

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**CRIMINAL JUSTICE SYSTEM AS AN INSTRUMENT OF INTERNAL
SECURITY:
A CASE STUDY OF RWANDA**

BY
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**Thesis submitted in partial fulfillment of the requirements of the award of Masters in
International Studies at the Institute of Diplomacy and International Studies (IDIS),
University of Nairobi-Kenya**

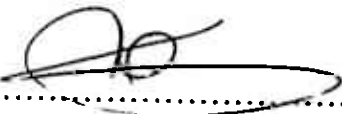
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DECLARATION

This thesis is my original work and has not been submitted for the award of a Diploma or Degree in any other University.

Signed 

JOHN GACINYA

Date 9. 11. 2013

This work has been submitted to the Board of Examiners of the University of Nairobi with my approval.

Signed 

DR MUSAMBAYI KATUMANGA

Date 10 - 11 - 13

DEDICATION

To my late father and mother who are no longer with us. To my late sister Kakibibi Consessa. You will always provide the inspiration to the cause you stood for and the love for our motherland.

ACKNOWLEDGEMENTS

I am most grateful to the national leadership of Rwanda for having offered me a great opportunity and granted me the entire necessary material and moral support in the course of my studies at the National Defence College, Kenya.

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My supervisor, Brigadier John Wainaina whose intellectual guidance was most critical in my academic project, I will keep in touch.

Finally, I am most grateful to my family, my wife Wibabara Sylvia who made my absence at home not felt with business going on as usual, my children, Brenda, Belinda and little Bliss for challenging me by constantly demanding to know if I was performing as I always demanded of them and keeping me in touch with 'integrated theory' as the major theory that explains crime as I introduced it to them.

ABSTRACT

The study examines the problems caused by crime in Rwanda and responds to two critical questions, what factors underlie crime mutations in Rwanda? What security implications do mutating forms of crimes pose to Rwanda. The study is undergirded by two objectives that examine and analyze factors that underlie crime mutations in Rwanda, while at the same time examining and contextualizing security implications of mutating modes and forms of crimes in Rwanda.

The study argues that crime mutations in Rwanda are a function of socio-economic and political environment that has been in the country for some time on one hand, but also crime mutations change much faster than the government institutions are able to adapt on the other.

We recommend that the government of Rwanda should focus on building a strong, self reliant economy in order to effectively respond to citizens needs and to achieve this Rwanda needs to build a strong private sector and avoid dependency on foreign aid.¹ The government of Rwanda through poverty reduction strategy should increase export earnings and diversify the economy by developing information technology and communications to create more jobs.

In the meantime Rwanda should endeavor to train criminal justice officials, particularly the police training in the fields where crime tends to be mutating. We recommend regional cooperation in the order to fight transnational crime. Exchange programs, training, joint operations and timely exchange of information is a necessity in the region of East Africa and beyond in order to track and arrest criminals

¹ Kwibuka Eugene, New Times, Self Reliance Our Priority, Kagame says,(Jan 22,2013), <http://www.newtimes.co.rw/news/index.php?i=15245&a=6308>

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LIST OF ABBREVIATIONS/ACRONYMS

ARJ	- Association of Journalists
CBH	- Causing Bodily Harm
CCTV	- Closed Circuit Television
CID	- Criminal Investigation Department
DRC	- Democratic Republic of Congo
EAC	- East African Community
EDPRS	- Economic Development and Poverty Reduction Strategy
FDRL	- Democratic Forces for the Liberation of Rwanda
GBV	- Gender Based Violence
HIV/AIDS	- Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICT	- Information and Communication Technology
ICT	- Information Communication Technology
IDPs	- Internally Displaced Persons
NISR	- National Institute of Statistics of Rwanda
NRMD	- National Revolutionary Movement for Development
PARMEHUT	- Party of Hutu
RDB	- Rwanda Development Board
RNPNU	- Rwanda National Police Narcotics Unit
RNPPA	- Rwanda National Public Prosecution Authority
RURA	- Rwanda Utilities Regulatory Agency
SAPs	- Structural Adjustment Programmes
UNESCO	- United Nations Education, Scientific and Cultural Organization

CHAPTER ONE

1.0 Introduction

National security is usually harnessed so that the physical base of the state is not destroyed. A physical base of a state or a government comprises of the population, territory and institutions which govern the physical base itself.¹ If a nation or state is sovereign it should be free from any threats that are internal or external. This implies the imperative of the state to evolve capacity through the development of its instruments of power. National economy is the physical base of a state. Yet this ability can easily be challenged by the inability of the state to contain crime. Unlike the internal threats which the state can contain by deploying its military instrument, crime is a long duration phenomenon and predates on the state internally.

Criminal justice system is an orderly process in which a variety of professionals seek to protect the state's physical base. It has to be a whole complex consisting of interdependent parts directed towards crime prevention and control. For criminal justice system to function effectively and efficiently, each of its subsystems must contribute favorably and responsibly towards the goal of crime prevention and control. Its subsystems have to constantly cooperate in exchange of resources and information.

1.1 Statement of the Problem

Consequent to the collapse of the state in 1994, Rwanda was confronted with a wide range of insecurity. This included armed robbery, heavy flow of small arms and human insecurity

¹ Barry Buzan; *People, State and Fear: An Agenda for International Security Studies in the Post-Cold War Era.* (Colorado Publishers, 1991), pg 66.

occasioned by the internal and external displacement of millions of Rwandese. This was in addition to genocide perpetration and reactions from survivors underpinning these insecurities that were institutional vulnerabilities. Key institutions that maintained security ceased to exist. In the criminal justice realms, judicial system had collapsed by 1994. In 1995, the judicial sector was reconstructed with complements of 244 judges out of 750 who were on duty before the civil war; there were 14 prosecutors out of 87 who existed before. The state remained with only 39 investigators to manage regular crimes in addition to genocide suspects in custody. Other insecurity threats were inherent in the correctional custodial system whose figures had risen to 108,000 inmates a factor that saw the state relay on the military.²

The states response was for a speedy effort at institutionalized reforms, for instance the communal and judicial police were reorganized with elements from Rwanda Patriotic Army to constitute the Rwanda National Police. By 2000 eight departments had been created headed by commissioners thus; departments of operations, intelligence, criminal investigations, finance, administration, communication, logistics and engineering as well as media and community policing are some of the departments that had been established. As far as community policing is concerned, police-community partnership has been enhanced through community security committees.³ Support directorate is also a recent endeavor. Through peace support directorate Rwanda National Police has been able to handle peace keeping operations in Ivory Coast, Sudan and Haiti.

² International Crisis Group, *Justice in Question, Five Years after Genocide in Rwanda*, No 1 (1999).
[http://www.crisisgroup.org/~media/Files/africa/centralafrica/rwanda/Five%20Years%20After%20the%20Genocide%20in%20Rwanda%20Justice%20in%20Question](http://www.crisisgroup.org/~/media/Files/africa/centralafrica/rwanda/Five%20Years%20After%20the%20Genocide%20in%20Rwanda%20Justice%20in%20Question)(accessed 24/8/2012).

³ Rwanda National Police Magazine, No.005, 2013, pg 20-22.

In terms of court structure, the Supreme Court has been restructured and streamlined, commercial courts have been established and a High Court has been introduced as the last Court of Appeal. Cases from primary courts can be appealed at intermediate courts and further at the High Court.⁴ There was also the establishment of the directorate of public prosecutions. Furthermore, the constitution introduced a hybrid, civil-common law system, combining key features from both legal traditions and constitutionalized the traditional Gacaca Court system for the purposes of handling the majority of the genocide cases.⁵

By 2012/2013 fiscal year, Rwanda budgetary allocation rose to 372.2 billion francs as opposed to 370.7 billion francs in the previous fiscal year budget.⁶ The economy of Rwanda is expected to grow at the rate of 7.7 % and the population is at 10.5 million and grows at the rate of 2.6% per year.⁷ The socio-economic data indicates that 11.5% of the population in Rwanda are rural and do not have land while 55% have landless than 0.5 of an acre.⁸ This has a negative impact on the overall security. The major challenge to state law and order is the fact that the projected growth of the population is estimated at 16 million by the year 2020 while economic growth is at 7.7% per year. What is interesting is that the apparent mutation of the types of crime and their implication to state security, for instance as the population and the economy has grown and diversified so have the nature and forms of crime. Concurrent to new emerging crimes that are a

⁴ International Conference on the Impact of Judicial Reforms for the Justice Sector in Rwanda, Kigali, (2008). <http://books.google.co.ke/books/about/InternationalConferenceontheImpacto.html?id=tVxJYgEACAAJ&rediresc=y>

⁵ Organic Law No.40/2000 Of 26/01/2001 Setting Up "Gacaca Jurisdictions" And Organizing Prosecutions For Offences Constituting The Crime Of Genocide Or Crimes Against Humanity Committed Between October 1, 1990 and December 31.

⁶ John Rwangombwa; Rwanda Minister of Finance and Economic Planning, Budget Speech on Financial Year 2012/2013, on June 14, 2012.

⁷ Musoni Edwin; New times, National Census Puts Rwanda's Population at 10.5 Million, (Nov 30 ,2012), <http://www.newtimes.co.rw/news/index.php?i=15192&a=61277>

⁸ Canisius Gakwandi; The Impact Of Rural-Urban Migration on the Development of Kigali (2007), <http://uaps2007.princeton.edu/papers/70442>

threat to the current national security and these are grenade attacks, cyber crimes, human trafficking and drug trafficking and different brews of local beer that are dangerous to human life.⁹

Since 2002 there has been general rise in crime rate in assault, burglary and illicit drug trafficking. One could also witness crime decline in case of genocide related crime, homicide, murder and poisoning.¹⁰ A splendid example is the case of homicide which dropped from 577 cases in 2005 to 356 cases in 2010. On the contrary, one could be able to see the increase of illegal trafficking of drugs rising from 1409 cases in 2005 to 2449 cases in 2010.¹¹ However, the skills, equipment and personnel are still wanting so as to help the police force cope up with emerging trends in crime and sophistication.

The case is well explained by case backlog in Rwanda Criminal Justice System between 2004 and 2006.¹² Although, different security organs operate in the country to bring about internal order and security, the primary responsibility of internal security lies with the criminal justice system. This study will therefore appreciate crime prevention and control methods envisaged to reduce crime in Rwanda. With the growing population and the expanding economy it will be of paramount importance and quite interesting to anticipate the future challenging and changing crime rate. In light of the current crime rate, it is as such encouraging considering investigating questions such as: what factors explain the underlying crime mutations in Rwanda? What are the

⁹ Rwanda National Police Records, 2013, pg 7.

¹⁰ Rwanda National Police Statistics (2010).

¹¹ Ibid, pg 1.

¹² International Conference on the Impact of Judicial Reforms for the Justice Sector in Rwanda, Kigali, (2008), pg 16.
<http://books.google.co.ke/books/about/InternationalConferenceontheImpacto.html?id=tVxJYgEACAAJ&rediresc=y>

security implications of the emerging crime mutations in space and time? And how can these crimes be contained?

1.2 Objectives of the Study

Broadly stated, the study will examine the effectiveness of criminal justice system in Rwanda. The most important part of the study will be to assess the criminal justice mechanisms in place in order to recommend solutions for crime reduction in Rwanda.

- a. Examine and analyze factors underlying crime mutations.
- b. Examine and contextualize security implications of mutating modes and forms of crimes in Rwanda.
- c. Proffer research based recommendations to anticipate and contain emerging mutations

1.3 Justification of the Study

Studies are undertaken for a variety of reasons, some of which can be to solve problems that are political, economic, social, environmental or otherwise. As for this study, policy makers need to be informed of the challenges that are faced by the criminal justice system along their way in combating crime and other security issues. Policy makers need to be acquainted with current crime patterns and trends so that future policies, strategies and plans are geared towards effective crime control and prevention.

Currently, the government is doing the best it can in prevention and control of crime through criminal justice system by use of police, courts and correctional centers to deal with crime, but crime continues to rise, particularly with respect to drug trafficking, human trafficking, assaults

and burglary and this leaves one wondering why there is such a crime trend despite criminal justice operations at hand. Similarly, social crime prevention model such as child education, guidance and counseling institutions are in place for children who are homeless or living on the streets in cities and townships. Can we say that there is not enough physical protection on homesteads? How about the community policing strategy envisaged by the government of Rwanda?

The government of Rwanda has put in place various mechanisms to cope with crime and to this effect community policing has been established to prevent and reduce crime in partnership with the community through improved functioning policing committees and anti crime clubs. About 15,000 policing committees have been established to date and the strategy has not reduced crime.¹³ Public order and security department in Rwanda National police is deemed to focus on priority crime reduction strategy to reduce occurrences of armed robbery, genocide related crimes, assaults causing bodily harm, burglary, illicit drugs, murder and rape among others. Since 2007 priority crime has not reduced significantly.¹⁴

Policies against proliferation of small arms and light weapons have been put in place and these have ensured effective firearm licensing, management of fire arm records as well as conducting of public awareness campaigns on retrieval illegal firearms.¹⁵ The fact is that these strategies have not worked and crime through by use of firearm has not been eradicated altogether. To support police operations, crime intelligence has been a core element in detecting and control of crime, especially terror prone cases and narcotics but the issue of grenade attacks continue to

¹³ Rwanda National police, implementation plan 2009-2010,p.5

¹⁴ Ibid,p.6

¹⁵ Ibid,p.7

take place and the level of drug trafficking has reached exceptionally high levels indicating that crime intelligence has not worked to the expectations of the government .

Rwanda national police has had to enhance professional capacity for the force to increase police-population ratio while at the same time increasing specialized courses in different fields in order to combat mutating and emerging crime. By the end of 2013, police –population ratio is projected to 1/1000 while the force trained in specialized courses is expected to rise by 15%.¹⁶

Hitherto that, Rwanda national police embarked on policies that focus on child, domestic, sexual and gender based violence with view to reduce the occurrence of such crimes in the Rwandan community¹⁷, yet statistics indicate that crimes related to gender based and domestic violence are on the rise.

This research, therefore, provides for an opportunity to identify the manner in which crimes have mutated historically in order to close the gaps that exist in the intervention so far used in crime control and prevention. All these questions are necessary to analyze and examine in detail what can be done to avert old and emerging crime. It is also important to stress that this study will be the basis for research into new knowledge in the field of crime prevention and control, especially with respect to Rwanda where little research has been done in this kind of study. In this case, an attempt will be made to understand strain theory which purports that crime is caused by distorted aspirations, unrealistic objectives and materialism of the lower class Individuals. In other words crime is a class issue.¹⁸ Further, the study envisages looking into the matter of classical school which states that deterrence is the main remedy for crime since human beings are rational

¹⁶ Ibid,p.11

¹⁷ Rwanda National Police, Strategic Plan for 2009-2013,p.13

¹⁸Williams F.P and McShane D.M; *Criminology Theory*. (Upper Saddle River, New Jersey, 2004), pg 103.

individuals and will always weigh the cost and benefit of committing crime.¹⁹ It will be of paramount importance to understand how the individual factors such as the inherited traits play a major role in crime causation as well as the environment in which the individual lives.

Crime has security implications and these will be revisited in order to cater for the loopholes criminals use to abet crime. This study seeks to provide a more meaningful crime prevention recommendation that will explore more new avenues to tackle crime.

1.4 Literature Review

Ever since the positivist school in criminology was developed in the last half of 19th century, criminologists have been trying to find out the cause of crime. The study of crime and criminal types will not be required for its own sake, it will help to eliminate crime directly or indirectly as crime, because of untold suffering it has caused to mankind. It is believed that once the cause of the crime is known then measures to eliminate crime will be easy to sort out.²⁰ Law enforcement officers have grappled with crime and its effects for some time in Rwanda and its only through understanding the psychology of the criminal that they can easily assess the opinions and attitudes of the criminals. Understanding the causes of crime will assist criminal justice service personnel how to tackle particular crimes.²¹

Besides control and elimination of crime, it is of utmost importance for criminal reform and rehabilitation to be undertaken once the causes of crime indulgence are known. In some circles, it is understood that prostitution is not carried on for its own sake, but because of compelling

¹⁹ Ibid, pg 15-22.

²⁰ Vatsyayan; *Criminology and Penology*. (India, Kedarnath Ram & Co, 1990), pg 7.

²¹ Ibid, pg 8

circumstances such as poverty, and once such conditions that drive an individual to commit crime are known, then they can be overcome.²² The search for causes of crime led to the advance of many theories to explain crime and these can largely be divided into individual centered theories and environmental centered theories.

Caspi et al (1998) attributes crime occurrence to specific traits such as impulsiveness, desire for thrills and excitement as well as low concern for the welfare of others.²³ However, Caspi explains individual personality factor that can cause crime and does not go far to explain circumstances surrounding the individual personality which dominate the individual and cause him or her to commit crime. The individual centered theories state that crime is as a result of faults within an individual which are most attributed to biological and psychological problems that the individuals cannot control. Though individual theories try to give the views on individual behavior they do not explain other factors that cause crime that are external to an individual such as poverty or influence of other people. The environmental theories center on social aspects of the human behavior which include organizational, cultural and group behavior as well as interaction between individuals and groups.²⁴ But environmental factors also leave matters that are outstanding, as crime also can be caused by inherited characteristics.

²² Ibid, pg 9

²³ Ashalom Caspi et al, *Personality Development across the Life Course*. (New York, John Wiley and Sons, 1998), pg 311-318.

²⁴ Cullen Francis and Agnew Robert; *Criminological Theory: Past to the Present*. (Los Angeles, Roxbury Publishing House, 2003), pg 95-101.

Joubert (2001) a conservative criminologist argues that law breakers have faults in their moral composition.²⁵ Crime is caused by certain characteristics specific to an individual and such bad characteristics in an individual should be identified in order to protect society from criminals. Joubert fails to understand that individuals can also be compelled to act in the way they act because conditions that are not specific to that individual think of someone who has no history of stealing, finally steals food when he is hungry.

Joubert (2001) posits that psychosocial theory has eight life phases in an individual's life. According to him, problematic behavior will result if crises which are typical of a specific phase are not solved; for example, identity crisis in adolescent. Proper ego development which is an essential component of personality has to take place , so that the ego can bring a compromise between the person's basic drives (Id) and his or her conscience (the superego). The author tries to explain issues that are typical to adolescence stage that can lead an adolescent to commit crime which in any case can be overcome after that developmental and growth stage, but does not explain the inherited characteristics particular to the same adolescence as well as the environment factors at play that cause the individual to commit crime.

Merton's theory (1938) of anomie explains that criminal behavior is a result of the way in which society is organized. The theory explains crime in terms of irregularities in the social structure which prevent people, especially the previously disadvantaged from attaining necessary means, such as proper education and a permanent job, so that they can reach the objectives people strive for such as financial success. Merton's theory underlines that the cause of crime is due to high

²⁵ Joubert S.J and Van der Hoven; *Theories of Crime and Crime Prevention: Traditional and Modern Approaches*, (Pretoria, Mucleneuk University of South Africa, 2001), pg 8.

emphasis on monetary success than the society norms and rules.²⁶ Merton's theory is also not complete, it is not only monetary success that can prompt individuals to commit crime, but also other influences like peer pressure, culture or even the typical inborn character of an individual that can play part in crime commission.

Sutherland's (1947) differential association theory stresses that criminal behavior is a learnt process through interaction with personal, intimate group who support law breaking behavior. His theory of differential association implies therefore that crime is learnt, but also fails to underscore that people are born with behavior that predisposes criminal tendencies. An adolescent who rapes a girl commits a crime that is not learnt from any other person or society.

Joubert (2001) contends that different theories explain criminal behavior and these are; micro, macro, general and integrated theories. He argues that micro theories are principles concerned with individual activities, especially the way people interact with other people and with groups to which they belong. The social processes which cause individuals and events to become criminal are stressed. Macro theories focus on the wider social and cultural context in which people operate and specifically the big social patterns such as social, economic and political changes in the organization of the society. The way the society is organized is very important and therefore the theory is more concerned with the social structure and can only explain crime among groups and not on individual basis.²⁷

²⁶ Merton K. Robert; *Social Structure and Anomie*. (California, Roxbury Publishing Company, 2003), pg 178.

²⁷ Op.cit, pg 10.

General theory founded by Gottfredson and Hirsch (1990) is also a macro theory which argues that lack of self control is the cause of all crime, since people who lack self control will repeatedly behave in a way that will cause problems for themselves and for others.²⁸ General theory does not explain the cause of crime fully because lack of self control only refers to individual character that fails to bond with the conventional society and no consideration is made on what circumstances and surroundings that can prompt the individual to behave in a deviant manner.

Elliot and Ageton incorporate aspects of the strain, social learning and social control theories to explain criminal behavior. They argue that strain, inadequate socializing and a socially disorganized environment will contribute to weakening of young people's links with conventional groups, activities and norms.²⁹ These theorists also fail to include individual inherited qualities which have deep rooted causes of crime.

Furthermore, Thornberry associates criminal behavior with weak social controls on individuals especially the youth who drop out of school. He identified that effective relationship between the parent and the child has a direct bearing on formation of character. He also observed that commitment to school and success of children is directly related to the way the child relates with teachers and involvement in school activities. He also believes that crime and delinquency will result when individuals are not well bonded to the conventional society values. More so, individuals attachment to values of the peer group the more she or he will be bonded to their values and support them. Thornberry's argument to crime causation has gaps in that it is not the

²⁸ Matt Delisi, et al; *Reconciling Self-Control Theory: Criminal Careers and Career Criminals*. Vol xx, No. x, (2007), pg 4. <http://www.soc.iastate.edu/staff/delisi/delisi-vaughn%20ijo.pdf>

²⁹ Joubert S.J; *Structure Theories*. (Pretoria, Mucleneuk, University of South Africa, 2001), pg 108-124.

environment and attachment to the parents and individuals only that shape character, he could have been correct if he had also mentioned of inherited qualities that also shape behavior.

Williams and McShane (1994) associate crime causes and mutations of crime to conflicts in the society. They argue that societies are characterized by conflicts and not by consensus and that power is used to establish and maintain consensus by use of the law in order for the values of the powerful gain acceptance. Conflict theory states that conflicts in societies are inevitable since they are based on socially significant difference such as ethnicity, gender and social class.³⁰ Conflict theory further argues that group conflict will seek to obtain political power which will be key to access wealth and other forms power. In the past conflict in the Rwanda society has risen out of the need to gain political power in order access scarce resources, but conflict theory should consider also other factors that cause crime mutations such as social economic issues in order to contain crime fully.

Van der Hoven (2001) holds that the existing theories that explain crime causation have disadvantages and thus have little to explain about crime mutations .He therefore provides a more explicit way of explaining crime causing factors when he states that crime causation is multi-dimensional and can be described under individual, milieu-oriented and situational factors.³¹

Individual oriented factors are unique to individual human beings and have been found to include; predisposing factors, precipitating factors, facilitating factors, instigating factors and

³⁰ Williams and McShane, *the criminological theory* (Newjersey: Pearson education Inc, 1994), pg.155

³¹ Van der Hoven A.E; *Integrated Perspectives*. (Pretoria, Macleneuk University of South Africa, 2001), pg 79.

motivational factors. On the other hand Milieus oriented are factors in a person's own personal environment which have an influence on his or her behavior while Situational factors are those crime causing factors that fall in the context with which the crime took place, the specific time, place and circumstances.³²

Predisposing factors are those influences in a person's life that cannot be changed and are beyond the control of a person. Predisposing factors include factors such as genetic makeup, temperament, intelligence and age at the time of the crime event. Predisposing factors are also the offender's personal characteristics such as extrovert, introvert, low self concept, aggressiveness or tendency to manipulate. Health problems such as high blood pressure, brain tumors and other physical illness that do affect an individual behavior and contribute to deviance.³³ Precipitating factors are those factors that encourage a person to commit a specific crime as a result of increased tension or financial problems, low self image and feelings of insecurity carried over a period of time. However, the theory does little to mention the opportunity presented by the victim for crime occurrence³⁴.

