

JOINT DECLARATION ON THE RIGHT TO REPARATION FOR SURVIVORS OF THE GENOCIDE AGAINST THE TUTSI IN RWANDA

ISSUED BY IBUKA

28 JUNE 2013

1. Genocide survivors' organizations, in membership with IBUKA¹, declare a concern with the issue of reparation resulting from the crime of genocide committed against Tutsi in 1994. Over the last 18 years, ideas and proposals for reparation have been considered and debated, although to date a concrete legal framework to address this issue has yet to be established.
2. Since the immediate aftermath of the genocide, survivors have always called for reparation. This call has been formalized in a campaign for reparation led by IBUKA since 1997, with a declaration that reparation is the absolute and inalienable right of survivors pursuant to international treaties and conventions, including the *UN Basic Principles and Guidelines* (as detailed below).
3. IBUKA commends the social protection programs of the Government of Rwanda, as supported by the international community, to help all Rwandans in general and vulnerable survivors in particular. However such social protection, which is delivered in part by the National Assistance Fund for Vulnerable Survivors of the Genocide (FARG), in no way meets the rights of survivors to reparation.
4. IBUKA declares that this lack of reparation is a violation of the right of survivors to complete justice. To this day, survivors continue to endure the social, psychological and material consequences of genocide. This negatively impacts on perceptions of justice rendered and the trust that survivors have in the national and international judicial institutions.
5. IBUKA calls on all concerned institutions, in particular the Government of Rwanda and the international community, to work together to establish an International Trust Fund to ensure that reparation can be delivered and restorative justice served, for survivors of the genocide against the Tutsi, to realize their right to a prompt, effective and adequate remedy.

Signed in Kigali, on 28/06/2013

Prof. Jean Pierre Dusingizemungu

President of IBUKA

¹ IBUKA represents AERG, AFTS, AOCM, ARG Impuhwe, ARGR, ASRG Mpore, Association Duhozanye, AVEGA Agahozo, Barakabaho Foundation, Benimpuhwe, Benishyaka, Duhanire Kubaho, Dukundane Family, GAERG, Uyisenga n'Imanzi.

ADDENDUM

IBUKA declares that they define reparation in accordance with the *UN Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*:

- *Restitution*: is aimed at the restoration of a victim to his or her situation before the gross violations took place; it includes, as appropriate, restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.
- *Compensation*: should include monetary awards for any economically assessable damage as appropriate and proportional to the gravity of the violation and circumstances of each case, such as a) physical or mental harm; b) lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; c) moral damage and d) costs required for legal or expert assistance, medicine and medical services, psychological and social services. Compensation is central to the right to an effective remedy and to reparation, particularly when restoring the victim to the situation before the gross violation took place is not possible. This is frequently the case in respect of many international crimes, such as those involving acts of rape or torture.
- *Rehabilitation*: should include medical and psychological care as well as legal and social services.
- *Satisfaction*: to end continuing human rights violation and to establish and publically disclose the truth.
- *Guarantees of non-repetition*: to prevent such abuses from happening again, through institutional reform (judicial, military, police, etc) and the implementation of mechanisms to monitor and prevent future social conflicts.

IBUKA declares that the purpose of reparation is:

- To restore the dignity of victims who have suffered genocide and other related crimes during the 1994 genocide committed against Tutsi.
- To repair and compensate victims, including social, psychological and material losses or damages suffered by survivors as a result of the 1994 genocide.
- To recognise the loss and pain suffered by survivors
- To realise the obligation of the international community to contribute to reparation and reaffirm its commitment to eradicate impunity, restore, and formally and publicly apologise to survivors.
- To provide actual material benefits to survivors that relate where possible to the harm caused by the genocide.
- To strengthen the unity and reconciliation among Rwandans thus restoring the affected Rwandan community and the broken social fabric.