includes rapists or individuals who burned homes or destroyed cars. And Fourth those who committed criminal acts such as looting and robbing. The last three categories can all be tried by Gacaca courts.



Gacaca is highly debated in Rwanda, especially by outside influences such as the United States and the United Nations. As a general rule, the Catholic Church has supported the Gacaca system in hopes that it might reconcile the differences and pain that remain in the country. The Catholic Church has even offered resources to train the leaders of these village courts so that they may judge fairly and work for the benefit of all people. Will it work? What do you think?



# Role Play

## Gacaca - Reconciliation & Restorative Justice - 1

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Elder 1: We are gathered here today to solve the conflict in our village. We have been hurt by many horrible events over the last several years. Let us see if we can find a way to bring peace to this village.

Elder 2: We have heard that Augustina has suffered a great loss. Can you tell us what happened.

Augustina: I was taking coming home from the market after selling my bananas. The markets were open only a short while for many people were scared of the men who came to kill Tutsis. I am not a Tutsi. But somehow someone thought I was helping Tutsis. When I came home, there was nothing left but ashes. My house had burned down.

Elder 3: And we believe it was Phillipe who did this. Phillpe has been in jail for 10 years for this crime. This is too long for this crime. He has a wife and children to care for. He does not belong in jail.

Elder 2: But how can we let Phillipe go? He does not even admit that this was wrong. Phillipe speak.

Phillipe: I promise you that I did not do such a crime. I have sworn every day for 10 years that I did not do this and no one believes me.

Elder 1: I have heard some say they knew it was you. You had great hatred for Augustina for many years.

Phillepe: We may have disagreed, but I never would do such a crime to hurt her.

Elder 2: We must find a way to be at peace, and if you cannot admit that you were wrong you should stay in jail.

Elder 1: But if he truly did not do this, then it is not fair for him to be in jail. Does anyone else know what happened. Anyone in the village? I ask you to come forward so that we can find a solution. Jean, you were the one who told us it was Phillepe. How did you know? Speak true now.

Jean: I do not want to say.

Elder 3: You must, if we are to know the truth. Come we will try to be fair to everyone.

Jean: Then what really happened was that I burned the house.

Augustina: You have lied to us for 10 years while Phillepe has been in prison!

Jean: I have. I know I have been wrong. I did not want to go to jail and I don't want to go now. I have a family I must care for and my mother is dying. I am sorry to Augustina and to Phillepe. Please accept my apology.



# Role Play

## Gacaca - Reconciliation & Restorative Justice - 2

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Judge: I hereby call this courtroom to order. We are now hearing the people of Rwanda vs. Phillepe. The people please state your case.

District Attorney: We believe that Phillepe was guilty of burning down the house of Augustina on May 21, of 1994.

Judge: Would the defendant please rise. How do you plead?

Lawyer of Phillepe: Not Guilty your honor.

Judge: Let us hear our witnesses.

District Attorney: I call to the stand Augustina

Clerk: Do you swear to tell the truth so help you God.

Augustina: I do.

District Attorney: Please tell us what happened Augustina on the night of May 21, 1994.

Augustina: I was coming home from the market. There were many crazy people in the streets for the killers of the genocide were close by. When I returned home. I had found my house had been burned down.

District Attorney: Was there anyone who you think could have done this?

Lawyer of Phillepe: Objection! Speculation.

Judge: Sustained.

District Attorney: Did you have any fights with anyone that day.

Augustina: Yes. When I was in the market, Phillepe, who had not been friendly to me since I married my husband and his former friend, threatened me. He said I cheated him by giving him bad bananas and said that he would not mind if the killers came for me.

District Attorney: No further questions.

Lawyer of Phillepe: Did Phillepe say he was going to burn your house down?

Auustina: No

Lawyer of Phillepe: Did you ever see Phillepe start fire to your house?



## Role Play Gacaca - Reconciliation & Restorative Justice - 2

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Augustina: No

Lawyer of Phillepe: No further questions.

District Attorney: No further witness

Lawyer of Phillepe: I would like to call to the stand Jean

Clerk: Do you promise to tell the truth so help you God?

Jean: I do.

Lawyer of Phillepe: Jean, We have police reports that indicate that you were the one to report that Phillepe burned down Augustina's house. Did you ever see Phillepe burn down the house?

Jean: No I did not.

Lawyer of Phillepe: If you did not see him burn down the house. Why did you say that he did?

Jean: Everyone knew that Phillepe was angry at Augustina and that Phillepe had a bad temper. He is the most likely person to have done this.

Lawyer of Phillepe: But it is possible that someone else could have done this?

Jean: Yes.

Lawyer of Phillepe: Can you imagine who?

Jean: I can't say.

Lawyer of Phillepe: No further questions.