Mention is also made on facilitating factors as those factors which make it easy for one to commit a crime. It can be anything that gives the opportunity for crime commission. Individuals who work in the finance department are prone to commit financial crime for they have access to money and are aware of financial transactions and procedures. Facilitating factors can also be the influence of alcohol, drugs, availability of arms and the opportunity to commit a crime. The problem with this theory is that individuals seem to be influenced and have no thought of their

³² Ibid, pg 77

³³ Ibid, pg 89

³⁴ Ibid,pg 60

own which is not the case. More so individuals are not affected by drugs at the same rate and while others are minimally affected.

Instigating factors are those issues that prompt the offender to commit crime at a particular time and place within a particular context. In this case, something happens that triggers the offender to act in a way that is not usual. This can easily be analyzed when you consider offender-interaction, verbal provocation, and physical intimidation.³⁵ To this effect Joy Cole and Colliers (1997) content that people think before they react and will always take choice and will not act on impulse or even react wrongly on provocation.³⁶

There are also motivational factors that that direct an individual behavior towards a certain goal, thus motives can be primary like those that are necessary for a person's survival such as fight and flight reactions. Motives can also be secondary such as those influenced by learning process such as aggression in some cultures. Learnt motives are acquired out of the social context where denial of approval, recognition, prestige, wealth, power and status can lead to crime³⁷.

Van Der Hoven argues as well that milieu oriented factors do cause crime and these are social factors whose examples are the offender's socio-economic background, cultural factors, political, urbanization, unemployment and migration. Milieu oriented factors can be said to include among others the social beliefs, norms, values and attitudes of people in a particular environment. The social oriented factors can as well be subdivided into three main levels namely the micro level, meso-level and macro-level. The micro-level involves the influence of

³⁵ Ibid, pg .91

³⁶ Joy Cole and Cilliers ,Penology (Muchleneuk, Pretoria: University of South Africa 1997),p.50

³⁷ Ibid pg 80

the family and childhood years of the offender. Important factors in the offender childhood years include birth order, number of siblings, type of family systems such as the enmeshed family system or disengaged family system, relationship and interaction with parents, method of discipline, child abuse, alcoholism in the family or other significant influences during the childhood years. At meso-level, the influence of school and the specific community in which the offender was brought up must be analyzed. Important factors at this level include violent subculture, association with gangs, high level of unemployment and poverty in the community. Political factors and ethnic discrimination are important as well.³⁸

Van der Hoven posits as well that macro-level factors influence the society in general to commit crime. These can mainly be found in the country's population structure, heterogeneity, urbanization, political instability in the country, economic hardships and lack of work opportunities, unstable economy, inadequate welfare services, lack of confidence in the efficiency of criminal law system, over-emphasis on individual rights, , large scale availability of illegal weapons, increase in drug syndicates in the country and increase of illegal immigrants from neighboring countries among others, but little emphasis is put on personal responsibility for the commission of crime³⁹.

Situational factors are those crime causing factors that fall in the context with which the crime takes place, the specific time, place and circumstances such as the availability of a firearm.⁴⁰

³⁸ Linda Melvern; *A Betrayed People: the Role of the West in Rwanda Genocide*. (Cape Town, Zed Books, 2007), pg 230-237.

³⁹ Ibid, pg 238

⁴⁰ Derrick B. Cornish and Ronald V. Clarke; *Opportunities, Precipitators and Crimnal Decisions: A Reply to Worthley Critique on Situational Crime Prevention*. Vol 16(2003), pg 57.
http://www.popcenter.org/Responses/crime_prevention/PDFs/Cornish%26Clarke.pdf

Context is very cardinal in as physical and social contexts are concerned. The context within which a crime event takes place is very important in understanding the cause of crime. The immediate circumstances and situation in which crime event takes place is very important and should be analyzed.⁴¹ Physical environment of a place can be very favorable to crime, presence of poor street lighting; dense bush and hidden narrow passages between buildings can encourage crime commission. An environment can be an attractive target for the offender in that it provides an opportunity to commit a particular crime. For example, a shop that is located on the highway can attract robbery because of its easy escape route.⁴² However, situational factors fall short of the responsibility of the victim who exposes himself or herself to the criminal event⁴³.

Social context refers to the main activities of life where people spend most of their time. It can be in a family setting or work place. The type of social activity can influence the kind of crime that will be committed. Night clubs are always occupied by individuals who commit crimes such as drug use and abuse, prostitution, vandalism, murder, assault and rape. More often white collar crimes occur in the work context.⁴⁴ However, the social context does not explain clearly a crime committed by strangers as well as characteristics of offenders.⁴⁵

In our second objective, mention of security implications of crime in Rwanda and this points to Jacob's (2004) argument that pain of imprisonment to an individual is an issue that threatens the very existence of human life in terms deprivation of liberty, deprivation of goods and services,

⁴¹ Ibid, pg 60

⁴² Ibid, pg 63

⁴³ Swart D.N and Maree .A, Personal, Social and Environmental Crime Perspectives, Crime Prevention and Victimization. (Pretoria: University Of South Africa,2000),Pg 197

⁴⁴ Ibid, pg 67

⁴⁵ Reid Titus, Crime and Criminology(Boston: McGraw-hill Companies,2000),p.43

deprivation of heterosexual relationships, deprivation of autonomy and security.⁴⁶ But Jacob misses a point in that crime does not only affect the individual alone. Crime affects an individual criminal, the criminal family, the victim who suffers the crime and the community as well as the state.⁴⁷ There is a feeling that crime impacts social, economic, political and psychological aspects of individual offenders, families, the community and the state at large.

In reference to our third objective of our study the classical school of criminology by William and McShane (2004) dwells too much on the deterrence and rationality as the way by which crime is prevented and controlled particularly, the criminal justice system. The classical school is of the view that offenders will be deterred from committing crime by the threat of punishment. This is also against the background that crime instills fear and that people think before they act, in reality not all people are rational and think logically before committing crimes. The insane and even people reacting to any kind of provocation seldom take time to reason. Similarly not all offenders are punished as some of them are not traced by the police.⁴⁸

In fact, punishment does not always instill fear; punishment can cause anger, frustration and lead to retaliation and further crime. In any case religious fanatics are inspired by punishment to commit more crimes than are deterred from committing them.⁴⁹ More so, it is realized that not all those who commit crimes are traced and convicted. Punishment is seen as a retributive act and as

⁴⁶ Jacob E. Joseph, *Classics of Criminology: Pains of Imprisonment*. (Waveland Press Inc,2004), pg 511-517

⁴⁷ Stevens R et al, *Introduction to Criminology*. (Halfway House, Thomson Publishing House, 1996), pg 40-41

⁴⁸ Jacobs .J et al ,*introduction to criminology*(Pretoria:unisa,1997),pg.23

⁴⁹ Joy Cole, *Penology*. (Pretoria, University of South Africa,1997), Pg 50

an insult to human dignity, more specifically when it involves death sentence. Death penalty is being repealed in most states as it promotes revenge and increases crime instead of reducing it.⁵⁰

Deterrence measures to avert crime falls short of crime prevention since there are reactive in nature, the current prevention models looks at pro-active crime prevention model that tackles crime before it takes place. Socio-economic programs aimed at crime reduction strategies are so paramount in that they look at the overall socio-economic transformation in terms of socio-economic structures such as families, schools, churches, recreation and overall transformation of the economy. The essence is to make community structures accept the norms and values of a given society, thus preventing crime pro-actively rather reactive means.

Again, there is need to limit opportunity for crime such as designing buildings in such a way that opportunities for access and visibility are minimized, target reinforcement, removing the ability to commit crime, supervisors and door guards at buildings among others. Further, it is also necessary to implement community based crime prevention model such as community policing, neighborhood watch and street security committees just to mention but a few. Mention is also made on psychotherapies to treat psychological aberrations that can result in criminal behavior.

1.5 Conceptual Framework

Since the 18th century to date, there have been different theories to explain crime causation and therefore finding a lasting solution for crime that has remained elusive since history. The classical school defended by Cesare Beccaria saw recommendations of orderly procedure based on rational rules and reason and this lessened arbitrary and cruel punishment put in place at a

⁵⁰Van den Hoven, *Fundamental Penology*. (Pretoria, University of South Africa Press, 1982), pg 58

certain period in history, but still less attention to the criminal and investigating the cause of crime did present a hurdle.

Lombroso theory (1872) of the positivist school in the last part of the 19th century brought in a criminal as a person who has individual differences, but the positivist school did not explain the cause of crime. Ever since the positivist school began, criminologists have been trying to find remedies for the cause of crime. They got convinced that in order to understand crime and find a remedy for it, a thorough knowledge of the cause of crime is essential. The search for the causes of crime led to the development of many theories to explain crime, which can broadly be divided into individual centered theories and environmental centered theories. The individual centered theories state that crime is a result of faults within an individual which are most attributed to biological and psychological irregularities which the individual cannot control. On the other hand, the environmental theories focus on social aspects of the human behavior which include organization, culture and group behavior as well as interaction between individuals and groups.

However, in 2001, Van der Hoven observed that the existing theories had disadvantages and saw that an integrated theory would ideally explain better the cause of crime. An integrated theory purports to the theories that complement each other and do not compete with each other. Integrated theories that explain crime causation dwell most on individual oriented factors that cause man to commit crime and these are: predisposing factors, precipitating factors, motivational factors, facilitating factors and instigating factors.

Van der Hoven also found that integrated theories should include milieu-oriented factors, such as offender's socio-economic background, cultural factors, political factors, urbanization, unemployment and migration. Milieu oriented factors will dwell mostly on the social beliefs, norms, values and attitudes of people in a particular environment. The situational factors put into consideration the context in which a criminal event takes place such as specific time, place and circumstances; the physical context such as street lighting or dense bush, as well as the social context which in this case the main spheres of life such as family and work place.

Thus, the integrated theory came out as a result of paradigm shift and changing from one theory to the other in search for the proper causes of crime and this also arose out of the need to find a solution for the current and emerging crimes. As such, an integrated theory offers a more multi dimensional and complete theory to the explanation of crime which offers a basis for a more profound crime prevention models such as the socio-economic programs to resolve the issues of crime among the various states, Rwanda inclusive.

1.6 Hypothesis

Mutations in crime are a function of actor-state adaptation to socio-economic and security dynamics.

1.7 Scope and Limitations

This study examines and analyzes factors underlying crime mutations in Rwanda. The study will also examine and contextualize security implications of modes and forms of mutating crimes in Rwanda. The study will as well endeavor to make recommendations to overcome mutating

crimes. One of the limitations expected is the little time given to produce a well researched work. Secondly, it will be difficult to interact with respondents in Rwanda as National Defence College programs will also be running concurrently.

1.8 Methodology

The methodology to be adopted is informed by the nature of subject. In carrying out this study, different ways collecting data will be used. The study will rely on secondary data; which will be used to take advantage of the availability of the valuable literature. Reference to academic books and journals such as the national implications of trafficking will be made especially in criminology; penology and correctional services. Newspapers will be valuable source of information especially, popular newspapers such New Times, Igihe, The East African, New Vision and the Focus.

To augment the missing literature we intend to supplement our secondary and primary data research with interviews and questionnaires as the secondary data is in most cases in old and cannot cater for crime mutations. Direct interviews with key respondents will be made especially in the police, prosecution, judiciary, correction department and local authorities. Interviews will be face to face and telephone interviews. Elderly people and academicians will also be contacted for primary data. In case of questionnaires both structured (close-ended) and unstructured (open-ended) questions will be used to source data. Interviews and questionnaires will mainly be conducted within the above mentioned government institutions. Secondary data will be sources from government documents, thesis, dissertations, and papers presented at conferences, periodicals, books and grey (unpublished) literature.

The challenge in secondary data is the availability and timeliness of the materials and this implies that it will be supplemented by primary data. This will be derived from selected interviews from key respondents such as local administration, police officials, prosecution, judiciary, correctional services, ministries and government departments. The challenge in this method lies in the availability of the actors; the implications are that where necessary, there will be need for a questionnaire in order to adduce additional data. Eventually this mixed grill and interviews and secondary data will be analyzed.

We experienced shortcomings in our study in terms of getting information that is relevant from government departments and to a large extent some of the questionnaires were not responded to. Most of the literature that is historical was not available for Rwanda as most of the documents were burnt during the 1994 civil war. We had to overcome this problem by conducting interviews specifically from people who were eye witnesses.

1.9 Definition of Concepts

1.9.1 Positivist School is an approach that studies human behavior through the use of scientific methods. The focus is on systematic observation and accumulation of evidence and objective fact deriving it by moving from the general to the specific.⁵¹ Positivists study behavior through biological, psychological or sociological perspectives.

1.9.2 Lombroso theory; is a theory developed by Lombroso who was a surgeon, based on observation and measurements of the soldiers, criminals, the insane and the general population to determine mental and physical differences. In this theory Lombroso pointed out that criminals

⁵¹ McShane et al, *Criminological Perspectives*. (New Jersey: Pearson educational Inc, 2004), Pg 35

have physical abnormalities and these physical abnormalities characterize a biological throwback that Lombroso called born a criminal.⁵²

1.9.3 Id is that part of the psyche that resides in the unconscious that is the source of inborn urge that seeks satisfaction in accordance with the pleasure principle and are tailored to the ego and the superego before they are given obvious expression.⁵³

1.9.4 Superego is that division of the unconscious that is formed through the internalization of moral standards of parents and society, and that censors and restrains the ego. That is the superego prohibits some kind of behavior.⁵⁴

1.10 Chapter Outline

This study will be divided into five chapters.

Chapter One:

Chapter one introduces the study, it consists of statement of the problem, the objectives, hypothesis, justification of the study, literature review, conceptual frame work, research methodology and chapter outline. It provides the background information and theories that will anchor our area of study. It is against such a background that we shall be able to explore and understand crime and reaction to crime in chapter two.

Chapter Two:

This will provide the historical perspectives of crime prevention and control in Rwanda. It provides the background information and the history of crime and reaction to crime in Rwanda.

⁵² Ibid, pg 37

⁵³ Wilhelm Jordaan and Jackie Jordaan; *People in context: current trends Psychology*. (Johannesburg:Helnemann,1998), p.28

⁵⁴ Ibid,p.29

It will provide the nature of crimes committed in the pre-and post independence. It will also cover the First Republic under Gregoire Kayibanda and the Second Republic of Habyarimana. Part of the Third Republic will be covered up to 2002. The major issues to discuss will include nature of crimes and their evolution in the periods mentioned. Mention will also be made on the institutions which were responsible for public safety and order.

Chapter Three:

Chapter three will examine and analyze factors underlying crime mutations in Rwanda. The chapter will essentially discuss crimes that mutate and will also look at those factors responsible for causing crimes in Rwanda. Effects usually have causes and chapter three will allow room for chapter four where we shall examine and contextualize security implications of modes and forms of mutating crime.

Chapter Four:

Chapter four will examine and contextualize security implications of modes and forms of mutating crimes in Rwanda. It will be divided into six core areas of particular mutating crimes and their security implication to state in terms of social, political, economic and legal consequences of mutating crime. It will be necessary to discuss chapter five which will dwell mostly on the recapitulation, conclusions and recommendations basing more on the causes and effects of mutating crimes.

Chapter Five:

Chapter five will tender the recapitulations of the study, conclusions and recommendations to contain emerging and mutating crimes. Thus the conclusion shall be justified with clearly elaborate premises discovered in the course of the study. It is upon such a conclusion that we shall proffer research based recommendations that shall transcend the realm of the theory to that

of practice. It is against such recommendations that a workable solution for dealing with security implications of mutating crime.

CHAPTER TWO

CRIME AND REACTION TO CRIME IN RWANDA: PRE-COLONIAL TO THE RECONSTITUTED STATE

2.0 Introduction

This chapter captures crime dynamics in Rwanda prior to the period 2002. It essentially acts by anchoring the history of crimes and institutional attempts at its management. It sets the stage for chapter three which seeks to demonstrate the process of crime mutations in Rwanda. The chapter essentially responds to questions: what were the modes and forms of crime in the pre-colonial and post independent Rwanda? How crime evolved in Rwanda over time?

The chapter goes on to argue that; given the polarization in Rwanda, crime has not only evolved through poverty, but also through illogical social, economic and political marginalization of the Tutsi in the past. To this extent, the chapter is organized around two core parts; the first treats the modes and forms of crime across time and space, whereas the second re-examines the history of institutions of management; the latter part is further organized around two units namely; reaction to crime by the judicial police in the colonial period and the judicial police in the independent Rwanda.

2.1 Nature and Types of Crime in the Pre-Independence Rwanda

Crime is as old as mankind. Criminality is part and parcel of man's inherent character. The biblical incident where God had to chase Adam and Eve out of Eden is a clear indication that

man has lived with crime since time immemorial.¹ It would be logical, therefore, to state that crime in Rwanda is as old as Rwanda itself and most crimes pertained to property crimes such as robbery and theft as well as adultery, murder, witchcraft, among others².

In pre-colonial Rwanda, the society had its own means of pursuing and punishing offenders. It was upon the victim and family members to apprehend a person who had perpetrated a crime upon them. It was the family that was said be aggrieved and not the individual. As such it was up to the family to pursue amends. This can be referred to as 'family justice'³. Further centralization of state power established political and administrative authority over family justice. In the political order, the King and his Chiefs exercised judicial authority, in the equivalency of judges of the modern justice system. In this system, the burden was upon the victim to produce evidence against the suspected offender.⁴

It goes without saying that the Rwanda of this period had no written laws. According to Kaberuka Anotole, a former chief for the former King '*Umwami*' of Rwanda and currently a member of '*Inteko izirikana*' an association of old elite individuals in Rwanda, the power to administer punishment rested with the King. The less severe punishments were the responsibility of clan and family heads. Since there were no written laws and the corresponding punishments, citizens came to learn of what were considered offences 'word of mouth.' The same was true for what would be the attendant punishments. The most serious of crimes that meted out the death

¹ Genesis 3, pg 1-20, Good News Bible.

² Interview with Rwangombwa Deogratius, an elder in the Rwanda who served as a chief in the regime of the last King of Rwanda in 1950s (interview held on 15 march 2013).

³ Karamaga Wilson, dissertation for partial fulfillment for the award of a license in law, on the role of judicial police in the promotion and maintenance of peace in Rwanda (1999).

⁴ Ibid, p.16

penalty would only be adjudicated by the King, whose powers were absolute. His judgment could not be appealed. Implicitly, only He had the prerogative for pardon. The adjudication of a case and condemnation of the offender was done in public, for heavy punishments necessitating the judgment of the King. Powerful Tutsi usually protected their clients 'abatoni.' They even paid fines on their behalf. Crimes were generally few but called for relatively harsh punishments.

According to Professor Rwanyindo of the Rwanda Peace Institute, public opinion was a positive sanction and members of a particular Rwandan community knew each other to the extent that no secrets existed in the community. Everyone worked to see that the community approved his/her behavior. Having a good reputation had social and material advantages and the community associated that with ancestral and spiritual approval for the good deeds. On the other hand, fear of public disapproval or ridicule was exceptionally strong in the Rwandan community and good attitude was indispensable. Members of the community could not expect any material benefit from defaulters. Wrongdoers did not expect members of the community to protect them when they were in trouble. In the pre-colonial Rwanda, the principles of justice administration could sometimes be similar to that found in Mosaic Law where "an eye for an eye and a tooth for a tooth" were applied; implying that the offender could suffer in equal proportion as the victim.⁵ When the colonialists came into Rwanda the current case adjudication was done in the interest of the state. States have assumed the responsibilities of establishing institutions in charge of maintaining order.

Mzee Rwakigarama a former police officer during the colonial period and first republic asserts that crimes in Rwanda during his tenure included; murder, breach of trust, homicide, poisoning,

⁵ Cole Joy et al, *Penology*. (Pretoria, University of South Africa, 1997,), p.32.

cattle rustling, theft, conspiracy, infanticide, cowardice, insubordination and rebellion against the administration. He again states that crimes attracted different punishments, for example crimes against the state were punishable by death and this also applied to sexual offenses, witchcraft, adultery and arson. If one stole cattle he was tied up with a rope '*Kuboha*' and released after compensation was paid. Revenge '*Guhora*' was applied where the death of a family member meant that life of the offender would be claimed. Banishment '*Kuroha*' was a punishment for girls who became pregnant out of wedlock. Flogging was administered when one committed a misdemeanor.

When one committed murder he would also pay in the same coin by having himself also killed, retributive effect applied, as the case was 'an eye for an eye and a tooth for a tooth' principle. If one was rebellious against the administration he would be cursed and banished for good. Conspiracy was subversion against the state and the offender had to face death sentence or sent into self exile. Breach of trust somehow had a lesser sentence of compensation for the harm caused the crime. In the case of cowardice or refusal to volunteer for war, offenders would be segregated and not allowed to speak in the public. In the case of witchcraft or poisoning the offender would still be banished. Adjudication of the case and condemnation of the offender was done in public. Heavy punishments were administered by the King and other cases of less serious nature were handled by the chiefs of villages and clan heads.

Mr Ntabanganyimana Gregory a former inspector of judicial police who served in the first republic of Kayibanda and part of Belgian colonial administration reports that certain offenses were decriminalized. Conspiracy and breach of secrecy were outlawed by the colonial

administration as this gave them the opportunity to penetrate the king's administration and authority. In post independence period Rwanda saw two emerging crimes and these were poll tax evasion and shifting of land demarcation posts, a feature that brought land wrangles within the civilian population. The punishment administered for murder and homicide was hanging. Other crimes like cattle rustling, theft, poisoning and disobedience of administration orders received lesser sentence like imprisonment and paying fines for the harm caused.

To emphasize on the pattern and distribution of crime in pre-colonial Rwanda, Mr Rwakigarama a former police officer states that crime pattern and distribution was such that murder, homicide, thefts, disobedience of lawful orders, insubordination, breach of trust, tax evasion, conspiracy and were mostly committed in major towns like Kigali, Butare, Ruhengeri and Gisenyi, Gitarama, and Kibungo, while cattle rustling, poisoning, cowardice, disobedience of lawful orders, family wrangles especially those related to shifting of land demarcation posts remained dominant in Rwanda rural.

Respondent Mazimhaka Philippe who served as an officer in the Rwandan police in late 1960s indicates that crime trend in the pre independence increased over time as identified in murders, homicide, adultery and illegal pregnancies, theft, insubordination and disobedience of lawful orders, assaults, conspiracy, tax evasion and infanticide, while refusal to go for war when the state required one to do so as well as the charge against conspiracy was outlawed by the colonial administration.

Respondent Mazimhaka Philippe also contends that the main causes of crime were disputes in the families resulting from unfair distribution of resources, ignorance, poverty and greed. Unfair distribution of resources was identified to influence crimes such as murder, poisoning, land wrangles and conspiracy among others. Bleach of trust, disobedience of lawful orders, pregnancies out of wedlock was caused by ignorance. Theft, cattle rustling and tax evasion were caused by severe poverty.

Mr Kabujinja Leonidas who served in colonial police in the pre independence period notes that crime campaign in the colonial period took the form of religious preaching in addition to criminal justice institutions. He states that reaction to crime also went through Gacaca court system where disputes would be solved amicably without recourse to the king's court or colonial courts. Resolutions to crime and conflicts could also be done through clan and family meetings; similarly, communal gatherings presided over by local leaders were means to sensitize about crime and a platform for resolving issues collectively.

The decolonization era of the 1950s in Rwanda was characterized by ethnic violence. Violence was justified by radical elements as a legitimate means of practicing politics, becoming a tool accepted and disseminated by politically ambitious educated Rwandans.⁶ Politics polarized relationships between the Hutu and Tutsi. Hutu Peasants took every option available to their disposal to seize land, loot cattle, commit inhuman acts like killings, and taking valuables from the Tutsi-owned shops as well as driving women into sexual slavery.⁷

⁶ Rwanda, *Death, Despair and Defiance, African Rights*. (London, African Rights, 1995), pg 7

⁷ Ibid, pg 1008.

The hardening of ethnic differences, however, had started much earlier. It is the violence that began with decolonization. In 1935 Belgian colonialists introduced identification cards to distinguish a Hutu from a Tutsi. This was an administrative strategy of 'divide and rule' that acted as a means against potential collective resistance against unpopular policies. One such policy was forced labor. Selected Tutsi overseers were tasked to punish lazy Hutu workers on colonialist's cash crop plantations.⁸ This resulted in anger and frustration on the part of the Hutu who were subjected to harsh treatment on the plantations they also could not find time away from the plantations to grow their own food crops for home consumption. This further, bred anger and frustration on the part of the Hutu who kept it in their mind and only to carry on a revolt against Tutsi in 1959.⁹

2.2 Nature and Types of Crime in the Post-Independence Rwanda (The First Republic: Gregory Kayibanda Regime 1962-1973)

After Rwanda gained independence, it became an authoritarian state. The President of the First Republic President, Gregoire Kayibanda, established a governance style accentuated the Hutu-Tutsi schism, oppressing the latter. It also introduced regionalism in Rwandan politics. It was a regime of corruption, with appointments and nominations accompanied by nepotism. Political discourse continued to preach hatred against Tutsis. This hatred was reflected in textbooks, the media and in popular songs of the time.¹⁰ To this extent crime in Rwanda crime was a question of poor politics and bad governance.

⁸ Seminar A presentation on Conflict in the Greater Horn of Africa Region: A Case Study of the Role of Politics and Leadership in 1994 Rwanda Genocide (2011).

⁹ Seminar A presentation on Conflict in the Greater Horn of Africa Region: A Case Study of the Role of Politics and Leadership in 1994 Rwanda Genocide (2011).

¹⁰ Op.cit,p.14

In 1959, Rwanda political turmoil provides a splendid example of ethnic Tutsis exodus of about 130,000 Tutsis into exile in Burundi, Uganda and Zaire (DRC) and what they possessed was plundered by the majority Hutus peasants. From then on, every time the Tutsi incursions into Rwanda happened to regain control of the country, Tutsi who remained in Rwanda would face serious military and civil administration reprisals.¹¹

In 1963, Tutsi who had fled the country made desperate attacks on the government of Kayibanda, but were repulsed and this gave the government of Rwanda an opportunity to kill about 10,000 Tutsis. Land and cattle for the fleeing pastoral Tutsis left were quickly claimed by land-hungry Hutus.¹² In education, an ethnic quota system was put in place. Between 1972 and 1973, the political administration went to most schools and the national university to ensure that it was respected. The point was to create an education system that advantaged the Hutus who would then have to replace Tutsi who were in government positions.¹³

Tutsis were as well systemically marginalized in the state administration. This status of leadership and political system enhanced the polarization of the country along the ethnic lines resulting in subsequent chaos.¹⁴ The role of politics and leadership in the conflict was characterized by more failures than success. This is so because the earlier ethnically structured monarch practiced by the Tutsi rule persisted even after independence but this time by different guards-the Hutu and this is well exemplified by the politically motivated crimes that drove so

¹¹ Paula Magnerella, *Explaining Rwanda's 1994 Genocide*. (2010), pg 26.
<http://www.du.edu/korbel/hrhw/volumes/2002/2-1/magnarella2-1.pdf>

¹² Paula Magnerella, *Explaining Rwanda's 1994 Genocide*. (2010), pg 26.
<http://www.du.edu/korbel/hrhw/volumes/2002/2-1/magnarella2-1.pdf>

¹³ *Ibid*, pg 60.

¹⁴ Gerard Prunier, *Rwanda Crisis: The History of Genocide 1959-1994*. (Kampala, Fountain Publishers, 1995), pg 59

many Tutsis into exile as those that remained in the country suffered serious killings at the hands of the Hutu administration.

Mr Kabandana Louis a sub-chief who administered Kibuye in 1952, asserts that serious crimes in Rwanda were political as they claimed life by violence but other crimes also existed and these included murder, plundering of Tutsi property, corruption, theft, rape, burglary and forgery of documents, treason, embezzlement, traffic crimes, prostitution, perjury, deformation and insults, arson, trespassing ones home or property, roistering and disorderly, pregnancies out of wedlock, breach of trust, tax evasion, conspiracy, abortion, infanticide, cattle rustling, disrespect of superiors, poisoning, assaults, property destruction, release of security information to unauthorized people.¹⁵ Most of the crimes attracted imprisonment as the maximum sentence, except murder, release of security information to the enemy as well as treason that carried a maximum sentence of death penalty.

Particular crimes occurred mainly in the towns than in the rural Rwanda such as roistering, prostitution, and embezzlement, bouncing cheque, violation of traffic rules, treason and forgery of documents. Arson as a crime remained characteristic of the rural Rwanda. One other issue to mention is that crime rate increased throughout the 1960s except poisoning and cattle rustling, conspiracy, cowardice in the war, release of security information to the enemy. Crime occurrences were mainly in major towns of Rwanda such as Kigali, Gitarama, Butare, Gikongoro, Gisenyi and Ruhengeri whereby crime rose as the years progressed. Most of the crimes attracted the sentence of imprisonment and payments of fines.

¹⁵ Interview with Kabandana Louis, a former sub chief of kibuye during the reign of King Kigeri Ndahindurwa in 1950s.

According to Kabandana Louis, crime during Kayibanda's regime were as a result of socio-economic and political exclusion, bad governance, nepotism and ethnicity mostly based on promotion and emancipation of partisan Hutu.

2.3 Nature and Types of Crime in Post-Independence (Second Republic: Habyarimana's Regime 1973-1994)

The Second Republic under President Habyarimana further established single party rule, the National Revolutionary Movement for Development (NRMD) and governance of exclusion. Tutsis who were in political and military posts were removed and had limited access to education. The Tutsis were not given any meaningful participation in politics and participation in politics was regulated subject to an informal quota.¹⁶ Likewise, Habyarimana's regime persecuted the Tutsis and forced them to flee and take refuge in the neighboring countries.

Government leaders later coordinated the formation of the militia (Interahamwe) which was responsible for state instigated violence.¹⁷ During Habyarimana's regime the quota system that prevailed during Kayibanda administration was retained and the exclusion of the Tutsis from political power and positions continued unabated.. No army officer was allowed to marry a Tutsi lady.¹⁸ The issue of economic and political marginalization of the Tutsis went on in Rwanda right from 1959, when the Hutu took over power. Most government posts in education, the military and other important government posts were held by Hutu from the president's home area in the north. Regionalism was also entrenched. Most government positions in the military and other important posts were held by Hutu from the president's home area in the north. Close

¹⁶ Mohmood Madman, *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*. (Kampala, Princeton University Press, 2001), pg 132.

¹⁷ A Presentation by Seminar B, National Defense College, Conflict in the Greater Horn of Africa Region Case Study of the Role of Politics and Leadership in the 1994 Rwanda Genocide, 2011.

¹⁸ *Ibid*, pg 75.

relatives of the president and his wife dominated the army, gendarmerie and the Presidential Guard.¹⁹ This fueled frustration and anger between regions in Rwanda, resulting in a new basis for social antagonisms. This fueled frustration and anger between regions in Rwanda and was a basis for antagonisms. After 1973, crime took rather on the economic outlook of the country. The decline in coffee prices and the structural adjustment programs drove Rwanda into poverty this led to the frustration and anger of the population within the country as a result in the reduction of employment.²⁰

Additionally, overpopulation and inequitable distribution of land resources were seen as the major causes of crime in Rwanda throughout the 1980s and 1990s. During that period, powerful politicians grabbed land. There were no land rights for the majority of the rural population. Thus the 1980 and 1990s wide spread poverty was a result of landlessness created by land grabbed by the powerful politicians. The inequitable distribution of resources was also a major contributing factor to the rising in criminality, especially property and violent crimes.²¹

In the 1990s, the civil disorder and the availability of firearms prompted the rise in property crimes despite the fact that genocide and the ethnically motivated crimes polarized relationships between Hutus and Tutsis. During the late 1980s and early 1990s, the three primary foreign exchange earners which were coffee, tea, and tin faced an economic slump as prices for the mentioned products reduced drastically. As an example, coffee export receipts fell from US\$144 million in 1985 to US\$30 million in 1993. Government budgets were cut and the only remaining

¹⁹ Op.cit, pg 26

²⁰ Op.cit, pg 26

²¹ Jean Bigagaza et al; *Land Scarcity Distribution and Conflict*, pg 52-55

<http://www.issafrica.org/pubs/Books/ScarcitySurfeit/Chapter2.pdf>

source of revenue was foreign aid and those who could benefit from aid money were those in positions of political power. Thus, Rwanda government grew poor in 1980s due to the reigning economic slump where coffee prices declined as a foreign exchange earner. It is important to understand that budgets cuts were made rendering some employees in the government to be laid off.²²

Poverty levels increased and the number of thefts in the country grew while employment opportunities fell below the reigning levels. Poverty became rampant as the Structural Adjustment Programs (SAPs) imposed by international money lenders, further weakened the already fragile economy. The economic activities and the standards of living fell which had a direct bearing on socio-economic crimes. This caused general desperation, insecurity and violence in the country.²³

Consequently, elite Hutus engaged in a fierce competition for control of the rapidly shrinking economy. Instead of choosing to negotiate with Rwanda patriotic front, the government of Habyarimana decided to increase the size of his armed forces from 5,000 in 1990 to 30,000 in 1992, thereby diverting scarce resources meant for food imports, health care, and education.²⁴

In 1988-89 drought aggravated the problem of poverty in Rwanda and when the 1990 civil war began it became a fertile ground for the politicians to use the already impoverished population to carry on the genocide atrocities. Crime went high during the 1990s since there were so many

²² Paula Magnerella, *Explaining Rwanda's 1994 Genocide*. (2010), pg 26.
<http://www.du.edu/korbel/hrhw/volumes/2002/2-1/magnarella2-1.pdf>

²³ *Ibid*, pg 54

²⁴ *Ibid*,p.55

Internally Displaced Persons (IDPs) in camps throughout the country. Armed robbery and thefts were the order of the day as resources became scarce where the IDPs were settled.²⁵ However, refugees remain a source of insecurity to Rwanda in the current period as some went into hiding in the jungles of Congo.

The war that took place between 1990 and 1992 between the government and rebels led Hutu ultra-nationalists killed an estimated 2000 Tutsis. The fighting caused the displacement of hundreds of thousands of people.²⁶ I would argue that the ultimate causes of the Rwandan genocide were the country's economic dilemma, caused in large part by the world economy and Rwanda's growing imbalance in land, food and people that led to malnutrition, hunger, periodic famine and fierce competition for farmland. The proximate causes were the political indoctrination that the Tutsis were evil and convinced many Hutus that Tutsi elimination was the country's economic and political remedy. It has been reported that systematic and planned rape was the weapon of war and genocide and was used to humiliate and terrorize women and girls, their families and their communities.

In 1994, almost every adolescent girl who survived the genocide in Rwanda was raped. Rape was an offence to which women and girls were exceptionally vulnerable and the effect may not be physically evident but certainly is psychologically and emotionally damaging. Secrecy,

²⁵ Ibid, pg 55.

²⁶ Phillip Verwimp, *The 1990-1992 Massacres in Rwanda: A Case of Spatial and Social Engineering* (2011), p.1. <http://www.hicn.org/wordpress/wp-content/uploads/2012/06/wp94.pdf>

silence and shame covered up this tragedy. Rwanda's population office has estimated war time pregnancies as between 2,000 to 5,000.²⁷

Like most developing states, Rwanda experienced high population growth, widespread unemployment among the youth and illiteracy which still remained high. Such socio-economic circumstances led to realized human suffering in terms of physical injuries, financial losses, destroyed relationships and psychological trauma emanating from criminal occurrences.²⁸ The government militia known as the 'Interahamwe' instructed civilian population to kill the Tutsis and even slaughter their cattle. Not only were thousands of people killed but were also sexually abused.

Dusengimana Jean Baptist and Rugemintwaza Jean Marie Vianney who were inspectors of judicial police in the second republic argue that new crimes that emerged after 1973 at an increasing rate included; assaults, abortion, destruction of property, perjury, prostitution and drunkardness, embezzlement of government funds, forgery, treason, and suicide and drug consumption. They at the same time assert that political, economic and social conditions in Rwanda between 1973 and 1994 bred crimes that included; murder, poisoning, theft, burglary, disrespect, conspiracy, infanticide, breach of trust, assaults, land wrangles, abortion, arson, noise, suicide, perjury, conspiracy, issue of cheques without cash, treason, counterfeit, concubinage and disclosure of security information to un authorized persons and fraud among others. Most of these cases attracted a maximum sentence of imprisonment but some of the crimes were punishable by redressing the harm caused.

²⁷ Rwanda Crimes Against Humanity, Women Aid International,
<http://www.womenaid.org/press/info/humanrights/rwanda%20hr.html>

²⁸ Joubert J; *Criminology: Crimes of Violence*. (Pretoria, University Press, 2002), pg 5

Crimes common in towns were embezzlement, bouncing cheques, crimes prejudicial to the good order, forged documents, subversion and sabotage, fraud, treachery and perfidy, impersonation, gambling, corruption, child abduction and gang formation. Among the few crimes that emerged during this time were illegal possessions of fire arms and ammunitions.

Mr Asuman Niyonsaba currently a journalist but a former gendarmerie contends that crimes like assaults increased due to the consumption of drugs and alcohol in the second republic. He also argues that embezzlement of government funds was as a result of greed and dream for riches. Poverty played a big part in property crimes and prostitution. Treason was crime for those who wanted to ascend to power. Prostitution and abortion arose as a result of cultural erosion. Other than the criminal justice system applied to fight crime, families, churches, media and local administration shared the lessons in teaching the population of having the correct morals.

According to Jean Damascene Rwasamirera, a former parliamentarian and a survivor of genocide, crime impact in Rwanda undermined social relationships especially suspicion of one another. He also underscores the idea that crime retarded economic growth and development due to the fact that much of the resources that would be used for development are used to fight crime. He continued to say that Crimes such as political violence that took place in 1960s and 1970s resulted in people fleeing the country to become refugees and this brought insecurity for the country throughout the period.

2.4 Nature and Types of Crimes in the Third Republic under Rwanda Patriotic Front leadership (1995-2002)

Since 1994, the nature and types of crime in Rwanda included; murder, armed robbery, rape and defilement, assault with grievous bodily harm, arson, infanticide, manslaughter, poisoning, drug consumption and trafficking, genocide ideology, domestic violence, currency counterfeit, document forgery, road safety ,genocide, segregation, homicide, abortion, kidnapping, insulting and defamation,assaults,trespass,burglary,corruption,embezzlement,bleach of trust, bouncing cheque, deceiving, and environmental crimes.²⁹

After 1994 emerging crimes one can talk of included concubinage, environmental crimes, domestic violence, gender violence, human trafficking, pornography, cyber crimes, begging, drug use and trafficking, violation of intellectual property rights, promotion of self interest (land and other property), persecution of Gacaca witnesses and destruction of genocide sites.

From 2000, the Rwanda National Police has taken certain crimes as ‘priority crimes’ and these are crimes that occur often and are a threat to the community. The criteria used to determine priority crimes are the degree of occurrence as provided by official sources such as the police, judiciary or prisons. This means that priority crimes vary across countries and even vary from one year to another.³⁰ In this context, priority crimes in 2001 included armed robbery, rape and defilement, assault causing grievous bodily harm, drug consumption and trafficking, genocide related crime, illegal possession of firearms, burglary, infanticide, poisoning as well as homicide.³¹

²⁹ Gahonzire M, et al; *Community Policing in Rwanda*. 2006, pg 6-11.

³⁰ *Ibid*, pg 13

³¹ *Ibid*, pg 16-22.

Mushingwamana Evode a crime analyst with the Rwanda National Public Prosecution Authority (RNPPA) states well that assault and burglary levels have been progressively increasing causing grievous bodily harm and peaks periodically over the years since 1998.³² He again, indicates that burglary is high towards Christmas and other holidays. Genocide negation occurs before and after yearly commemorations during the month of March, April and May. Concentration of genocide related crimes is mainly in the southern province; this is so because the masterminds of the genocide hailed from there. He again states that, assault causing bodily harm does happen during the months of July and August during the dry spell of the year when the population is having less activity on the farms. The precipitating factors are drugs and alcohol consumption.

In an interview with the Commissioner General of Rwanda Prisons, Major General Paul Rwarakabije over illegal possession of fire arms, he responded by stating that for some time, the government has been engaged in withdrawing fire arms from the population with difficulty for these firearms have been kept clandestinely for safety reasons and also for commercial motives as firearm dealers find it a lucrative business. More so, firearms are obtained very easily from neighboring countries that have had wars in the past such as the DRC and Burundi. Again, Emmanuel Muvara a crime analyst with the RNPPA asserts that firearms trade and possession stands to stay for sometime because the punishment which is imprisonment for a year or less is not enough to deter offenders who are arrested for possession and sale of illegal firearms. Prosecutor Mauris Ntare indicates that homicide crime is still prevalent due to a variety of

³² Interview with Evode Mushingwamana, A Crime Analyst At Rwanda Public Prosecution Authority on April 4th 2013.

reasons; thus homicide cases occur as a result of conflicts in the intra family relationships, land disputes between family members and problems resulting from polygamy.

According to the Superintendent of Police in charge of crime records office at Criminal Investigations Department (CID) Urbain Mwiseneza, crime concentration does take place in particular areas much more than others. The capital city Kigali that comprises of three districts of Nyarugenge, Kicukiro and Gasabo has the highest crime rates in the country since 1994. Common crimes in the fore mentioned areas are drugs, burglary, and assault causing body harm, defilement and rape. Other high crime areas are Nyagatare, Gatsibo, Rwamagana and Kirehe in Eastern province. Prominent crimes are drugs, specifically '*kanyanga*', assault, rape and defilement. In the Northern Province, Rubavu and Bulera districts have the highest figures of crime. Crimes such as rape and assault do occur because people in this area abuse alcohol and drugs. In the southern part of the country especially in Kamonyi district rape and defilement appear to be a major occurrence. Defilement occurs when there is absence guardianship to the children.

The National Gendarmerie continued to fight a constant battle against crime since 1994 even after the civil war ended. There are both serious and petty crimes that pervade the Rwandan society. The Rwanda Security Institutions went on to take 32 different types of crime in their criminal records. Serious crimes were synonymously taken as violent crimes, but the seriousness of a crime was judged on injuries suffered by the victim, material losses by the victim and the relationship between the victim and the offender.³³

³³ Interview by Niyonsaba Asuman, A Former Gendarmerie Officer During the Rule of President Habyarimana (2013).

Currently, certain crimes have emerged in Rwanda and after 2002 destruction of genocide sites, gender violence, human trafficking, cyber crimes, environmental crimes, and divisionism and sectarianism. So far, research indicates that crimes have been caused by bad politics and governance, poverty, poor distribution of resources and few job opportunities. But, Niyonsaba Asuman a former 'gendarmerie' officers and now journalist argues that cultural diversity brought about by the return of refugees after who had fled Rwanda in 1960s and 1970s has contributed greatly to crime rise particularly consumption of drugs and illicit brews, forgery specifically with respect to academic documents. Similarly, Superintendant Ismael Baguma of Interpol Rwanda states that emerging crimes other than drugs have been cyber crime and human trafficking.

2.5 Reaction to Crime by the Judicial Police in the Pre-Independence Period

The colonization of Rwanda began in the 19th century. Firstly, Rwanda was colonized by the Germans who used indirect rule as a policy to govern Rwanda. This political administration gave the king power to rule over the country. The German occupation was short and thus did not allow them to make changes in the judiciary system of the country.³⁴ Rwanda was later colonized by Belgium as a trustee territory for the United Nations (UN). The changes which impacted the judiciary system in Rwanda were made by the Belgians in 1925. The European judiciary replaced the citizen, the chiefs and the king's role. Since this time, the judiciary staff was determined by the legislation and nomination.

During the two periods of occupation; military occupation (1916- 1923) and the mandate (1923-1949), the Rwanda-Urundi were put together with Belgian-Congo. The governor of Rwanda-

³⁴ Linda Melvern; *A People Betrayed, The Role of the West in Rwanda Genocide*. (Cape Town, Zed Books, 2007), pg 8-13.

Urundi had an army called “Public Force of Belgian Congo” and the police officers. The members of this army were Belgian officers and indigenous people. The relationship between ‘*Force publique*’ and the Rwandan Population was one of the worst as the force was alien. ‘*Force Publique*’, which was mainly composed of the Congolese, maintained order and security in Rwanda-Urundi but the relations between ‘*Force Publique*’ and the Rwandan population were so sour that the Rwandans wished them to leave the country. ‘*Force Publique*’ was hated for being foreign and secondly they were hostile towards people of Rwanda. The Congolese soldiers were repressive and disorderly and so the Rwandese felt displeased with the conduct of this foreign force. However, few Rwandans joined ‘*Force Publique*’ by favor or fraud. The Congolese were seen as a force of occupation as they could speak Swahili and Lingala, languages which were unpopular in Rwanda.

On 1st April 1958, D Mparabanyi John Nicolas, a specialist in mines who had been in Congo, complained in ‘*Kinyamateka*’ newspaper that the Belgians were hiring Congolese law enforcement officers in Rwanda instead of hiring the Rwandese who were also capable of doing the same duties. Thus he said, *"I wonder why Rwanda cannot have its own armed forces as other countries. It is sad to see me being refused entry into the Force Publique just because I am Rwandese. They used to reject our applications saying that no Rwandans or Urundai's are not fit and yet we were taken to work in the mines where they used force"*.³⁵

In 1948, Rwanda establishment territorial police comprising of Rwandese, the civilian population were more than happy for the territorial police which was more disciplined and more appealing to the population than the ‘*Force Publique*’ who committed crimes of rape and

³⁵ Kinyamateka, No 7, April 1958, pg 2

robbery.³⁶ In 1948, the Resident Governor in Rwanda was allowed to establish the judicial police and a police training school at Ruhengeri (a town in northern Rwanda) and these police officers would be deployed in many parts of Rwanda with their headquarters in Kigali.³⁷

2.6 The Judicial Police in the Independent Rwanda

The current institutions of the state are those that comprise the Criminal Justice System and became operational at the time of independence. Thus, Criminal Justice System is divided into four components; the law enforcement component which is the duty of the police who are concerned with tracing and arresting suspected offenders, the prosecution component which is concerned with charging and prosecuting offenders, the court component determines the guilt or the innocence of the accused and is responsible for sentencing the offender guilty of an offence and the correctional component is charged with the function of executing the punishment imposed and will treat the offender with view to positive modification of their behavior.³⁸ It is along these lines of the four criminal justice processes of police, the prosecution, courts and corrections in which offenders go through that one needs to understand in a historical perspective in case of Rwanda.

At the eve of independence in 1962, the young republic consolidated its sovereignty by putting in place the new institutions which were the National Guard and the Police. The police which was a continuation of the territorial police was strengthened in attributions and joined by the communal police and the judiciary police into one force called the National Police that was later

³⁶ Nsabimana Emmanuel, *Rwanda under Colonial Rule*, 1988, pg 121.

³⁷ Bulletin Officiel du Burundi, No 4 du 30 Avril, 1949

³⁸ Karamaga Wilson; *Dissertation in Partial Fulfillment of the Award of a Bachelors Degree in Law, The Role of Judicial Officers in the Promotion and Maintenance of Peace in Rwanda*. 1999, pg 14.

replaced by the National Gendarmerie. The presidential decree No 50/02/ of April 1969 defined clearly the national police attributions of maintaining law and order.³⁹

2.7 The Communal Police

The Communal Police was established by the presidential decree of 23/11/1963. In Article 79 of the same presidential decree, each and every community in Rwanda was given authority to recruit police corps. The Article 87 adds that the provincial officials can put the national police members in disposition of the commune. The attribution of the Communal Police are given in Article 93 which states that without prejudice of the other determined attributions, the Communal Police is charged to execute the law, order and regulations under the authority of the burgomaster.

The Communal Police was a force under the authority of the burgomaster charged with the judiciary and administrative police functions. The police went through much restructuring with the aim of making it more effective and closer to the population. It had administrative and judiciary authority and was conceived as a support to the communal administration and complementary in duty to the military.⁴⁰

However, the Communal Police did not serve the interests of Rwandans well. Instead they were filled with individuals who were not worthy of the job. They were full of reservists who had little capacity for the job and this kind of arrangement had serious repercussions, for the Communal

³⁹ Theo Badege, Dissertation in Partial Fulfillment of the Award for a Bachelor of a Degree in Law, *On Attributions And Limitations Of Judicial Police In Rwanda*, 2003, pg 29.

⁴⁰ Arrete Presidentiel no 851/05 of August 16, 1984

⁷⁵ Letter No 23/03.01.02 of 04.01/1984

⁷⁶ Declaration of Communal Police Commander.

Police Officers felt they served the interests of burgomasters who were agents of the state. The situation was made worse by the way the Communal Police were selected. The burgomaster had a lot of influence in the selection of the Communal Police Officers a situation also bent on nepotism and corruption. The consequences of such recruitment and selection of communal police was realized in 1994 war and genocide where these Communal Police officers who were professionally incompetent were used by the burgomasters to hunt down those who were considered anti-government, thus, credibility of the force was compromised.⁴¹ Eventually, the force was dissolved in 2000.

2.8 The National Gendarmerie

The institutions which had police missions succeeded each other since 1949. The important changes began in the year 1973. The National Police was integrated into the National Guard. This integration caused a shift of the police force from the Ministry of Internal Affairs to the Ministry of Defence. These changes happened on the eve of the July 1973, when Major General Habyarimana staged a coup d'état against the government of Gregorie Kayibanda and it was clear that this situation required the new masters to control the armed forces.

The situation returned to normal at the beginning of the year 1974. On January 23, 1974, the 'National Guard' became the National Army and on the same day National Gendarmerie was established and went under the Ministry of Defence. In its establishment, National Gendarmerie was to maintain law and order in accordance with Article 3 of the Law of 23 Jan 1974 establishing National Gendarmerie. The Article 4 of the same law stated that the attributions of the National Gendarmerie are at the same time preventive and can at the same time use force

⁴¹ Op.cit, pg 15

when the situation warrants. The repressive functions were the judiciary police functions. Prevention of crime and investigation of cases was well laid in Article 10 of the same law stabilizing the force.

Similarly, the traffic police had double functions as part of the National Gendarmerie and in accordance to Article 15 it had administrative functions such as prevention of violation of traffic regulations, but also to arrest the offenders. The other mission outside of the judiciary police which were performed by the National Gendarmerie were court police referral of detention and escort duties.

After the 1994 genocide, selected members of the Rwanda Patriotic Army were detached to form the National Gendarmerie. In 2000, the National Gendarmerie and remnants of the communal police and judicial officers attached to the Ministry of Justice were all integrated into a new force which was named the Rwanda National Police. Respective governments had reacted to crime by criminal justice system channels, thus the formation of the National Police that served to preserve law and order which gave way to the creation of the National 'Gendarmerie' in 1973 and subsequently the Rwanda National Police in 2000.

2.9 The Rwanda National Police

According to the Article 4 of the Law establishing Rwanda National Police has the following structure:

The General Commissariat, the Directorates and Divisions, Services, Police Units, the National Police is under the command of the Inspector General of Police who is assisted by a by his

Deputy. The Inspector General and his Deputy are nominated by the president. The Directors, Chief of Services and the divisions are nominated by the decree of the Prime Minister. The Commanders of the Police units are nominated by the decree of the Minister in Charge of National Police.

The Rwanda National Police is governed by Law No. 09/2000 of 16/06/2000 on the Establishment, General Organization and Jurisdiction of the National Police, under the Ministry of the Interior. Rwanda has 36 district police units, 69 police stations and 368 police posts, and over 10,000 police officers.⁴² Article 49 of the Law establishing National Police states that the structure and the organization of the National Police are determined by the Prime Minister decree and Article 53 of the same law states that every police officer from the level of a sergeant judiciary police powers.

2.9. 1 (a) Attributions of Rwanda National Police

Rwanda National Police perform the functions which were assumed by many different police institutions. The police ensures the safety and security of all persons and property in the national territory, upholds and safe guards the fundamental rights of every person as guaranteed by the constitution, ensure cooperation with the service and the community it serves in the combating crime, respect for victims of crime and understanding of their needs, police will preserve constitutional democracy.

The National Police is an institution that was established in a country weakened by the violation of the human rights where citizens need to be comforted. The international community and the

⁴² Gender, Health and Justice Research Unit (University of Cape Town: South Africa,2012), pg 1, <http://a5i.org/about/>

Rwandese politicians wish to restore a state where human rights are respected in order to achieve prosperity and social wellbeing. In their manifestation they claim justice with the repeated slogan of Rwandan population that emphasizes “justice delayed is justice denied”. The establishment of an effective judiciary institution is an obligation to achieve the same the goals.⁴³ Article 47 of “*code d’organization et de competence judiciaries*” argues that the judiciary police has a mission of investigating the crime, offence and contraventions, to identify the perpetrator and look for material evidence in order to execute constitutional obligations. Having indicated the nature and types of crime in Rwanda in the pre-independence and post independence period as well as the evolution of crime in the two historical times, it is more pertinent to tackle chapter three on factors responsible for crime mutations in Rwanda.

⁴³ Official Journal for the Republic of Rwanda, 1969, pg 5

CHAPTER THREE

FACTORS UNDERLYING CRIME MUTATIONS IN RWANDA

3.0 Introduction

Between 2000 and 2012, Rwanda experienced apparent mutations in crime and there has been, not only a notable change in the nature but also in the forms of crime. It is the totality of the state organization that interacts in underlying this and is the reason for the existence of the state as the guarantor of security.¹ This chapter argues that the apparent mutation of crime in Rwanda is a function of the actor (criminal) and the adaptation to the milieu. Underlying the milieu are the economic, political, social, societal and security variables.² However, an individual and the state quickly adopt to maximize on these for their own ends. The individual for his subjective self interest and the state for the collective good to determine who has an edge over the other.

In principal the state is supposed to project and plan in advance. Where it succeeds the notion of mutation will not be adverse, the converse is also 'true'. This chapter essentially examines and analyzes what factors underlie mutations of crime in Rwanda. To this extent the chapter is divided into two parts. Part one is concerned with crime mutations; it is further organized around three units. The first unit grapples with socio-economic crimes, the second unit tackles strictly financial economic crimes and the third deals with as well those crimes that are of a political

¹The Social Contract Theories of Thomas Hobbes and John Locke,
<http://www.lawteacher.net/contract-law/essays/the-social-contract-theories-of-thomas-hobbes-and-john-locke.php>

² Stevens, and Cloete, MGT, *Introduction to Criminology*. (Half Way, South Africa, International Thomson publishing, 1996),pg 14.

nature. The second part of this chapter discusses factors that cause crime, and these rotate around social, economic, cultural, political, and legal aspects.

3.1 Socio-Economic Crimes

Crimes that have undermined life and social wellbeing of communities have been rife and overt, but there are those crimes that have dangerously ruined society and so clandestine that their effects are not realized so soon. The fact is that such crimes are organized such that their detection requires concerted, deliberate well funded efforts. This is so because crimes like drug and human trafficking are crimes behind forces that have enough funds to finance and counter legitimate institutions.

Drug and human trafficking syndicates operate in a complex organizational structure with rules that are strictly enforced. Money and power are the driving goals as they infiltrate legitimate businesses³. Drug trafficking, human trafficking, smuggling, loan sharking known as 'bank Lambert' and armed robbery are some of the organized crimes found in Rwanda.⁴ The driving force has been to look for money to sustain criminal livelihood, but that comes as a result to socio-economic conditions that do not offer alternative occupation.

The complexity of organized crime has and is still contributing to crime commission by drug addicts such as child defilement. Drug lords and gangs do stimulate vigilante groups who usually take law in their hands, especially assaults and theft that characterize suburbs of Kigali city.

³ Ibid,P.280

⁴ Rwanda National Police Criminal Records, 2011.

3.1.1 (a) Drug Trafficking

Drug trafficking serves as a splendid example of organized crime that undermines the social fabric of communities in Rwanda. A drug is any chemical substance that affects the processes of the mind and the body. It is a substance that is illegal which affects the central nervous system by either stimulating or depressing it.⁵ Illicit drug trafficking and abuse is a global phenomenon and it affects almost every country and its extent and characteristics differ from region to another as revealed by Interpol Kigali. Common drugs trafficked inside Rwanda are cannabis sativa, cocaine, heroin and *Khat*.⁶

Cannabis sativa commonly called 'hemp' is a plant from which the drug is obtained and is a hardy weed which can be grown in a variety of climates. The hemp plant grows wild and is cultivated mostly in Turkey, Greece, Syria, India, Africa, Brazil, Mexico, and United States.⁷ The main sources of cannabis sativa are North Kivu, South Kivu and shores of River Kagera in Tanzania.

In addition to cannabis sativa, cocaine is among the drugs seized by Rwanda National police. According to Superintendent Ngondo Emmanuel, the in charge of narcotics at CID headquarters in Kigali, cocaine is a stimulant which appears as a crystalline whitish powder and it is chemically processed from coca leaves. It is picked by hand derived from the coca plant, dried in sun, firstly, into coca paste then cocaine hydrochloride after crystallization then cocaine is

⁵ <http://medical-dictionary.thefreedictionary.com/drug>

⁶ Rwanda National police criminal records, 2012.

⁷ O'Hara 1970:254.

obtained. There are also heroin sales in Rwanda but sold in less quantities as compared to cannabis and cocaine.⁸

Khat is a stimulant drug derived from a shrub (*Catha edulis*). It is native to tropical East Africa where it has been used for centuries as part of an established cultural tradition as medicine. Drug supply and demand still remains high in Rwanda as elsewhere in East Africa only that some cases will not be reported to police for a variety of reasons, one of them being that drug dealing can implicate a county or a prominent individual.⁹

With high demand, drug sellers target vulnerable groups mostly youths who are in schools and unemployed individuals. The degree to which demand for drugs has grown demands diverse, strong and serious intervention to reduce the scourge. Rwanda National Police carried about 2983 arrests of drug traffickers and abusers in 2012 as compared to 1409 arrests in 2005.¹⁰ With drug supply, it is always difficult to get information on drug dealers like it is on other criminals because there are no complainants or victim in illicit drug deals and does not impose direct threat to the public.¹¹ Actions have to base on an intelligence-led approach that systematically prioritizes the traffickers, dealers and suppliers. However, the main platforms for drug supply and delivery currently include small packets reduce detection and increase secrecy during transportation¹².

⁸ Rwanda police records 2012.

⁹ Norbert et al, *Contemporary Crime Issues: Priority Crime in South Africa*. (Pretoria, University of South Africa Press, 2002), p.5

¹⁰ Rwanda national police crime records on narcotics (2012),p.3

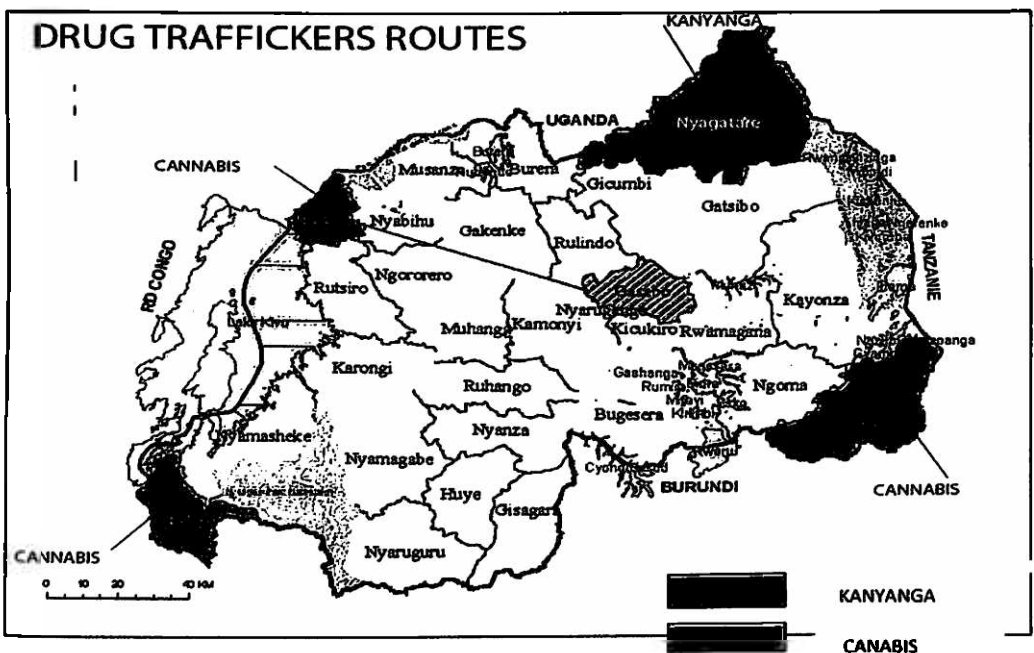
¹¹ Norbert et al, *Contemporary Crime Issues: Priority Crimes In South Africa*. (Pretoria, University of South Africa press,2002),p.96.

¹² Op.cit,p.4

Rwanda National Police statistics indicate that in the year 2011, a total of 3,384 people were arrested in the country, either using or selling of drugs, out of these 2,566 were the youth aged between 18-35 years, representing about 76% of the arrestees. Statistics from the Psychiatric Hospital of Ndera indicates that 22. 6% of all patients suffer from drug misuse.¹³

The map of Rwanda below indicates sources of drugs and ‘Kanyanga’ both of which are drugs used in Rwanda. As the arrow indicates on map the main sources of drugs are the neighboring states. The districts of Rwanda that serve as conduits of drugs from outside are Kirehe that borders Tanzania, Rusizi and Rubavu that border DRC as well as Nyagatare which is adjacent to Uganda an area that deals in a local uncertified brew called Kanyanga. As indicated most of the drugs leave border areas and end up consumed in Kigali.

Map of Rwanda indicating drug sources



¹³ Rwanda National police statistics on drug trafficking reduction strategy (2012).

As noted elsewhere in this chapter, drugs come into Rwanda from the neighboring countries. Rwanda is used as a transit route for illicit drugs like heroin and cocaine. Khat is used in small quantities and is used by Somalis who are long distance trailer drivers and is less common in Rwanda. A significant quantity of cannabis enters Rwanda from DRC via western towns of Rwanda; Rubavu and Rusizi. Smaller quantities of cannabis are to a lesser extent consumed in Rubavu town (Rwanda-DRC border) with larger quantities head to Kigali city which guarantees the dealers with tangible market.

Bulk quantities of cannabis enter Rwanda through Kirehe district especially in Gahara sector that borders Tanzania, where cannabis is grown along the swamps of Kagera River. The porous border Rwanda and DRC is used to traffic cannabis into Rwanda. Of recent trafficking of illicit drugs into Rwanda has been engineered by trucks which are loaded with food stuffs that are mixed with the drug. It can be laborious for police to off-load every truck that is loaded with food. Reserve tank of the vehicle has been used to store during trafficking as well and any empty space inside the car as especially the space between the vehicle body and cover-ups. Women have found drug trade profitable and in most cases hid the cannabis for sale in wraps around their bodies.¹⁴

The main causes of drug trafficking are commercial gains in form of money coupled with the high demand and increasing highly profitable supply. The drug sellers target vulnerable groups mostly youths who are in schools or unemployed. This requires supplementary and effectiveness

¹⁴ Rwanda National Police Crime Records (2012).

Measures to reduce drug use and its consequences by improving the coverage, quality and effectiveness of demand reduction interventions. The use and abuse of drugs has become increasingly challenging and this is so because drug consumption falls in the category of those crimes where the victim is at the same time the offender. The difficulty in eradicating the vice is because no one complains for the offense. Drugs are considered victimless crimes other victimless crimes drug abuse that have undermined Rwandan security situation include; gambling, pornography, public drunkardness and vagrancy. Victimless crimes have a secondary criminogenic effect by the mere fact that they facilitate other crimes such as burglary and thefts.¹⁵

Drug crimes will attract a rational criminal to balance the expected high profits versus light penalties provided by Rwandan law. As the case may be Rwandan penal code punishments for drug trafficking are not proportionate to drug offenses, nine months imprisonment for drug abuse or trafficking is not sufficient punishment to deter potential offenders.¹⁶

The fact that it is very difficult to eradicate drug selling as the demand keeps on rising and sellers realize high profits at each stage of the drug market. As an example a kilogram of cannabis at the Tanzania-Rwanda border costs 4,000 Rwanda Francs and between Kigali and Kirehe a border town the price of the same kilogram costs 15,000 Rwanda Francs and in Kigali the kilogram at retail prices costs 80,000 Rwanda francs.¹⁷

¹⁵ Ortmeier P.J, *Public Safety and Security Administration*. (Boston(USA):Butterworth-Heinemann Prints,1999),p.4

¹⁶ Interview with Bizimungu Christopher, Director of Criminal Investigations Department on 15 March 2013.

¹⁷ Rwanda National Police Criminal Records (2012).

The Uganda-Rwanda border is so porous to the extent that the whole stretch of the border can be used to traffic cannabis, heroin and cocaine. The main areas prone to drug trafficking between Rwanda and Uganda are Nyagatare and Bulera districts. The dominant drug/alcohol, is 'Kanyanga' which is a local brew is used abundantly by the local people along the border of Uganda and Rwanda.¹⁸

It is very difficult to eradicate the sale of Kanyanga because Uganda laws do not take Kanyanga business as a serious security threat to Ugandan security. In the city of Kigali and especially in the district of Nyarugenge certain places were identified as drug prone. Young men influence their friends to gather around and smoke marijuana at '*Tapis rouge*' in Nyakabanda sector, 'Maison de Jeunes' in Kimisagara sector, Matimba in Rwezamenyo sector and California in Gitega sector. A survey conducted by the ministry of youth in 20 districts and presented on March 15 ,2012 reveal that 52.5 % of the youth in Rwanda had at one time abused or trafficked drugs as low as the age of 11 years¹⁹.

3.1.1 (b) Human Trafficking

Human trafficking is a new crime in the Rwandan criminal justice system. Statistics available in the police data base indicate that human trafficking started in 2009, that is when this type of crime was first reported in police stations and it is the same period that the same crime emerged as a security threat in Rwanda. This however does not rule out the fact that it has been going on for the last 10 years unnoticed. Human traffickers prey on people who are poor, isolated and

¹⁸ Ibid,p.6
¹⁹ Kayitesi Maria, Sunday Times,52% of Rwandan youth abuse drugs-Report(Dec 09,2012),
<http://www.newtimes.co.rw/news/index.php?i=15201&a=13097>

weak. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them particularly vulnerable to trafficking.

Natural disasters, conflict and political turmoil weaken already weak social protection measures for human trafficking. Individuals are vulnerable to trafficking not only because of unfavorable environment in their countries of origin but also because of the attractive opportunity, the persistent demand for cheap goods and services and the expectation of reliable income that drive people into potentially dangerous situations where they risk being exploited.²⁰

Since 2009, a total of 130 cases of human trafficking have been recorded in Rwanda. These include cases of victims who have been recovered or intercepted and others that are still in the hands of criminals. Research in Rwanda has revealed that victims of human trafficking are recruited in the country and to a less extent in the neighboring countries. The most targeted group is young females aged between 16-22 years, especially from vulnerable groups like orphans and those from low income earning families.

In March 2013, Rwanda National Police intercepted a foreign agent in Rwanda who had recruited 12 young Genocide orphans promising them opportunity for work and studies abroad. Victims of human trafficking are to large extent recruited from Rwanda, from their villages,

²⁰ United Nations Office on Drugs and Crime, Introduction to Human Trafficking: Vulnerability, impact and action(2008),p.4

towns and schools. The modus operandi used by traffickers differ depending on the category of the victim.²¹

In some cases, traffickers through their local agents approach financially vulnerable girls. Police has also encountered a few cases where traffickers use offers of marriage as a means of obtaining their victims. In these cases girls ended up being trafficked into sex industry in Malaysia, South Africa and Tanzania. The truth is that many of these girls end up being sexual exploited or end up offering cheap labor in restaurants and bars. It is feared some are killed to remove body parts for transplant.²²

Over the years, it has been observed that increased training of police at all levels has been done to make sure that law enforcement personnel recognize indications and clues that trafficking in persons is eminent, in order to intervene and arrest those involved. Awareness programs are other important tools that have been in used in Rwanda as a measure aimed at fighting human trafficking. In many cases, victims are unaware of the tactics used by traffickers. In Rwanda legislation on human trafficking has also been reviewed and amended according to suit the current trends crime circumstances.

Although, human trafficking is linked to social push and pull factors such as poverty, inadequate employment opportunities in Rwanda, lack of access to basic services, poor living conditions, the dissolution of family, the possibility of higher salaries, gender violence and a

²¹ Interview with Superintendent of Police Ismail Baguma of Interpol Rwanda, conducted on 27 March 2013

²² Olivier Rubibi, Press conference given by the Inspector General of police, Five major crimes to combat, March 29, 2013. <http://igihe.com/amakuru/u-rwanda/hari-ibyaha-bitanu-by-ingutu-buri-wese-akwive-kurwanya>

variety of factors that are realized to be economic are responsible for the vice. Demand for migrant workers; and high expectations, boosted by the global media, the internet, and stories of returning migrants exacerbate the crime.²³

In a related case, prostitution has changed the outlook. According to police official reports, the well known prostitutes who used to sell sex around the street corners is an issue of the past, prostitution syndicates are run in undercover operations through massage parlours, computer dating services, call girl and dating services on line do occur and the police has difficulty in tracking prostitutes who go on carrying out prostitution. Rwanda police also learns of sex houses hired by individuals to lure school going girls into sex.²⁴

3.1.1 (c) Crimes of Violence

Violent crimes are types of crimes where threats of violence and physical injuries are caused. Common crimes in this category of crime as they occur in Rwanda are murder, attempted murder, robbery with aggravating circumstances. Other violent crimes that endanger social fabric are rape, assault with serious body harm and common assault.

Violent crimes aimed at destroying property include; arson, carjacking, bank robbery and robbery of cash in transit. Violent crimes are in most cases caused by provocation precipitated by use of alcohol and drugs. It is common to find that the offender was once a victim of domestic violence. Sometimes a subculture of violence prevails in certain communities such that norms

²³Frieda McCormack, Governance and development resource center: The impact of human trafficking on people and countries(2011), <http://www.gsdr.org/docs/open/HD780.pdf>

²⁴ Inspector General of police giving examples of human trafficking of girls to South Africa , Tanzania and Malaysia (2013),igihe.com

and values accept to solve problems by violence²⁵. Rwanda, demographically has a young population,²⁶ About 42 % of the population of Rwanda are young people below the age of 17 and criminal career of young people begin at adolescent age, this is attributed to immature growth and development among the youth who are normally aggressive and violent.²⁷

Domestic violence is also a common occurrence and includes violent behavior that is perpetrated by any member in the household. It can include physical abuse, sexual abuse, emotional, verbal, psychological abuse, intimidation, harassment and even damage to property. The common occurrence of the domestic violence in Rwanda has been women abuse. Incidences appear to involve physical and sexual violation, punching, stabbing, throwing boiling water or acid and even burning. Cases of women abuse are on the rise and this is attributed to the law that currently protects women from battering, this has brought clash with families where men who still cling to the culture of domination and control as reflected in the Rwandan social institutions.

Originally, women abuse was not reported to police and matters would be settled domestically with elders. The trend is that women report cases of abuse even at the slightest provocation. It is presently felt that women abuse their husbands much more than husbands do.²⁸ The incidences and extent of rape cases as indicated by the police statistics from 2005 to 2011 appear to have dropped from 2999 to 257 respectively. The trend of rape incidences went down as the government took a decision to put up tough measures in rape case legislation. Presently rape

²⁵ Rwanda National Police Statistics

²⁶ Reproductive Health at a Glance in Rwanda(2011),p.1,

<http://siteresources.worldbank.org/INTPRH/Resources/376374-1282255445143/Rwanda52411web.pdf>

²⁷ Richard D.K et al, *Juvenile Delinquency*. (New York, Randon House,1970),p.227

²⁸ Nathan Mugume, Rwanda Ombudsman, Rubbish which is which?

<http://allafrica.com/stories/200509020455.html>

punishment carries a maximum of 25 years imprisonment. There are instances where rape homicides are committed for fear of being reported and tough measures instituted.

Along with rape, defilement is also committed and the punishment is much more severe. The explanation of the cause of rape and defilement other than sexual urge can be gender power inequality, male sexual entitlement and general environment of alcohol and drug abuse.²⁹Gangs also exist in Rwanda and have a sense of cohesion and solidarity and are bound to a particular area while creating an atmosphere of intimidation and fear. Gangs engage in burglaries, robberies and thefts for their survival. Most of what the gang steals is kept for sale within the city of Kigali and other towns inside the country. High level gangs may have firearms while the lower category of gangs can have knives, machetes and clubs.

The table and graph below indicates 32 crimes that Rwanda National Police considers priority crimes. The three categories of crimes-the socio-economic, Financial and economic crimes as well as political crimes are all represented in the table for the year, 2012. The graph indicates crime totals for 32 crimes of each and every month of the year, 2012. Again, crimes that show high occurrences are assault, burglary, drug use and abuse as well as defilement and rape. We can then infer that crimes of violence are common in Rwanda and this can be catalyzed by the use and abuse of drugs.

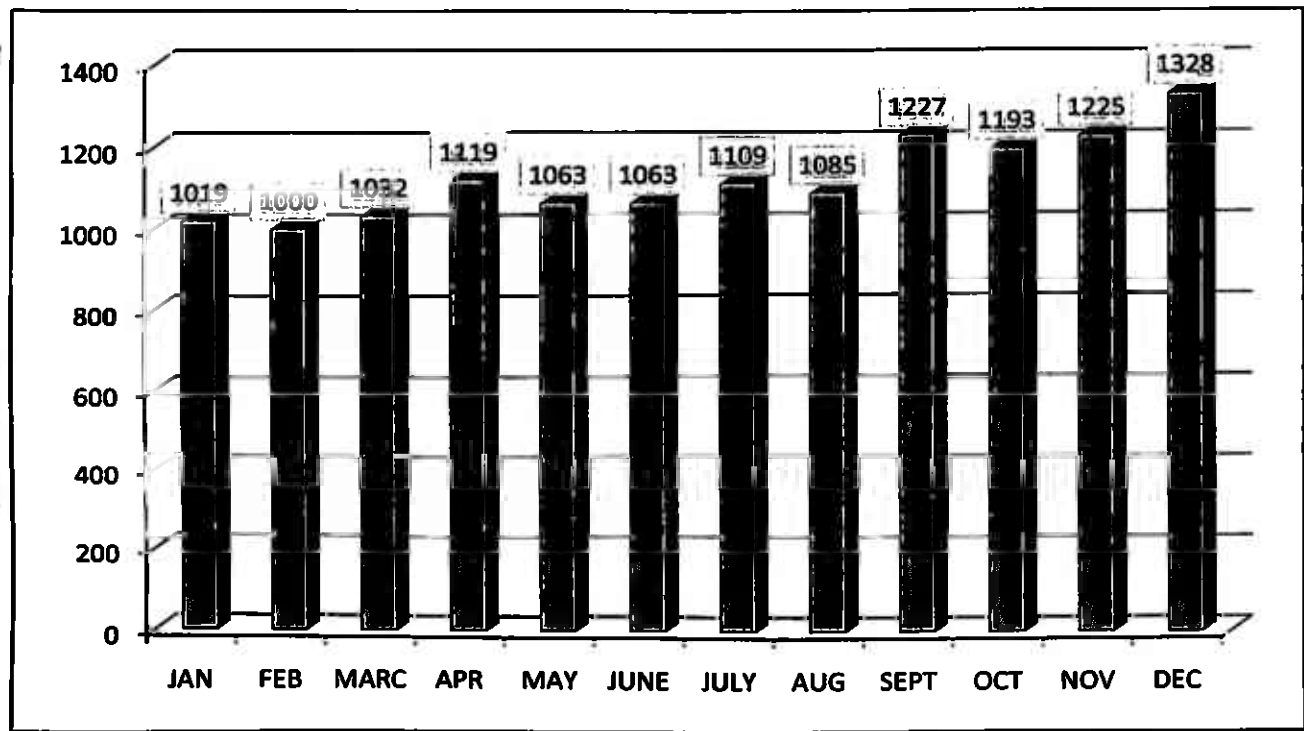
From the graph it is evident that there is generally crime rise as the year progresses that come to peak in December.

²⁹ Reid S. Titus, *Crime and Criminology*. (Boston, McGraw Hill, 2000), P.194-197.

Crime/month	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Genocide Denial	14	9	7	114	12	12	7	10	4	8	3	6	206
Segregation	3	5	6	8	4	4	9	4	10	9	9	10	81
Assassination	1	6	4	1	8	8	16	6	18	12	12	8	100
Murder	8	11	6	14	9	9	20	17	17	12	13	19	155
Involuntary Homicide	8	0	2	2	6	6	7	6	7	18	11	15	88
Poisoning	0	0	0	0	0	0	4	2	1	5	4	1	17
Infanticide	1	1	4	2	3	3	0	7	5	3	3	1	33
Abortion	10	6	8	12	7	7	5	10	17	11	13	9	115
Human trafficking	0	0	0	0	1	1	4	0	0	1	0	0	7
Kidnapping	0	3	0	1	1	1	0	1	1	1	1	2	12
Assault	225	180	209	158	188	188	220	177	262	200	248	271	2526
Rape	34	16	25	28	21	21	20	17	26	15	16	18	257
Defilement	142	134	112	85	144	144	149	145	184	171	185	187	1782
Illegal Arrest/Detention	3	1	2	0	0	0	0	0	1	2	0	0	9
Personality damage and Insults	3	33	37	16	29	29	6	43	7	43	5	24	275
Trespass	2	5	2	5	5	5	9	4	2	3	2	3	47
Armed Robbery	1	2	3	3	27	27	0	1	2	7	0	2	75
Breaking and Theft	173	196	162	171	166	166	180	159	215	199	192	224	2233
Theft	31	37	46	23	59	59	65	57	54	37	63	72	603
Corruption	5	3	9	16	12	12	9	14	16	39	17	14	166
Embezzlement	13	11	11	13	8	8	7	11	2	5	27	8	124
Counterfeiting	19	17	24	17	7	7	16	14	9	12	0	21	188
Breach of trust	29	24	22	26	20	20	11	24	30	30	32	29	297
Bouncing Cheques	18	11	17	16	13	13	13	20	7	22	29	20	199
Deceiving	20	32	33	31	30	30	27	33	28	21	28	33	346
Extortions	9	0	0	3	0	0	0	2	2	7	7	3	33
Forging Documents	56	39	32	32	32	32	33	31	25	62	47	50	471
Destruction and Arson	5	6	3	1	4	4	6	9	15	3	9	0	65

Betrayal of internal Security	2	1	3	0	9	9	8	11	6	4	2	7	62
Illegal Possession of fire arms	5	2	3	5	9	9	3	8	2	5	3	1	55
Illicit Drug trafficking and abuse	179	209	240	287	217	217	242	233	238	215	210	233	2720
Environmental crimes	0	0	0	29	12	12	13	9	14	11	9	7	116
TOTAL	1019	1000	1032	1119	1063	1063	1109	1085	1227	1193	1225	1328	13463

Fig.2 Crime statistics in 2012



Graphical representation of crimes in 2012.

3.1.1 (d) Juvenile Crimes

Every individual grows and develops mentally, physically and intellectually and various phases of life are clearly distinguishable and these are infancy, toddler, childhood, puberty, adolescent, adulthood and old age. In these developmental stages each has its own characteristics and changes that are unique to every individual. During childhood (6 to 12 years) children go to school and meet other children who they share life characterized by exploration, especially boy children as they like roaming about exploring places with friends. It is at this stage where criminality starts as children are externally oriented. The relationship between children and parents become widened as a result. Children grow accustomed to their peers such that withdraw from the group behavior can be difficult.

At puberty (13 to 16 years), children develop physical as well as mental changes. For boys legs and arms and feet grow bigger in proportion to the rest of the body and the girl child develops the shape of a woman. Mentally, the child becomes introvert and moody and reacts at the slightest provocation. Children at this level want to gain sexual experience, smoking and drinking alcohol and can also try drugs. Children at this stage do possess significant people in their life who they admire as heroes. It can be bad if their significant person is a typical criminal because they can practice his ways. Children do rebel against parent authority and can commit crime.³⁰

Early maturity in puberty can make the child physically and sexually advanced and may cause the child to commit sexual offenses. Conversely, a child who retards in puberty stage can be

³⁰ Stevens, and Cloete ,MGT, Introduction to criminology(Half way, South Africa: International Thomson publishing,1996),p.17

counted as a handicap and may want to prove himself worthy among the peers and this will also cause crime resulting from poor self image and subsequent conflicts with peers.³¹

With adolescence (17 to 21 years), the child would want to be independent and to lead own life though lacking finances, has to depend on parents. The young individual has to make friends unlike the puberty stage. Adolescents run away from home and truancy presents at this stage. Lack of insight, refusal to accept guidance and rebellion can bring adolescents into conflict with others when they begin work.³² From the age of 22 to 60 years, the individual is physically and intellectually developed and commission of crime in most cases an issue of choice and rationalization. This stage is followed by physical and mental deterioration of a person, as the individual reaches old age (60 years and above) less commission of crime takes place.³³

There are issues to do with over development and underdevelopment in children that are conducive conditions to crime commission. When overdevelopment takes place, it is always that the child physical development is faster than the intelligence; the child looks an adult yet still young intellectually. For the girls, it is usual to find overdevelopment that leads to sexual overdevelopment as well and the condition can lead to sexual offences as the child can not be able to control sexual urges and needs of the body. When the child is underdeveloped it means he or she is unable to participate in most activities the age mates are capable to do. The same child

³¹ Ibid,p.18

³² Ibid,P.17

³³ Ibid,P.18

will have to endure ridicule and scorn by his peers and will compensate the feelings of inferiority by commission of crime.³⁴

In Rwanda the population of youth is 42 %, and criminal youth take proportionately a large share of crimes committed in the country, especially those crimes related to property. Criminal activity is more prevalent among the adolescents and peaks in mid-twenties. The issue of juvenile delinquency has become of much concern in Rwanda. Juvenile crime is characteristic of street children who stay roaming streets of major towns in Rwanda. These are mostly runaway children from their homes who converge in towns and commit crimes ranging from burglary, drug and alcohol abuse, rape and even formation of criminal gangs who rob and steal.

According to the mayor Gasabo district authorities, Kigali province, young street kids locally called '*mayibobo*' are a menace to city dwellers as pick picketers, muggers and even rapists.

3.1.1 (e) Property Crimes

Property crimes like theft, burglary, vandalism, arson, smuggling and shoplifting do occur in Rwanda. Statistically, Property crimes are the second largest cause of threat to national security. Property crimes are common in large cities like Kigali. This may be attributed to lack of employment in the rural areas. Vandalism and arson can be attributed to alcohol consumption, revenge and even actions done to conceal other crimes.³⁵ Robbery cases have so far dwindled but used to pose a lot of challenge the security institutions as they sometimes involve the use of

³⁴ Ibid, P.19

³⁵ Reid T S, *Crime and Criminology*. (New York, McGraw Hill companies, 2000) P, 230.

violence and kidnap of the victim. Armed robbery dropped from 133 cases in 2005 for the whole country to 28 cases in 2012.³⁶

3.1.1 (f) Politically Motivated Crimes

Organized groups have at one time or another smuggled in fire arms and grenades to advance their political agenda. Grenade attacks have occasionally been hurled to innocent people since 3rd April 2008. The last grenade was thrown in the suburbs of Kigali on 3rd Jan 2012. About eleven offenders connected with hurling 23 grenades since 2008 have gone through the justice system process. 16 offenders have so far been arrested and they confessed that terrorist activities unleashed in the city of Kigali are meant to coerce the government and the population to accept the demands of the Democratic Forces for the Liberation of Rwanda (FDRL) to power sharing. The motives for grenade attacks are nothing other than politically instigated belief of Rwanda government opposition elements with the aim of turning the minds and hearts of the civilian population that the current government in Rwanda cannot protect them.

18 people have so far lost their lives and about 250 others injured ever since grenade attacks occurred. Like any other terrorist act grenades thrown indiscriminately kill innocent people and drive the people to fear carrying on evening activities as these are periods in which the grenade attackers operated.³⁷

³⁶ Rwanda National Police Official Statistic Reports (2012).

³⁷ Rwanda National Police Records (2013).

3.1.1 (g) Financial and Economic Crimes

Financial and economic crimes include; computer crime, bribery, fraud, tax evasion embezzlement and insider trading, money laundering, bouncing cheques and smuggling. Some of the crimes like fraud, embezzlement and forgery are called 'white collar' crimes. They are usually committed by people with high social status, sometimes in good government positions. Crimes in the business are done through misappropriation of funds, manipulations of accounts and exploitation of loopholes within the law and regulations. Sometimes crimes in the business environment can qualify to be called economic crimes. They are caused by greed.³⁸

Major crimes in this category are embezzlement, fraud and forgery as they happen in Rwanda. Embezzlement occurs in offices where there is abuse of financial trust and embezzlers have access to large sums of money and will at the same time have the opportunity to conceal the irregularities over a long period of time.

Fraud in Rwanda has been taken as an unlawful and intentional misrepresentation that causes harm to another person. Common frauds have been those related to financing where false information has been offered to financial institutions in order to obtain credit. Other frauds that are popular are those related to property where false information is furnished in the purchase agreement or sale of land by estate agent at a higher price than the owner is aware of. Also cheque fraud has claimed great losses to the banking sector.³⁹

³⁸ Op.cit, p.248-272.

³⁹ Louw Hesselink, *Priority Crimes in South Africa*. (Pretoria, University of South Africa Press,2003),p.36

False insurance claims are also current as well as the fraud committed by professionals such as doctors and lawyers. One particular kind of fraud committed by doctors is by sending patients to the laboratories and pharmacies in which they have financial interest. Cases of lawyers billing clients long hours spent on working on client's case which may not be the case, are current in Rwanda. The changing circumstances is where individuals go for debts and provide information and security guarantees with the knowledge that the debt will not be serviced, instead such finances assist the offenders to flee the country.

Forgery is also one of the methods used to obtain what one would not have had. Documents are created to give the impression of being an authentic document than what it is. There are professional forgers who can falsely sign against cheques to resemble the signature of the owner of the cheque. The explanation of white collar crimes is that the motivation is the desire for financial gain that is nurtured by capitalist tendencies where competition and struggle for success in life is the norm these days.

Rwanda national police also finds that ethical standards are neutralized and employees provide a variety of rationalizations for the crimes they commit in embezzlement and fraud.⁴⁰ Employees come to conclude that ethical rules and standards can be broken if they realize that those above them in hierarchy arbitrarily break the regulations without any repercussions. Weak controls on the part of the employers who set minimum ethical requirements to be followed by employees create a tendency to commit white collar crimes.

⁴⁰ Ibid,p.19

One major economic and financial crime that is current in Rwanda is Cyber threat that is becoming a common phenomenon in Rwanda and the ministry responsible for Information and Communication Technology (ICT) and Rwanda Development Board has expressed this concern. Cyber attacks continue to pose a substantial risk of disrupting public and private information infrastructure. Many people are unaware of the risks of cyber attacks. Hackers know that people are unaware and use the opportunity to achieve their personal gains. The consequences of cyber attacks include, among others, leaking national security confidential information, destroying research materials with no backup, sale of trade secrets to competitors and using one's identity information to open new accounts leaving that person liable to pay.⁴¹

3.2 Factors Responsible for Crime Causation in Rwanda

Crime causation in Rwanda will be analyzed in the image of economic, biological, political, cultural, social, environmental, and legal concerns of the country. Human beings are rational and will always choose between what is right or wrong and between what is good and bad depending on the norms and values of a given society. Individuals will therefore choose to commit crime or not depending on the legal prohibitions of the state. Individuals will avoid pain inflicted by the state when one goes against the law. In the case of drug trafficking or drug abuse prosecution will not be effected because of the nature of crime. This is so because there will be no complainant; both the victim and the offender are beneficiaries in drug cases. Rwanda national police narcotic unit stresses that drug trafficking is a lucrative business since criminal behavior is motivated by financial benefits.

⁴¹ Frank Kanyesigye , New times, New Drive to Fight Hackers, (30 April 2013)
<http://www.newtimes.co.rw/news/index.php?l=15343&a=66437>

Again, biological differences exist between individuals. Some people are vulnerable to addiction of alcohol while others are not and can use the addictive substance for so many years without becoming addicted. On the contrary, some other people get addicted and cannot live without drugs. Juvenile crimes especially, crimes of violence such as assault are a result of biological factors in development and growth stages where adolescents experience smoking, drinking alcohol and experiment drugs as desirable symbol of adulthood.⁴²

The whole chain of drug dealers gets huge profit in that illegal drug. This implies that, more effort of law enforcement agencies to counter drug trafficking is needed. Actions have to base on an intelligence-led approach that systematically prioritizes the suppliers. Psychologically, individuals develop a mental struggle resulting from unconscious opposition between simultaneous but incompatible desires or needs and they may succumb to social circumstances that are difficult to escape.

More so, environmental factors play a vital role in influencing the offender to commit drug abuse. Drug abuse is attributed to the learning of criminal behavior as a result of one being exposed to a predominance of values that favor drug abuse. Personal contacts such as friends and family present significant models and opportunities for learning through imitation.⁴³

3.2.1 (a) Access to Drugs and Alcohol

Access to drugs and alcohol has become increasingly challenging and this is so because drug consumption falls in the category of those crimes where the victim is at the same time the

⁴² Stevens R et al, *Introduction to Criminology*. (Halfway House, Thomson Publishing Ltd,1996),P.14

⁴³ Op.cit,34-37

offender. The difficulty in eradicating the vice is because no one complains for the offense. Victimless crimes other than drug use and abuse include gambling, pornography, prostitution and vagrancy. Victimless crimes have a secondary criminogenic effect by the mere fact that they facilitate other crimes such as burglary in order to support the habit in case one became an addict of either a drug or alcohol.⁴⁴

The information obtained from judicial police department, Rwanda National police, indicates that not all drug traffickers are drug abusers and the vice versa is true. 76% of those arrested dealing in drugs have been the youth who have no other occupation and have made drug trade a business. It is therefore realized that drug trafficking is to a large extent a socio-economic issue that requires serious attention in Rwanda.

3.2.1 (b) Access to Fire Arms

Illegal fire arms are available in Rwanda and this so because of war of liberation that took place between 1990 and 1994. Further, small arms can be acquired through the porous borders from DRC where armed conflict is the order of the day.

According to Dr Rotich , the Deputy Secretary General of East African Community (EAC), illegal arms are responsible for destabilizing the region and these facilitate terrorism, organized crime, drug trafficking, rape, among other criminal acts, and one of the biggest challenge is the long porous borders which are used to smuggle illicit arms into the countries.⁴⁵

⁴⁴ Ortmeier P.J, *Public Safety And Security Administration*.(Boston(USA):Butterworth-Heinemann Prints,1999),p.4

⁴⁵ Bucyensenge Jean Pierre, New Times, EAC Partner States To Sign Security Protocol Today, (Feb 16,2013)

<http://www.newtimes.co.rw/news/index.php?i=15270&a=63991>

3.2.1 (c) High Levels of Poverty and Inequality

Crimes such as armed robbery, illegal possession of fire arms, burglary and prostitution are committed out of dire need for money. Poverty in Rwanda is threateningly high (60% below the poverty line) and the per capita income is US\$370 and these figures are low by world standards.⁴⁶ Poor young men in Rwanda aspire to acquire material wealth and underemployments as well as unemployment are wide spread. The situation is exacerbated by having large numbers of poor retrenched people with a military background who have no alternative skills. To sustain their livelihood some young men who live mainly in towns acquire fire arms easily from the neighboring Congo and other regional countries where wars of liberation have been fought. These fire arms are used as a means to acquire economic benefits by robbing various premises. Again out of the feeling that insecurity is current people prefer to keep illegal fire arms with them to cater for their safety.

High poverty levels accompanied by high population growth increased violence during the period of genocide. The socio-economic inequality that existed between Tutsi and Hutu instigated anger and violence as the latter associated the former with economic privileges in the past.⁴⁷ Misconduct and crime do occur in instances where strain in the lower segments of the society cause frustration and anger due to unfulfilled aspirations. The fact is that where as some individuals fail to realize their objectives and goals in the lower class, there are others in the

⁴⁶ Rwanda Institute of Statistics, 2006.

⁴⁷ Amartya Sen, *Journal of Peace Research: Violence Identity and poverty*, Vol.45, No.1 (2008),p.12
<http://www.uk.sagepub.com/martin3study/articles/Sen.pdf>

middle class who manage to realize their expectations. This causes resentment in the lower class and prompts contravening the law as they try to reach their goals through illegal means.⁴⁸

The Director General of National Institute of Statistics of Rwanda (NISR) Yusuf Murangwa indicates that 27.7 % of the households in Rwanda are headed by women and 26 % of these female headed families are below the extreme poverty line. It is therefore difficult to for such extremely poor households to disassociate themselves from crime. There were 522 unwanted pregnancies among girls between 10-18 years registered last year in several schools countrywide. According to Gender Based Violence (GBV) in Schools report and research carried out in schools, many students claimed that they give in to sexual abuse because of poverty.⁴⁹ Young school going girls are promised money to meet their needs which their parents or guardians may not offer. Neglect by parents or guardians, peer pressure and poor discipline were also among the major causes of sexual crimes which lead to unwanted pregnancies.

3.2.1 (d) High Levels of Unemployment

In Rwanda many people are willing to work but cannot get employment because little opportunities for jobs exist. Every year, 125,000 young Rwandans storm the market in search for jobs, some are lucky as they get the jobs while others are left frustrated. Just like in other economies, Rwanda continuously faces the challenge of creating the required quantity and quality of jobs to match market demand. Rwandans of working age increased from 4.3 million

⁴⁸ Joubert S.J, *Criminology: Theories to Crime and Prevention*. (Pretoria, University of South Africa Press,2001), p.111

⁴⁹ Emmanuel Kanamugire, Old men and specifically motor cyclists impregnate school going girls
<http://www.igihe.com/amakuru/u-rwanda/article/abagabo-bakuze-abarimu-n-abamotari>

in 2006 to five million in 2011 and on average, implying 125,000 new individuals join the labor market each year.

The Economic Development and Poverty Reduction Strategy (EDPRS), as well as the seven years government program target the creation of at least 200,000 jobs annually to address the challenge. The capacity of the economy to generate jobs has been on average in last five years 104,000 jobs.⁵⁰ In such circumstances where people cannot get lawful employment, the alternative is in most cases crime indulgence.

3.2.1 (e) Rural-Urban Migration

The issue of rapid urbanization that has led to movement of the youth from the rural to the urban areas is to a great extent responsible for increased crime rates. They come to the cities because as currently constituted, it is the urban areas that can offer jobs, hence, the influx of rural to urban immigrants. The case is that urban-rural movement has been associated with the inability of municipal councils to cater for the increasing pressure of available resources in terms of housing, medical services and jobs⁵¹. At a later stage this has led to the formation of informal settlements in urban areas like Kigali making it difficult for the municipal council to develop areas occupied by such informal structures. It is in such settlements where stress and crime are the norms because of breakdown of traditional norms and values. There is therefore failure of the youth to have the means and ends meet and the only way to survive is to commit crime.

⁵⁰ Anastase Murekezi, Rwanda Minister for public service and labor, Speech on Labor Day (May 01, 2013).

⁵¹ Lecture notes by Patrick Maluki on factors effects of migration on 23 March 2013 at National Defense College, Nairobi..

The process of rural –urban migration has led to the deterioration of the informal social controls which exists in the traditional rural setting. Other than the usual unemployment that has been caused, the high rural urban influx has led to slums and the associated crime. Crime is mainly found in slum areas of Bilyogo, Muhima, Chahafi and Gitega of Nyarugenge district. Crimes current in the areas include burglary, drug abuse, prostitution, murder, pick pocketing among others.

3.2 .1 (f) Resource Distributions

Socio-economic factors also played a key role in shaping the genocide in Rwanda in 1994. As a small country with land area of 26,338 square kilometers, Rwanda has a high population density of 365 per square kilometre. The Rwanda is one of the most populated countries in Africa and as a result both physical and social harmony has been serious affected over the years. The population of Rwanda grew from 1.9 million in 1948 to about 7.5 million in 1992. Such a sharp rise in the number of people on limited area of land was bound to create ethnic tensions for land was divided among family members grew small and smaller over time leaving some people with no land. Coupled with the threatening unemployment it was easy for politicians to use Hutu to kill the Tutsi so that the former take over the land of the latter.⁵²

According to Chief Superintendent Gashagaza a police spokesman in southern province murders are in most cases occur when relatives fall out over land and other family property. Similarly Rwanda governance board survey found that 2012/2013 year in Rwanda has had concerns of

⁵² Vadi Moodley et al, *Environmental Causes and Impacts of Genocide in Rwanda: Case studies of Butare and Changuu*.

concerns of land wrangles, domestic violence, abuse of drugs, unlawful marriages, and court judgments that were not enforced by the local leaders.⁵³

3.2.1 (g) The Broken Homes And Social Disorganized Families

On the other hand, delinquents exist and more often rise from broken homes where children live with a single parent or none. The absence of either one or both of the parents can be as a result of death, divorce or even working far off from home. In all ways children who miss one or two of their parents lack control and in a number of cases indulge themselves in deviant behavior.⁵⁴

The home environment has a very strong influence on an individual. It is within the family where one is supported and nurtured as well as shaped into a certain personality towards life. This is where attitudes and social morals are at the same time develop. The behavior that is developed by individuals is mostly dependent on the parenting quite as well as the hereditary traits. Good education and the upbringing of an individual are critical in as far as criminal tendencies are concerned. Parents should always be good examples to the youth and should as well be present in the home to offer security in terms of food, clothing and housing. The bond that exists between the parents acts as a model for the offspring.⁵⁵

For some time the Rwandan society was bonded together by respect for social institutions such as the family, school, work place and the church. The primary objective of these social institutions

⁵³ Deus Ntakirutimana, Match to demonstrate against the killing of a mother by her son, Igihe (April 22).

<http://www.igihe.com/amakuru/u-rwanda/article/hateguwe-urugendo-rwo-kwamagana>

⁵⁴ Aloysia Inyumba, Minister of Gender and Family Promotion, Speech on Family and Parenting Skills on May 4, 2010.

⁵⁵ W Tappan, *"The Nature Of Juvenile Delinquency"*, Juvenile Delinquency, ed by Richard D Knudten (Boston, Randon House Inc ,1970),P.29

has been to shape their members into useful and socially acceptable behavior. As an example the family has all along has been the core institution that moulds children to crime free individuals.

In Rwanda some families are disorganized and even so broken to such a level that upbringing of children with single parents becomes so poor, children who have less control of their parents are the same children who grow with deviant behavior. This is why many children are found roaming streets of Kigali city begging for money, smoking Marijuana (drug) and drinking “*Kanyanga*”, a local brew which precipitates crime such as rape, murder, robbery and theft.⁵⁶ In any case social causes of crime are as a result of lack of informal social controls such as the school, church and the family.⁵⁷

Elderly respondents in the Rwandan community state that crime in the past was a collective responsibility and a concern for everyone. The community was held together by common values, norms, customs and beliefs. Offense committed against any one was an offense to the community and was severely punished. On the contrary, today criminals can evade punishment if it has not come to police notice because collective responsibility does no longer exist.

3.3 Cultural Influences

Culture has had a hand in crime causation. Until recently rape case carried lenient punishment in Rwanda, this is so because in the traditional Rwanda women were taken as inferior to men and as such male sex dominated the female sex. In some communities in Africa sex is not denied, “No big bull in the kraal is denied to serve neighbors’ herd” is an old adage in Rwanda indicating that

⁵⁶ Ndamage Jules, Mayor, Kicukiro district, Interview on Criminality in Kicukiro district on 29 March 2013.

⁵⁷ Nesse J.J, *Fundamental penology*. (Muclenuek, Pretoria, 19820),p.2

sex was a right for men. Sometime back young women had no consent of their own as to who they should marry, it could sometimes be a decision of her parents.⁵⁸ To crown it all, primitive marriages have happened where a lady can be picked anywhere along the way, from work and forced into sex before marriage. A gang of boys do normally assist the intending young man to carry the young women to his home pending negotiations between parents who play it simple and ask for bride price. Evidently this is rape of some kind.

In Rwanda like in some other African communities socio-cultural transformation has taken place. The old order has changed and this has led to a state of indeterminate state with regard to norms, values and social control. The old culture that shaped individuals is worn out due to a mix of divergent cultures from different countries as way back in 1994 when people were returning home from other countries where they were refugees.

3.4 Outdated Criminal Sanctions

The punishment on illegal possession of a fire in Rwanda is not so severe to scare offenders and potential offenders, the law states that illegal possession of a firearm is punishable by imprisonment for a period of nine months only .This indicates that the punishment imposed on unlawful offenders for possession of fire arms are not deterred by the threat of the punishment. Besides this, controls on the use of fire arms are undermined by lack of arms registration, marking and storage.⁵⁹

⁵⁸ Van der Hoven et al, *Contemporary Crimes Issues* (Pretoria, University press, 2001), 121

⁵⁹ Gahonzire et al, *Police and Community Policing*, 2006, p.59.

3.5 Political Environment

There is overwhelming testimony from many respondents that the crime of genocide was and is still political for the fact that former colonizers of Rwanda and subsequent leadership after colonization played off one tribe (Hutu and Tutsi) against the other in order for those in leadership stay in power. This culminated in 1994 genocide when over one million Tutsis were killed.⁶⁰ Perpetration of genocide continued on a slow pace in subsequent years as perpetrators of genocide fled to neighboring countries and continued to sneak into Rwanda to kill survivors of genocide as well as witnesses for cases of genocide up to the current times.

The insurgent atrocities in north western Rwanda in 1998 portray the real image of the politically motivated crime in Rwanda. The insurgent activities targeted people, settlements, schools, administrative centers and pillaged crops as a continuation of the early plans of genocide perpetrators to completely wipe out a nation.⁶¹

Throughout the preceding work it was necessary to point out major categorization of mutating forms and modes of crime as socio-economic, financial and economic as well as political motivated crimes. We realized that the main factors causing such crimes are; poverty, high levels of unemployment, rural-urban migration, out dated legal sanctions, cultural influences, resource distribution, and broken homes and disorganized families and the political environment among others. This prompts us to examine and contextualize security implications of mutating modes

⁶⁰ Andrew Wallis, *Silent Accomplice: The Untold Story of France's Role in the Rwandan Genocide*. (New York, I.B.Tauris & Co, 2007), p.54

⁶¹ African Rights, Rwanda: The insurgence in the North west, (1998), <http://www.afbis.com/analysis/rwanda.htm>

and forms of crime in Rwanda. We will mainly examine how mutating modes and forms of crime affect the political, economic and social spheres of life in Rwanda.

CHAPTER FOUR

SECURITY IMPLICATIONS OF MUTATING CRIMES IN RWANDA

4.0 Introduction

In conceiving state security, Barry Buzan points to the ideas, physical base and the institutions of the state. Accordingly, state security is seen to be geared towards preventing harm to the aforementioned three elements.¹ This chapter attempts to draw the nexus between the elements of the state as the objects of security and mutating crimes in Rwanda. It seeks to argue to the extent to which there is an emerging mutation of crimes in Rwanda and failure at policy and institutional level to contain their security threats that impact on national security.

Furthermore, this chapter refers to the second objective which examines and contextualizes security implications of mutating modes and forms of crimes in Rwanda. To this extent the chapter is organized around six major core points which are security implications of human trafficking, drug trafficking, economic and financial crimes, property crimes, crimes of violence and of grenade attacks.

4.1 Security Implications of Human Trafficking In Rwanda

The gravity of the matter is that human trafficking is likely to be compounded by increased commercialization of body parts which is abominable in the traditional culture of Rwanda. National security is here conceived as the nation and organizing ideologies. It is also perceived as physical base in terms of material natural resources and human capital as they pertain to the

¹ Barry Buzan, *People, States and Fear: An Agenda for the International Security Studies in the Post-Cold War Era*. (Colorado: Lynne Reiner Publishers), pg 69-106.

state. Of paramount importance is the territory on which the ideas and other elements of the physical base operate and these have to be preserved at all costs. It would be dangerous and catastrophic for a sovereign state to have criminals carrying on organ harvesting and human trafficking in a country with institutions responsible for crime prevention and control.

This entails that the mutation of crime has quickly changed much faster than the institutions are able to adapt to the changing situation. It is of utmost importance that the police, judiciary and territorial administration in Rwanda take whatever it deserves to alleviate the crime of human trafficking before it can reach unmanageable proportions, if not arresting psychological trauma and social disruption at individual or group level will undermine state legitimacy and trust. We learn to find that it is not only the individual psychological suffering occasioned, but also the loss of money in terms of insurance and the destruction of the physical base in terms of material and human resources.

In reaction to the vice of human trafficking, Valentin Rukimbira and Walter Bwanakweli were last year accused of trafficking girls to Asian countries for commercial sex were convicted by Nyarugenge Intermediate Court.² The two main sources of ideas are to be found in the nation and organizing ideologies. As discussed in chapter three, human trafficking has been mutating from illegal facilitation of persons through Rwanda or from Rwanda to other countries in the region. Given this trend and more specifically the opening up of borders as Rwanda integrates in the region, it would be fair to anticipate further mutations and this may include use of Rwanda as a conduit for globalized human trafficking, and regional terrorists fighting regional alliances.

² James Tasamba, *New Times*, Human Trafficking Rampant, (June 26, 2012), <http://www.newtimes.co.rw/news/index.php?i=15035&a=55217>

So far about 130 cases of human trafficking have been recorded by Rwanda National Police to have taken place by 2009.³ Human trafficking has an impact on the individuals who have been trafficked, physically abused, sexually and psychologically molested. Human trafficking has all the more, involved prolonged and repeated trauma as a result of economic exploitation and torture.

Trafficked persons are at great risk of Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) infection and traumatic stress disorder. Studies indicate that trauma worsens during the trafficking process and may persist for a long period of time. Child victims are especially vulnerable to trafficking because of their immaturity and lack of experience and are subjected to the same harmful treatment as adults. Human trafficking victims can be hostile and aggressive because of trauma and the stigma they bear after going through the process of human trafficking.⁴ They are usually rejected by their families and the community they live.

The ideas of the state are the basic governing functions of providing public order, collective provision of services by the state as well external defense against intruders. It is still remains an insecurity to the state on state realization that human traffickers violate state rights of the sovereigns, public order of the state and traffic away nationals deceitfully. National security is borrowed from the nation, where the nation is seen as a group of people with the same culture; ethnic, heritage and shared history. People sharing a nation have at the same time values and

³ Edwin Musoni, *New Times, Step Up Against Human Trafficking* (May 17,2013), <http://www.newtimes.co.rw/news/index.php?i=15360&a=66983>

⁴ Urvashi Pokhama, *Effects Of Human Trafficking*(2011), <http://www.buzzle.com/articles/effects-of-human-trafficking.html>

norms that define their national security. The Rwandan culture does not believe in human trafficking leave alone the state law. If then the purpose of the state is to preserve and protect the culture of the group, then such a culture must come high on the national security priorities.

It becomes then very difficult for the individual who are trafficked to integrate and settle in the new community. In the last eight years, the number of government prosecutions around the world for human trafficking has increased, from 5,694 in 2004 to 6,885 in 2011.⁵ The issues of national identity, legitimacy and a sense of belonging are evidently destroyed during the process of human trafficking. The impact of trafficking is felt both in the countries of origin of the persons who are trafficked, and the destination countries.⁶

4.1.1 (a) The Economic Impact of Trafficking in Persons

Human trafficking has a serious impact on the economy, particularly in context where people seeking migration opportunities for employment end up being trafficked, resulting in significant remittance losses as the money earned by the victims goes to cover costs used in human trafficking. More so, resources that would be used by the state to generate infrastructure, energy and employment are diverted to cater for prevention, treatment and support for victims of human trafficking as well as costs involved in apprehension and prosecution of the offenders. Human trafficking is estimated to be the third largest international criminal project, generating an estimated of US\$9.5 billion annually.⁷ Organized criminal groups often combine human

⁵ James Tasamba, New Times, Human Trafficking Rampant,(June 26,2012), <http://www.newtimes.co.rw/news/index.php?i=15035&a=55217>

⁶ Ibid,p.70-71

⁷ United Nations, ILO, IOM, OHCHR, UNICEF, UNODC, quick facts about human trafficking(2012), http://www.endhumantraffickingnow.com/?page_id=113

trafficking with other types of criminal activities, and its profits are used to fund other criminal activities, which present huge security threats to countries, such as the drug trade.⁸

Furthermore, trafficking in persons withdraws financial benefits from those trafficked, their families, community and government to traffickers and their affiliates as victims have to pay for the transportation and other services offered to the victim. Due to exploitative nature of human trafficking, a stable and regular source of income for criminal networks is available and this cripples state human resources and ideals. It is worthy to note that human traffickers take over the position of respective governments to allocate human resources and redistribution of national wealth inappropriately.

Human trafficking has a serious economic impact to the destination country. Illegal immigration has caused security threats to national security of destination countries and respective governments are spending a lot of money to prevent terrorism associated with human trafficking. An expanding population in some states happens as a result of human trafficking and the rise in population means reduced standards on nationals in terms of goods and services enjoyed by the citizens.⁹ In the same vein unemployment and general slowdown of economic growth of the nations do occur.

The government of Rwanda provides funds and spends time explaining to partners in security to combat and eliminate human trafficking; obviously this is time wasting and resource consuming. Rwanda National police and the prosecution department employ extra manpower in terms of law

⁸ Urvashi Pokhama, *Effects of Human Trafficking(2011)*, <http://www.buzzle.com/articles/effects-of-human-trafficking.html>

⁹ *ibid*,p.2

enforcement to investigations and track human traffickers. Human trafficking is considered an element of the larger problem of organized crime and is closely linked with the trade of illicit drugs and arms. Trafficking in humans relates to loss of human resources and future productivity. According to the 2008 human trafficking report, trafficking also results in a huge loss of remittances by the developing states to the tune of US\$325 million payable to traffickers worldwide.¹⁰

Additionally, the costs of coercion and exploitation cannot be ignored, but it is clear that the worst forms of child labor, for instance, represents a loss in productive capacity of a generation of individuals who would gain from education, improved health and good parenting. Similarly, trafficked movement of people in the same category like those of Rwanda are also found in the neighboring Tanzania, where victims are frequently trafficked to South Africa to work in Agriculture, mining as well as domestic workers or in sex industry.¹¹ One most important fact to note is that human trafficking has been going on unnoticed and will gravely affect most of the African states. The sad part of the story is that the trafficked individuals are deprived of their passports and migration documents leaving them helpless and un able to move. In some cases they are charged as collaborators of the crimes whereas in the real sense are victims.¹²

4.1.1 (b) Social Impact of Human Trafficking

Human trafficking has serious negative impact on the states and the difficulty is that the negative impact cannot be quantified. Societies in the country of origin and country of destination are

¹⁰ Ibid,p.1

¹¹ International Organization For Migration,(2013), <http://www.iom.int/cms/en/sites/iom/home/where-we-work/africa-and-the-middle-east/east-africa/tanzania.html>

¹² Op.cit,p.3

socially affected because of the impact on family and community left behind and gender relations in receiving countries in which women are often sold into sexual slavery. The direct impact on the family and community is of serious concern. Trafficking undermines extended family ties, and in many cases, the forced absence of women leads to the breakdown of families and neglect of children and the aged parents. Women and children trafficked for the purposes of sexual exploitation are at risk of HIV/AIDS and other sexually transmitted diseases. The trafficked individuals are hated most because they change the ethnic balance and can also disrupt cultural identities and bring about socio-economic stress when they become so many as they compete for scarce resources in the destination country.¹³

Other than human capital that is lost by the state, there are other human and social costs attributed to trafficking. Victims who return to communities often find themselves stigmatized and shunned, and are more likely to become involved in substance abuse and criminal activity.¹⁴ Children trafficked into forced labor or sexual exploitation experience irreparably damage as they often suffer from multiple traumas and psychological disorders. It is estimated that about 27 million people are living in slavery around the world and therefore impossible to comprehend the psychological suffering present.¹⁵

Women and children are trafficked in dangerous conditions and often reach their destinations, in circumstances that can have long-term detrimental effects on their mental and physical well-

¹³ Lecture notes by Patrick Maluki on Emerging security threats in Africa: Factors contributing to international migration on 23/3/2013 at national defense college.

¹⁴ Ibid,p.6

¹⁵ Richard Wolf, Hillary Clinton: 27m Million People In Slavery

<http://content.usatoday.com/communities/theoval/post/2012/06/hillary-clinton-27-million-people-in-slavery/1>

being.¹⁶ There are significant health impacts for victims both while they are being transported and when they reach the destination. Dangerous journeys expose trafficked victims to injury and even death, while overcrowded and unsanitary conditions and shortages of food and water increase the risk of spreading infectious disease.¹⁷

Trafficked persons experience physical, sexual, and emotional violence at the hands of traffickers, pimps and employers. They are also exposed to various workplace, health, and environmental hazards. Individuals trafficked for the sex industry also experience increased risk of contracting HIV/AIDS and other sexually transmitted diseases and are frequently denied the choice to use condoms.¹⁸ Health effects are not limited only to those trafficked for sexual exploitation. Trafficked workers live and work in overcrowded, unsanitary conditions, with no consideration of safety. These are problems not just for the individual, who may suffer from long-term adverse health, but as such conditions can harbor infectious diseases.

4.1.1 (c) Human Trafficking Effects on Gender and Human Rights

Laws for the state represent the culture and ideas of the state and when trafficking in persons is done, it means state ideas that safe guard national securities are violated. It again means national jurisdictions are threatened. The underlying threat posed by trafficking in persons is therefore increasingly recognized as a national security issue.¹⁹ As an organized crime, human trafficking

¹⁶ Frieda McComarck, Governance and development resource center: The impact of human trafficking on people and countries(2011), <http://www.esdrc.org/docs/open/HD780.pdf>

¹⁷ Urvashi Pokhama, *Effects Of Human Trafficking*(2011), <http://www.buzzle.com/articles/effects-of-human-trafficking.html>

¹⁸ Ibid,p.6

¹⁹ Arthur Rizer and Sheri R. Glaser, *National Security Implications Of Human Trafficking*, Vol 17 ,69 (2004), <http://widenerlawreview.org/files/2011/03/Rizer-Glaser.pdf>

causes extreme human rights violations, extreme hardship to the suspected millions of people worldwide for they lose fundamental rights of freedom.

Trafficking in persons directly challenges the development of stable, prosperous societies and legitimate economies, and works strongly against bringing together political interests with humanitarian and human rights obligations. The range of trafficking-related crimes and their broad and interrelated effects have created a cumulative threat to national security, peace and stability. Human trafficking operations undermine government efforts to exert authority over its territory, threatening the security of vulnerable populations. Many governments are unable to protect women and children who are kidnapped from their homes and schools or from refugee camps such as Nyabiheke Refugee Camp in Gatsibo District of Rwanda where refugee children have of recent been lured to Uganda through enticement of jobs, only to be exploited in brothels.²⁰ Moreover, the bribes paid by traffickers impede a government's ability to battle corruption among law enforcement, immigration and judicial officials.

Rwanda National Police like any other law enforcement agencies everywhere faces difficult challenges in their attempt to trace and apprehend traffickers. Primary among these is the fact that trafficking is frequently a crime of an international nature, crossing national borders and jurisdictions. Law enforcement efforts can often be puzzled by the need to conduct investigations or pursue criminals across international borders.

Stopping human trafficking is a complex problem for law enforcement. Human trafficking is in fact better understood as a collection of crimes bundled together rather than a single crime. It is

²⁰ Op.cit,p.2

seen as a criminal process rather than a criminal event. It is often difficult to identify and difficult still to convict traffickers. The crime of trafficking often goes unreported because victims of trafficking are frightened to give evidence as they may have been brutalized, for victims are at times treated as criminals by the law enforcers.

The effects of human trafficking fall inexplicably on women and children, who are the mainly victims and largely trafficked for commercial sexual exploitation. Human trafficking is a growing worldwide billion dollar industry expressing unequal power relations that reinforce women to a secondary status in society. This is against the national laws and a violation of national ideas of gender equality.

It goes without saying that trafficked victims are stripped of their human rights. Trafficked people are subject to all manners of human rights violations including denial of fundamental human freedom. Trafficked children are deprived of the right to grow up in a caring environment, and to be free from sexual exploitation and abuse. Children are deprived of adequate healthcare, education, a decent work environment as well as freedom from bias and discrimination.²¹

4.2 Security Implications of Drug Trafficking in Rwanda

The worldwide illicit drug industry is one of the worst transnational crime threats facing the global community today. In addition to the terrible human cost of addiction and associated health concerns, drug abuse has a significant impact on the social fabric of the society. Drugs are associated with the escalation of local crime. The challenge in combating drugs lies in the

enormous instant financial returns that can be used to corrupt government structures, legitimate trade and society.

4.2.1 (a) Social Consequences of Drugs

For many years, Rwanda National Police (RNP) in particular, has conducted several campaigns against consumption and trade of illicit brews and narcotics such as cannabis, cocaine and heroin. Many people have been arrested and prosecuted while drugs were seized and destroyed. There are many illegal brews of liquor known locally as ‘*Nyirantare*’, ‘*ibikwangara*’, ‘*Muriture*’, ‘*Kanyanga*’, and ‘*Yewe muntu*’ among others. These illegal brews are not certified by Rwanda bureau of standards and are not fit for human consumption because their ingredients contain substances harmful to the human body.

As an example ‘*Muriture*’ is made up of a mixture of soap, bricks and fermented beer from bananas (*urwagwa*).²² These local brews as their names suggest have high content of alcohol and are made specifically to intoxicate so fast at consumption of little quantities of the liquor. In these illicit brew plants, many unhealthy raw materials that include molasses and sugarcane residues are added, thus making it sweeter. Although people do not die immediately, taking such uncertified drinks cause long term ailments.

It has been realized that on several occasions, consumers of such illicit brew end up being addicted and this drives them to commit crimes of violence such as murder. Many victims of drug abuse testify that the reason why they consume illicit brew is due to the fact that other industrial beer like *Primus*, *Mutzig*, *Turbo* and *Skol* are very expensive. The problem of illegal

²² Rwanda National Police Records (2013).

brews has reached such a level where some married couples especially in villages also believe that they stay safe when their spouse stop consuming illegal brews as they drive them to fight at the slightest provocation.

Drug abuse is a crime whose sentence upon conviction ranges between three months and five years or a fine of Rwf250, 000. The general public is urged to beware of dangers of consuming illicit brew. However much this brew may be cheap, It is better to avoid the highest level of criminality fueled by the consumption of such beers and the health hazards they cause.²³ Drugs are associated with the escalation of other local crime. The challenge in combating is in the enormous instant financial returns which are used to corrupt government institutions; legitimate trade and society.²⁴ Researches indicate that many cases of robbery and violent crimes are connected with the drug consumption. Drug consumers succumb to delinquency or prostitution to satisfy their urgent drives. A person addicted to drug needs a huge amount of money to pay for the drugs. In many cases, drugs are the main causes of homicide; this ultimately undermines state authority and good order.

In addition, drugs are also connected with disunited families. Addicted parents seldom offer a stable family life to their children. The link between parent and child is at times far remote. Drug addicted parents often get indebted, steal from friends or family or lose their job. Children born out of such families abandon their home and live on the streets and the probability of becoming drug addicts remains quite high. The consumption of drug can lead to physical abuse on the

²³ Rwanda National Police News, Drug Abuse As The Major Cause Of Domestic Violence (2003)
<http://police.gov.rw/node/1367>,

²⁴ Lecture noted by Ndegwa Muhoro, CBS, 'ndc' (K) on Trans National Crimes, The Director of Criminal Investigation on May 14,2013.

partner and children. Drugs induce a violent behavior even on persons who are normally calm and quiet.

Drug traffickers can corrupt security officials, as the money owned and given out by traffickers is quite much for people earning too little. Judges, mayors and police officers specialized in anti-drug fight can fall in the trap of corruption. Traffickers try to corrupt or intimidate officials in order to remove obstacles along their drug business. They can even sponsor the removal or transfer whoever is a stumbling block to their business.

To clean their money, the traffickers need the support of bankers and lawyers to cover traces of the money obtained from illicit drugs. They even depose a large part of their profits in financial institutions which ensure confidentiality of the sources of their finances. Drug traffickers will always try to give the impression that their income is from genuine investments. They can clean up their money by transferring it electronically all over the world, where officials have no tools to control them.

In addition to the terrible human cost of addiction and associated health concerns including HIV/AIDS, drug abuse has a significant impact on the social fabric of the society. A country population is a vital resource that will propel a state to economic prosperity; the contrary is that a population possessed by consumption of drugs is a sick and unhealthy population that will be dependent on state for survival as no production will occur.

Drug abuse occurs most frequently among young people in the 15-35 age groups, with a particular concentration in the 18-25 age group. It thus includes those who have entered or who are just about to enter the workforce. Given the high unemployment rates in many countries, entry into the workforce is often a major problem. Consumption of illicit drugs limits chances of entering or remaining in the workforce, while frustration caused by failure to find adequate employment favors drug consumption.²⁵

The links between low productivity and drug-taking behavior are well-known. Drug abusers in the workforce impose significant extra costs on the business sector, thus reducing its competitiveness. Irrespective of the current level of development, societies will find it difficult to advance if they have to rely on a workforce which is impaired by large-scale drug abuse.²⁶ The effect of drugs on productivity is a function of the type and quantities of drugs consumed, as well as of the performance requirements of the jobs in question. The substances most commonly associated with drug-related deaths are heroin, cocaine, others are barbiturates and amphetamine-type stimulants, particularly methamphetamine. These substances do not usually cause death directly but can be associated with fatal accidents.²⁷ Although some of these drugs have not reached Rwanda, it is definite that they will be trafficked someday in the future since heroin and cocaine exist and are foreign to Rwanda.

Excessive consumption of uncertified drugs cause multiple ailments and drug consumption effects can be problematic as they take time to manifest. The effects are so grave to the extent

²⁵ Economic and Social Consequences of Drug Abuse and Illicit Trafficking,
http://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf

²⁶ Ibid,p.24

²⁷ Ibid,P.31

that self control on the consumption of drugs can be unmanageable harmful when the consumer becomes addicted. In the case of cannabis slow reactions to events and different situations can be evident and the victims usually suffer from distorted thinking and visual perceptions.

Similarly, cocaine has effects of increased heart beat and blurred vision. Research has it that heroin lowers the heart beat rate, causes low motivation and results in difficulty in concentrating. Khat stimulates the central nervous system, increases blood pressure, and has defects of teeth grinding, sweating and later memory loss. 'Kanyanga' has been found to cause memory loss in the long run. From the afore mentioned drugs, the explanation as to why drugs precipitate, facilitate or even instigate crime is evident. Once the thinking ability and perceptions of drug consumers are impaired, there is enough potential for individual victims to be irrational in thought. Drugs have a chemical impact on the human body and with time individuals who use drugs are excited and irrationally violent.²⁸

School going children who use drugs often suffer from impairment of short-term memory and other intellectual faculties are impaired and these reduce tracking ability of the sensory and perceptual functions. Children preoccupied with drug consumption develop reduced classroom performance. Reduced cognitive efficiency can develop leading to poor academic performance and a resultant decrease in self-esteem.²⁹ The disintegration of the family appears to be related in some way to problems of substance abuse. With substance abuse straining family relationships

²⁸ Paper presented by Superintendent Ngondo Charles on Drug Trafficking at Joint Operations Center on 16 October 2011.

²⁹ Ibid,p.35

occur and consequently create dysfunctional families and once stable families are transformed into liabilities for the state.³⁰

4.2.1 (b) Economic Consequences of Drug Abuse

The economic cost of drug abuse includes medical costs, higher incidence of HIV/AIDS and associated costs to the state, increased criminal activity and productivity lost through drug abuse. States are faced with difficult policy dilemmas once drug abuse has become widespread. Income generated by high-income groups from the drug business is not simply deposited in domestic savings, but laundered, often outside the country concerned. It may also be spent on arms purchases and lavishly spent on alcohol and prostitution.³¹

Investment which, in a wider context, includes the building of human resources is jeopardized by an illicit drug industry because resources that could be spent on education and health-care are wasted on drugs instead.³² Illicit drug funds are laundered and may infiltrate the formal economy and subsequently, the political system ruins the foundation and the proper functioning of the civil society leading to social disintegration and anarchy.³³ When drugs can infiltrate segments of the society, the politics, the economy, culture and sports, they earn and gain support and respect. Money laundered may thrive with minimum hindrances and in such circumstances, the state is dysfunctionally anarchic.³⁴

³⁰ Ibid, p.30

³¹ United states, MDMA, Should governments legalize drugs? <http://www.debate.org/opinions/should-governments-legalize-all-drugs>

³² Economic and Social Consequences of Drug Abuse and Illicit Trafficking, p.25, http://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf (accessed 15/5/2013)

³³ United Nations International Drug Control Program: Economic and Social Consequences of Drug Abuse and Illicit Trafficking No.6 ,P.36-42, http://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf

³⁴ Ibid, p.39

4.3 Security Implications of Crimes of Violence in Rwanda

4.3.1 (a) Access to Small Arms and Light Weapons and Their Political Impact

About 30 million of the weapons are in circulation in sub-Saharan Africa. Some estimates put about 79 per cent of the small arms and light weapons in the hands of civilians.³⁵ Nineteen per cent are with police and military, the irony is that two per cent are with armed groups and insurgents in eastern DRC causing so much havoc on peoples' lives and property within Congo and neighbors like Rwanda.

It is also important to note that the mentioned armed insurgent groups form part of genocide perpetrators who fled Rwanda and went into the jungles of the DRC and continue to sneak back into Rwanda to loot, kill genocide survivors and witnesses of cases set for the tribunal courts to try genocide perpetrators. Thus, these armed insurgents have failed government institutions such as the police and prosecution to function effectively.³⁶

In another development the same genocide perpetrators have sold fire arms that are currently used to rob banks and terrorizing the public and sometimes with the dream and intention to take over the government of Rwanda some day. It is rather difficult to account for such large number of small arms in civilian hands which are acquired to cause insecurity and criminality, this is so because by the second half of 2006, about 40 Gacaca witnesses had been killed and this drove

³⁵ Gitura Mwaura, *The New Times: The Irony Of Small Arms And Light Weapons In The Hands Of Civilians In Democratic Republic Of Congo*. (May 16,2013), <http://www.newtimes.co.rw/news/index.php?i=15359&a=66938>

³⁶ Security Meeting Speech by Mayor Rwagaju Louis, Bugesera District, on 9 September, 2010.

more than 450 individuals to abstain from giving evidence in Gacaca related cases, this once again undermining political leadership and state ideals.³⁷

The sum up the effect of small arms and light weapons is to undermine development. Material and human resources are destroyed during conflicts and foreign investors are discouraged to carry on long term investments.³⁸ It does not take much to see that small arms and light weapons in the wrong hands undermine state monopoly of the use of force. Physical injuries and occasioned assaults characterize violent crimes in Rwanda. Fear and anxiety of violent crime is common in parts of Rwanda that borders DRC. Along with this, it is common to find people reinforcing state security personnel around their home with private security for fear of crime.³⁹ The quality of life is reduced if there is a feeling of reduced safety in communities and this can be characterized by curtailment of the freedom to socialize, travel, and a loss of enjoyment in work or leisure activities.⁴⁰

The emotional and physical impact and reduced quality of life for victims of crime can be substantial, particularly for personal crimes. For example, the victim of a robbery case can receive physical injuries (bruises and cuts) and may feel shocked, insecure, distrustful and vulnerable for many weeks or months afterwards, and may be unable to sleep properly. Victims of property or personal crimes may suffer a feeling of violation. This physical or emotional impact, especially for violent and sexual offences, generally far outweighs any financial costs.

³⁷ Christopher J. Le Mon, Rwanda's Troubled Gacaca Courts(2009),
<http://www.wcl.american.edu/hrbrief/14/2lemon.pdf>

³⁸ Op.cit,p.1

³⁹ Bruce Baker, Non State Policing: Expanding The Scope Fro Tackling African Urban Violence,
<http://www.ndu.edu/press/lib/pdf/Africa-Security-Brief/ASB-7.pdf>(accessed 15/5/2013)

⁴⁰ <http://tna.europarchive.org/20100413151441/http://www.homeoffice.gov.uk/rds/pdfs/hors217.pdf>

The Rwandan law is enacted to protect the rights of the society against those individuals who infringe on them, and the purpose of the law again is there to give provisions of punishment in an effort to deter criminal behavior. The law contains a deterrence effect in that a potential offender should consider and weigh the pleasure to be gained by committing an illegal behavior against the punishment provided by the law. The punishment so provided should as a principle be severe to deter the offender from commission of the crime. In other words the punishment should be in position to restore the imbalance caused by the commission of the crime.

The greater the severity of the crime the more a ration human being would think to refrain from committing crimes, but punishments administered by Rwanda government have been marred and politicized and criticized by criminals to imply the government is being despotic.⁴¹ A splendid example is the case that involved one Mushaidi Deo who embezzled millions of Francs provided by United Nations Educational, Scientific & Cultural Organisation (UNESCO) for the Rwanda Association of Journalist (ARJ) and when required to account for the money by the media house, he fled to Belgium in March 2000 under the guise of government persecution. He ended up forming an opposition political party in exile⁴².

4.3.1 (b) The Effect of Grenade Attacks in Rwanda

Geographical proximity to DRC has presented major challenges to Rwanda security. There is the influx of refugees from DRC and illicit small arms and light weapons, grenades inclusive.⁴³ Grenade attacks remain one of the major threats to security, stability and well-being of Rwanda.

⁴¹ Williams P.F and McShane D. Marilyn, *Criminology Theory* ,(New jersey: Nancy Roberts,2004),P.18-19

⁴²Edwin Musoni, Experts Discuss Counter-Terrorism Strategies (February 17,2011)

<http://www.newtimes.co.rw/news/index.php?i=14539&a=384>

⁴³ Jan Hofmeyr, Deep Read: Trust in Rwanda's Future(2012), <http://mg.co.za/article/2012-07-19-trust-in-rwandas-future>

According to Amnesty International (2012), 18 grenade attacks were carried out between December 2009 and March 2011, killed 14 people and injured 219 others. It is the government of Rwanda that remained with the responsibility to care for the injured and the bereaved families. This is a loss to the state in terms of human capital as well financial resources lost in Medicare that would have financed other needy government projects. It is at this that the Democratic Forces for the Liberation of Rwanda (FDLR) staged grenade attacks to undermine Rwanda government credibility and idea logy.

According to the Mayor of Gasabo district Willy Ndizeye, grenade attacks happen at early hours of the night that is between 6.00 pm and 8.00 pm. One reason why grenade attackers behave so is because they only operate under the cover of darkness, at the same time if they operate later than 8.00 pm, they cannot any get any person to harm as most of them go home earlier than 8.00 pm. The Mayor also contends that businesses close early during the period when a grenade attack takes place, but after some time businesses resume as usual. Fear of death and injuries make people avoid congested places in the evening as these are usually targets for grenade attackers, it is clear individual people had to change routine and life styles to avoid being harmed.

The population remains fearful, more especially when they do not know who and where the attackers are and why they have no selection of who they attack. When people leave work early for fear of crime, the resultant effect is reduction of man hours lost per day. There is therefore loss of productivity (material) on the part of individual business and to the state in general. Reduced socio-economic activities can only be noticed in the period when a grenade attack occurs. It is when many people leave work early because they know that grenades cannot be

hurled during the day. It is not common for grenade attacks to take place in rural areas. 18 out of 23 grenade attacks occurred in Kigali city and rural areas were not at all affected. Reduced incomes were met by night clubs where loss mitigation was met with the introduction of physical guards, electronic sensors and Closed Circuit Television (CCTVs) to boost security.

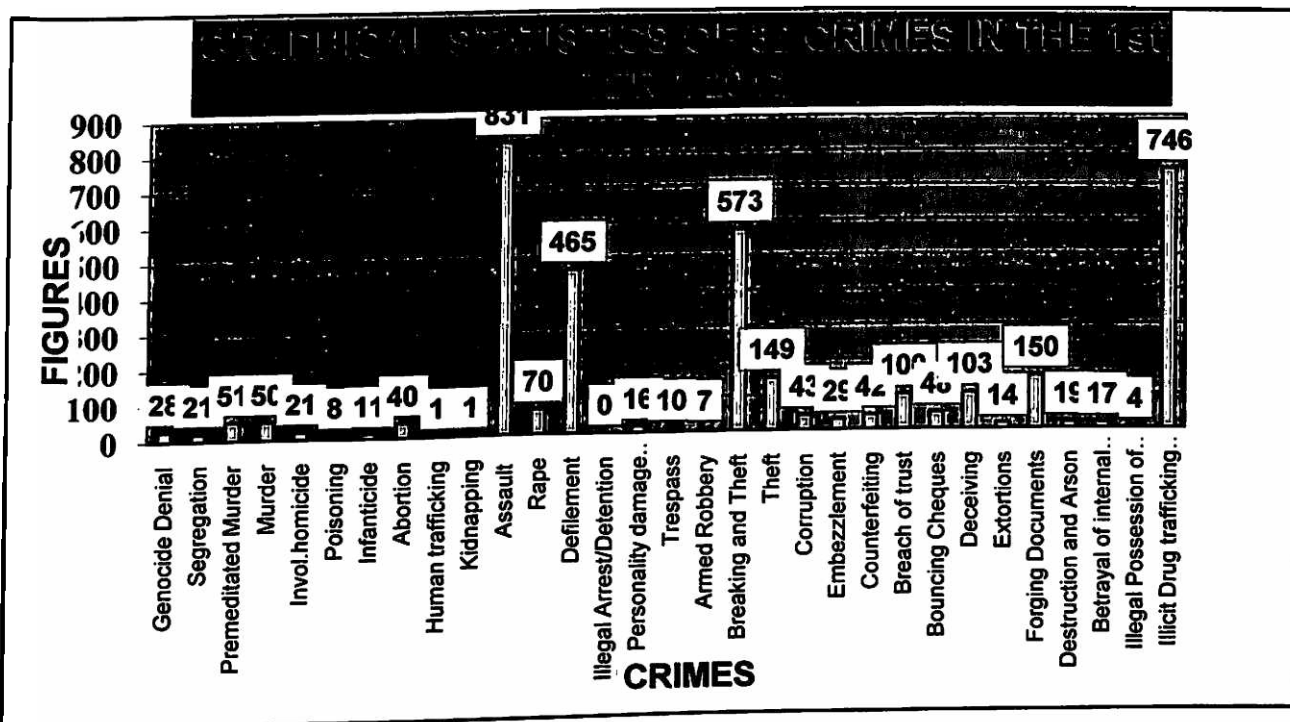
4.3.1 (c) Economic Costs of Violent Crimes

Victims of genocide have had difficulty in recovering property lost and destroyed during the genocide and subsequent periods of armed attack. The problem is aggravated by the fact that their property was not insured hence most property owners became poor.

Again medical costs are so high for those who sustained injuries and medical schemes do not cover such expenses especially where medical prescriptions are of a permanent nature. The medical care and burden falls on the individual victim, though the government of Rwanda through a scheme known as “fund for survivors of genocide” contributes 5% of the government annual budget to cater for victims in terms of medical care and tuition. Kalisa clement of health department in the same scheme for genocide survivors states that about 18,119 people suffering from mental and body injuries due to genocide receive assistance from the above scheme.

Crime has also been identified to have negative effects on the victim of crime. The victim suffers financial losses when crimes like house breaking, fraud and armed robbery are committed. The victim loses property which has to be replaced at a considerable cost. The installation of burglar alarms and salaries for security guards and watch men are of great expense. A lot of money is spent just to cover the insurance against theft every year. Crime against individuals who even

lose their life cannot be underestimated. People suffer physical and emotional injury and even many are killed as a result of crime. In many instances victims have been severely assaulted such that recovery seems impossible and the victims have to incur a lot of money in terms of medical treatment.



Graph 1. Police Crime Statistics (2012).

The graph above reveals 32 crimes different types of crimes as occur in Rwanda. Violent crimes that are of much concern are rape, murder, assault and armed robbery. It is suffice to state that crimes that these kinds of crime cause a lot of physical injuries to the people. To a large extent assaults are precipitated by drug abuse.

According to the Inspector General of Police, Brigadier General Emmanuel Gasana, the community and state suffer a lot due to crime. The state spends a lot of money in terms of public funds to keep prisons running. Police, prosecution and courts expenditure in terms of salaries

and equipment is quite enormous, yet the finances are not substantial enough for the three departments to fulfill their roles and responsibilities.

Needless to mention is that the current correctional service carrying capacity of 65,000 inmates who have to be fed and clothed and as such are liabilities to state finances. More so a very big number of people in the police, prosecution courts and corrections spend most of their time tracing, arresting, investigating, prosecuting and sentencing criminals and the exercise constitutes a lot in government expenditure. The amount of money used to keep the criminal justice system running would be used for socio-economic development of the country and to raise the standards of living for nationals.

Crime involving assault or violence to the victim, emotional costs of crime to the victim may manifest themselves in the need for support services such as counseling. There is a huge range of costs incurred as a response to crime. There are costs to the police, who record, investigate and build evidence on those crimes that come to the attention prosecution service. The value of property stolen or damaged can be measured using the replacement value or repair costs of the property involved.

4.3.1 (d) Violent Crime Undermines Social Relationship

Crimes such as domestic violence undermine relationships in the family and can cause distrust between parents themselves and between children and parents and can fail the family to live a happy life, this leads to polarization and incoherence within the family. Since crime is a learnt

attitude and behavior aggressive and violent behavior can recur among the youth born out of aggressive and violent behavior.

Incidences of violence that involves armed robbery, burglary and mugging make people change lifestyles and families spend lots of money in security safety measures somehow creating a fort mentality. It can be common to see families fear to go out in the dark at night and in such circumstances life is restricted. Women, elderly and children are the ones mostly vulnerable to criminals and will tend to restrict their movements.⁴⁴

The continued political violence in Rwanda throughout 1960s and 1970s resulted in alienation of Tutsi and lead to the distrust of the governments in power and subsequent social disorganization. Thus far, genocide occurrence in Rwanda has widened relationships between victims and offenders of crime. While in prison, individuals who have been incarcerated learn particular crimes within the prison. Drug taking, gambling and homo sexuality are some of the crimes learnt in the prison culture and consequently may no longer be useful citizens upon their release.⁴⁵

There are also consequences resulting from the criminal's family and relatives where individuals are deprived of many necessities causing all kinds of neglect. There is financial neglect when for example the father is in prison. The mother suffers financial problems. Children may live on little food, few clothes and other necessities of life. Educational neglect on the part of the children results as the father now in prison the mother has to look for a paying job to support the

⁴⁴Op.cit, pg 24

⁴⁵ Stevens R, *Introduction to Criminology*. (South Africa, International Thomson Publishing Company,1996), pg 40

family. Children have now no one to attend to them and they develop anti social tendencies, runaway from home and loitering on the streets.

There is also the fact of social neglect on the part of the children who are scorned by neighbors and the community at large for having a parent who in jail. The children in the end develop inferiority complex and thereby develop anti social behavior. Such children may even begin loaming streets and meet undesirable influences. Moral neglect also is experienced by the wife if the husband has to stay for long in the prison. She may feel lonely and may fall prey to prostitution; this kind of behavior may end up with divorce. Children also may end up in sex misconduct, gambling, alcohol and drug abuse. It is evident that the remaining single parent cannot offer moral education. In bad familial relations children suffer child neglect. The crimes of assault and murder result into poor inter personal relationships. In rape cases individuals involved never get along as their sexual relation get undermined by the effect of crime.⁴⁶

Crime creates fear, more especially where crime involves violence and hampers interpersonal relationships and disrupts social interactions in the community. Members of the community and especially those that have acquired money and wealth leave areas characterized by burglary like Migina and 'de bandit' (Muhima) to settle in affluent, safe areas like Nyarutarama, Kiyovu and Kimihurura in the city of Kigali.

Crime creates distance decay between the administration and the population. Absence of crime has indicated that the government is close to the people in as far as political governance, community development, social interactions and security are concerned. The opposite comes true

⁴⁶ Ibid, P.41

when there were state instigated violence in 1994 as citizens were distanced from others as well as the state. Such a state of affair leads to long term consequences of children moral development as dehumanizing episodes observed leave images of lack of concern, pain and suffering of others.

4.3.1 (e) Psychological Impact of Violent Crimes

If an offender is incarcerated, the offender and his or her family will bear emotional distress and financial costs of separation in terms of lost income and travel expenses. There are potentially additional costs to the offender and his or her family in terms of reduced employment or housing prospects on conviction or release, and many other possible impacts on the social standing of the family in the community.⁴⁷

The number of people who sustained injuries as result of genocide claimed lives of over a million people as a result of violence. The number of injuries of body parts such as the arms and limbs that were chopped off as a result of criminal acts cannot be over emphasized. Once people are maimed in such a manner, it is human resource that does no longer contribute to national development, but rather a liability and a burden in terms of medical care and feeding to the state. Genocide, armed robbery, and rape are some of the violent crimes that occur in Rwanda. Violent crimes have a traumatic effect on the victims, family and friends. With victims traumatic stress manifests in feelings of no future, sleepless nights in anticipation that such violent events will repeat, self hate, over reacting on any issue, feeling of fear, distrust and alienation.⁴⁸ According

⁴⁷ Sam Brand and Richard Price, Socio and Economic Costs of Crime :Economics and Resource Analysis Unit Home Office(2000), <http://tna.europarchive.org/20100413151441/http://www.homeoffice.gov.uk/rds/pdfs/hors217.pdf>

⁴⁸ Van der Hoven et al "Violent Crime" Criminology and Violent Crimes ed by C M B Naude (Pretoria, Meclenuek, 2001), P.25

to the commissioner of prisons Steven Belinda, evidence of traumatic stress disorder manifests itself in April every year during genocide commemoration anniversaries in Rwanda.

Tragic memories of about 250,000 women who were raped during the genocide exist up to this day. The forms of gender-based and sexual violence were varied and included individual rape, gang rape, sexual enslavement, forced marriage, forced labor, and sexual mutilation. Sexual violence was one of many injuries inflicted upon Rwandan women and girls, who were often abused after having witnessed the torture and murder of their family members and the destruction of their homes. According to many personal accounts of the genocide, perpetrators of sexual violence murdered a large number of their victims directly following the sexual assaults.⁴⁹ As for relatives and friends there is a general feeling of guilt and shame that not much was done to avert the suffering.

Crimes of violence dehumanizes people , murder, robbery with aggravating circumstances, rape, and assault with serious body harm and common assault ignore the needs, pain and suffering of others. Violence perpetrated during the genocide in Rwanda in 1994 alienated people of one tribe from the other. The morale of communities lowers and distrust leads to hostilities and social disorganization. Such a situation breeds moral helplessness and moral decay as was the case in Rwanda after the genocide and can eventually lead to a cycle of violence where people believe that violence is acceptable.⁵⁰

⁴⁹ Human Rights Watch, ' The Struggle to Survive', Barrlers to Justice for Rape in Rwanda, Vol 16, No 10 (2004),p.9
<http://www.hrw.org/sites/default/files/reports/rwanda0904.pdf>(accessed 24/08/2012

⁵⁰ Ibid,p.23

Crime committed by the offender himself affects his family, victim and the community and the state. When a criminal commits a crime it may seem satisfying to his own personal lust, but in reality this person has harmed himself in many ways one cannot imagine. When an individual commits a crime he or she may cause degeneration in health, personality and mental abilities as well as his or her emotional, moral and religious life and the resultant personal injury. This implies the finer aspects of life are forfeited and only a sense of bitterness remains.⁵¹ More so a criminal may be punished for the crimes he or she commits. He or she is taken to jail to serve the sentence. If the criminal reacts positively to rehabilitation while in prison after accepting punishment. The criminal will eventually be part of the free community, but when the criminal reacts negatively to the punishment and instead blames others for his/her predicament. He or she will rebel against punishment and will lapse into crime immediately after imprisonment.

The criminal in most cases develops a negative self concept. When a criminal is imprisoned he or she is labeled a criminal by the community. This leads to poor self concept when the criminal identifies with such a label and assumes that role. Recidivism may occur which will lead to the development of self concept. Once this negative concept has taken root, he or she will be more inclined to persist in criminal behavior after the term of punishment has been served. When an individual has committed a crime and is prosecuted, convicted and imprisoned, he or she will be stigmatized. The stigma he bears cannot be erased. The stigma becomes a stumbling block to re-admission into society. As a result the criminal blames the society for his predicament and seeks revenge which leads into further crime. A vicious circle of criminal intent develops where the criminal will be on and off in the prison. The frustration may end up in self destruction.

⁵¹ Stevens R, *Introduction To Criminology* (South Africa, International Thomson Publishing Company, 1996), P. 39

4.3.1 (f) Discrimination of Criminal Justice System and its Effects

It has been realized that the judicial system more than often cares less to address victim's rights in an adequately manner. Victims sometimes are not fully informed of the progress of their case and any other assistance to relieve them of the trauma caused by the crime. Victims are normally used as witnesses to by the state to obtain a conviction and in certain instances get a second form of victimization during cross examination and many victims in Rwanda are confronted by the assailants. Restitution where the court orders the offender to compensate the victim for damages suffered is reluctantly done.⁵² Thus, there is not enough that is done to address the concerns for the victims of the crime as human capital possessed by the state.

4.4 Security Implications of Property Crimes in Rwanda

According to Superintendent of police, Masasu Faustin, the in-charge of crime records office at Criminal Investigations Department, crime concentration does take place in particular areas much more than others. The capital city of Rwanda, Kigali comprises of three districts of Nyarugenge, Kicukiro and Gasabo, has the highest crime rate in the country.

Common crimes that take the toll are drugs, burglary, and assault causing body harm, defilement, rape and theft. Property crime such as burglary, theft and armed robbery take the third position in crime occurrences in the country as in the third quarter of the year 2012. Pick-pocketing in crowded public places is common, as is petty theft from cars, hotel rooms, and other public places. Although violent crimes such as carjacking, robbery, and home invasion occur in

⁵² Munik E.E, *Crimes of Violence*. (Mucleneuk, University of South Africa Press, 2001), pg 21.

Rwanda, they are rarely committed.⁵³ This is well indicated in the table 2 below where theft and house breaking (burglary) take the third position after drug trafficking and assaults.

The criminal investigation department attributes property crime to poverty and lack of employment. Property theft is so high with street children who leave rural homes and stay homeless in cities like Kigali. Any portable item is stolen for sale as a means to sustain lives in the city like television sets, radios, house hold materials or even vehicles. Property crime involves an economic cost to property owners and eats so much on the savings of individuals to replace stolen items. On the state level, the government spends a lot of money to keep law enforcement officers abreast with the job to alleviate property crime as opposed to other developmental ventures.

From the table 2 below property crime has been on the rise with an exception of armed robbery where incidences went low over the years as the armed forces institutions created a crack force to deal with armed elements. Burglary has been exponentially and progressively on the rise over the year. Superintendent Masasu Faustin of crime records attributes this trend to high levels of unemployment.

CRIME	YEARS							
	2005	2006	2007	2008	2009	2010	2011	2012
	1409	1507	1991	2320	1709	2449	2720	2983
Drugs	113	110	66	58	38	17	75	28
Armed Robbery	71	50	52	51	37	48	33	44
Infanticide	109	85	89	61	23	15	17	32
Poisoning	2999	2962	2935	1401	844	304	257	280
Rape	77	84	99	86	48	51	55	16
Illegal Possession of Fire Arms								

⁵³Rwanda Country Specification, United States Department, Consular Affairs (2012), http://travel.state.gov/travel/cis_pa_tw/cis/cis_1007.html

Homicide	234	319	268	144	94	356	88	84
Assault CBH	1847	1669	2388	2253	1468	2001	2526	3325
Genocide Related	427	241	851	480	303	242	206	113
Burglary	1698	2254	2270	1878	1467	2050	2233	2332

Table 2, Source: *Criminal Records Office, Rwanda National Police (2005-2012)*.

4.5 Security Implication of Financial and Economic Crime in Rwanda

The extent of cybercrime in Rwanda is difficult to quantify however what one can underline is that the businesses are at risk whereby cybercrimes complaints have been received, more than 80% cyber cases are linked with piracy and financial transactions. The consequences of cyber attacks include, among others, leaking national security confidential information, destroying research materials with no backup, sale of trade secrets to competitors and using one's identity information to open new accounts leaving that person liable to pay.

According to Rwanda Utilities Regulatory Agency (RURA), internet penetration rate has risen from 0.01% in 2003 to 7.04% by June 2012. In Rwanda has been affected by fraudsters from Japan due to online transactions; others are from China, Kenya, Uganda and Tanzania. Financial and economic crimes are a menace to state security, as states secrets reach those who are not entitled to them leave alone a number of people who lose their money through credit card internet identity fraud. The problem of cyber crimes is likely to continue for some time in the future, the only advantage now available is that most ICT use in Rwanda or Africa in general is that most people just know the basics to apply ICT knowledge and its related gadgets such as computers, smart phones and the internet because most ICT users in Africa are only averagely educated.

Chapter four leads us to the conclusion that mutating modes and forms of crime in Rwanda have a social, economic, psychological and political impact on the Rwandan society. Thus, Chapter five will recap the study, conclude and summarize the recommendations of our study of building an integrated and comprehensive crime prevention and control strategy in order to contain crime in Rwanda.

CHAPTER FIVE

RECAPITULATION, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter recapitulates on the entire study. It sets out four main objectives. The first objective re-examines the two core objectives with the view to demonstrating the extent to which the set objectives have been met. The second objective examines our two hypotheses with a view of demonstrating the extent to which they are validated. The third objective anchors the conclusion and the thesis of the entire study, while the fourth objective responds to our third objective of the study: to proffer research based recommendations. To this end, chapter five is organized around four parts. Part one treats the objectives; part two discusses the hypotheses; part three looks on the conclusions and thesis, while part four will tackle recommendations.

5.1 Explaining Mutations of Crime in Rwanda from 2002 to 2012

In this section we responded to the task of the first objective, which was to examine the factors underlying crime mutations in Rwanda. The objective was predicated on a number of assumptions. The first assumption is that there have been a noticeable mutation of crimes in Rwanda; the second is that there was a strong relationship between criminal ability to transform and adopt to the environment faster than the state security structures; the third is that mutation of crimes were taking place in socio-economic, financial and economic crimes as well as political milieu and that these in turn hosted a wide range of crimes.

Under the socio-economic realm, we examined the development of drug and human trafficking, property crimes, crimes of violence, and juvenile crimes. In the financial and economic realm we examined cyber crimes, embezzlement, fraud and forgery, while in the area of political realm we examined the urban grenade attacks and proliferation of small arms and light weapons. We noted that drug trafficking has immensely contributed to drug addiction and has transformed itself from merely being a mode of economic extraction to the emergence of drug lords and gangs that do stimulate vigilante groups that are increasingly taking law in their hands. These have engaged in assaults and theft that now characterize several areas of the country. We also noted the rise of drug cases from 1409 cases to 2983 cases between 2005 and 2012. This in turn has a direct bearing on assaults causing bodily harm. These for instance rose from 1847 to 3325 cases in the same period. We attributed this rise in the number of assault cases to the youth, mainly from low class backgrounds due to limited opportunities, preoccupying them to drug abuse and commission of related crimes.

We equally analyzed human trafficking. We noted essentially, that this kind of crime was first reported in 2009 in Rwanda. We attributed the intensity of human trafficking in Rwanda and the region due to push factors such as unemployment and pull factors such as high expectations in employment and education advancement. The trend of human trafficking is likely to continue as its operations are dynamic in an environment that seems to be static in terms of employability. We observed that crimes of violence include, but are not limited to, murder, attempted murder, robbery, rape and assault. We also found that mutations for these crimes have increased in sophistication with the mode of operation, skill and weaponry that are currently used. Where knives were used for robbery, murder and assaults these gave way to use of firearms. We also

examined property crimes. Inclusive in these were burglary, theft, arson and vandalism cases. Car-jerks had replaced huge stones that were formerly used to break windows and doors in burglary cases. We noted that thefts occurred where property had been left unattended to. We found out that most property crimes are committed by people who ran away from the rural areas as the place did not offer alternative employment and these kinds of cases had been rising for about a decade. We attributed arson and vandalism mutations to well thought out decisions by individuals to destroy own property before subsequently laying claim for insurance compensation. We equally noted that the same is also done as a revenge measure over earlier on disputed issues.

Furthermore, we examined factors responsible for crime causation. We argued that crime causation in Rwanda was a result of social economic factors namely, high poverty levels, high level of unemployment, rural-urban migration, broken homes and disorganized families. We also found that political and cultural factors caused crime. We also observed that facilitating factors such as the availability of firearms and access to drugs did abet crime.

The study was able to establish that socio-economic conditions in Rwanda caused crime. One factor we noted was that Rwanda was a poor country with a per capita income of about US\$400. We noted that the population pressure on land was about 350,000 people per square km. The size of the farm land was quite small and low productivity led to reduced income. The population was vulnerable as a result of poverty. Low per capita income meant less saving, less capital and, therefore, less investment. Low investments led to less production and this meant low income; the vicious circle of poverty continued. We were able to ascertain that the southern province

experienced murders due to unequal land distribution among other causes of crime.¹ It was observed that 27.7 % of the households in Rwanda were headed by women and 26 % of these female headed families were below the extreme poverty line. It was therefore difficult for such extremely poor households to disassociate themselves from crime especially drug dealing. In the same vein, it was noted that 522 unwanted pregnancies among school going girls between 10-18 years of age in 2012 registered in several schools countrywide. It was noted that students gave in to sexual abuse because of poverty.²

We established that crime was current because of unemployment that was quite high.³ We noted that a deprived population was a hungry population and needed to feed, cloths and shelter with at least a little income to sustain its livelihood. When people sought jobs and could not obtain them they in most cases indulged in crime such as drug trafficking, human trafficking armed robbery and burglary in order to sustain their livelihood. We further observed that poverty levels in Rwanda were threateningly high (60% below the poverty line) and the per capita income was as low as US\$370.⁴ We also established that poor young men in Rwanda aspired to acquire material wealth though unemployment was wide spread. We noted that the situation was exacerbated by having large number of poor retrenched people with a military background who had no alternative skills.

¹ Deus Ntakirutimana; Match to Demonstrate against the Killing of a Mother by her Son, Igihe (April 22)
<http://www.igihe.com/amakuru/u-rwanda/article/hateguwe-urugendo-rwo-kwamagana>

² Emmanuel Kanamugire, Abagabo bakuze, Abarimu nabamotari bari kwisonga mugutera inda abanyeshuri, <http://www.igihe.com/amakuru/u-rwanda/article/abagabo-bakuze-abarimu-n-abamotari>

³ Javan Thapa, Economics, Characteristics of Developing Countries (2010),
<http://economydetail.blogspot.com/2010/02/characteristics-of-developing-countries.html>

⁴ Rwanda Institute of Statistics, 2006.

It was also established that low levels of employment opportunities existed where 125,000 youths joined the labor market every year, yet the government could only take 104,000 job seekers only. Coupled with the threatening unemployment it was also understood why politicians used Hutus to kill the Tutsis so that the former took over the land of the latter.⁵ It was noted that the issue of unemployment should be resolved if the government of Rwanda at least created 200,000 jobs every year. It was established that access to drugs and alcohol had become increasingly challenging and this was so because drug consumption fell in the category of those crimes where the victim was at the same time the offender. We noted that the difficulty in eradicating the vice was because no one complained of the offense. We again realized that victimless crimes had a secondary criminogenic effect by the mere fact that they facilitated other crimes such as burglary.⁶

The study also identified that rural-urban migration was among the major causes of crime. We noted that people moved from the rural areas to the urban areas as they were pulled by factors such as social amenities. We as well noted that the rural population thought that urban centers would offer employment opportunities which the rural area failed to offer as land productivity has declined due to land subdivision and where small pieces of land were economically not viable. We realized that the increase in the urban population added more pressure on municipal social services. New urban settlements were mushrooming giving way to slums which were associated with crime. Crimes current in the areas included burglary, drug abuse, prostitution, murder, pick pocketing among others in the slum areas.

⁵ Vadi Moodley et al; *Environmental Causes and Impacts of Genocide in Rwanda: Case Studies of Butare and Changugu*.

⁶ Ortmeier P.J, *Public Safety and Security Administration*. (Boston USA, Butterworth-Heinemann Prints, 1999), pg 4.

We examined financial and economic sector which include cyber crime, embezzlement, fraud and forgery. We noted that financial and economic sector comprise of crimes in the business sector where offenders exploited loopholes in the law and regulations to gain access to large sums of money. In the case of cyber crimes one of the most threatening features that was a menace to the Rwandan community had been insider trading where there was sale of trade secrets to competitors. We looked at incidents such as stealing of identity information and critical opening new accounts an act that left the owner of the identity to incur the costs in the event of withdrawals. As of June 2012 cyber crime infiltration rate reached 7 % from 0.01 % in 2003 and it was likely to grow higher as young people got conversant with cyber operations.⁷ We established as well that financial and economic sector crimes such as cyber crimes, embezzlement and fraud were caused by greed and the desire for financial success nurtured by the capitalist tendencies. We noted that money was obtained through misappropriation of funds, manipulation of accounts and exploitation of loopholes in laws and regulations.

In the political sector, we examined crime mutations emanating from rebel activities from DRC who have had dire need to use firearms to unleash their operations in Rwanda. We noted that rebel mode of operations had changed from use of assault rifles to grenade attacks. 23 grenade attacks had so far been launched since 2008 and this trend was likely to reduce or even stop altogether as the attacks were no longer frequent. The mutation in these attacks lies in the fact that not only does it target soft elements of the intangible centre of gravity but in so doing these attacks inflict a heavy psychological effects to the citizen, especially his confidence in the states ability to provide him with the security. In the end this has an impact on the economy to the

⁷ Interview by Ismael Baguma, Rwanda National Police (Directorate of Interpol), April 25, 2013.

extent that these tactical actions continue; they run the risk of placing a strategic harm on state security at economic, political and eventually military levels.

The main challenge is the fact the actors have a strategic initiative of picking time and space to strike. We understood that to sustain their livelihood young men who lived mainly in towns acquired firearms easily from the neighboring DRC and other regional countries where wars of liberation had been fought. We noted that the same firearms were used as a means to acquire economic benefits by robbing various premises. We also noted that crimes such as armed robbery, illegal possession of firearms, burglary and prostitution were committed out of dire need for money. We further, established that insurgent atrocities in north western Rwanda in 1998 portrayed the real image of the politically motivated crime in Rwanda. It was again observed that the struggle for political power among the major societies of Rwanda has had a hand in crime causation where in the past, colonization played off one tribe (Hutu and Tutsi) against the other in order for those in leadership stayed in power. We noted that the 1994 genocide where over one million Tutsis were killed was as a result of poor politics exercised by poor governance.⁸

The study established that this arose from broken homes where children lived with a single parent or none and as the parents were absent or divorced the children lacked control and in a number of cases bred deviant behavior.⁹ The study also established that a child's attachment to a parent was significant. Parents nurture and support children and shape them into a certain

⁸ Andrew Wallis; *Silent Accomplice: The Untold Story Of France's Role In The Rwandan Genocide*. (New York, I.B. Tauris & Co, 2007), pg 54.

⁹ Aloysia Inyumba; Minister of Gender and Family Promotion, Speech on Family and Parenting Skills, on May 4 2010.

personality towards life. This is where attitudes and social morals are developed. We noted that lack of bond between the parents and children resulted in delinquency.¹⁰ The study also found that culture has had a hand in crime causation. We observed that traditionally, rape cases were taken less serious and so carried lenient punishment in Rwanda. We noted that Rwandese women were thought to be inferior to men hence the male sex dominated the female sex which had an effect in crime causation.

5.2 Security Implications of Mutating Modes and Forms of Crimes in Rwanda

This section responds to the second objective that examined and contextualized security implications of mutating modes and forms of crimes in Rwanda. The objective was founded on the assumption that mutating modes and forms of crime such as human and drug trafficking, property crimes, crimes of violence as well as financial and economic crimes had security implications to the state. This conclusion was anchored by Barry Buzan's appreciation of the objectives of security. These, as we have noted elsewhere in this study, include the ideas of the state, the institutions of the state and the physical base of the state.

Under ideas, threats were evident to the extent that increasing number in the population was deviated from the correct mission of building a just society and instead sought to be rich using criminal means that in effect eroded the probity of the state, the economy and political institutions of the state. Under the physical base, the security objects included the population and if this was under attack through drug and human trafficking, then the very reason for security was threatened. The study was able to establish that victims seeking employment and education

¹⁰ Paul W. Tappan; *"The Nature of Juvenile Delinquency"*, Juvenile Delinquency. by Richard D Knudten (Boston, Randon House Inc ,1970), pg 29.

opportunities ended up being trafficked and this had brought a lot of costs that have had economic impact to the state. A lot of money that would be remittances to the country was lost to traffickers who claimed money from the victims as costs for their transfer into bondage. Costs were involved with the economic impact of human trafficking. More so resources that would be used by the state to create wealth in the country were used to cater for human trafficking prevention.

In this study, we were able to observe that social disruption took place in the country of the victim and the country of destination. One realized the social impacts on the community left by the victim for the loss of a member and also on the gender relations where women and girls were sold into sex slavery. Trafficking undermined extended family ties and in many cases, the forced absence of women led to the breakdown of families and neglect of children. Victims who returned to communities often found themselves stigmatized, shunned and were more likely to become involved in substance abuse and criminal activities. It is at this point that we were able to understand that the victims of human trafficking risked catching HIV/AIDS and other sexually transmitted diseases and could as well spread such diseases to the wider society. The study was as well able to underscore those human trafficking violated human rights and undermined state ideals when millions of people lived under extreme human rights violations and hardships, thus the government's effort to assert authority are undermined.

In drugs cases, we were able to realize that combating drugs could be difficult because the proceeds were so huge to the extent that they could be used to corrupt government institutions, good business and the society at large. More so consumers of drugs got addicted and could be

induced to commit crimes such as domestic violence. Domestic violence also undermined relationships in the family and distrust between parents and children causing polarization and incoherence within the family. The study was able to note that state population was vulnerable and could not make a country to grow economically as it is a sick nation whose production was so low and could even be a burden to the state. The links between low productivity, accidents and drug-taking behavior were well understood.

The study established that drugs like '*khat*' lowered the heart beat, lowered motivation and concentration and resulted in loss of memory in the long run. One can now assert that drugs are agents of crime causation as they affect the thinking ability and perceptions of drug consumers. The study as well found out that income earned from drugs was not saved for use in developmental purposes, but lavishly spent on alcohol consumption and prostitution. Similarly income for investment was instead wasted on drugs rather than building the state. The study established that drugs infiltrated segments of society, politics, the economy, cultural and sports activities and gained public support and respect which was dangerous for the survival of the state.

We were able to establish that a lot of money was lost in insurance costs every year through property crimes such as house breaking, fraud and armed robbery. We drew lessons that genocide, armed robbery and rape were some of the violent crimes that caused psychological stress and manifested in feelings of no future, self loath, insomnia, anger, fear, distrust and alienation from the community. We noted that by June 2012, internet penetration rate had risen from 0.01% in 2003 to 7.04% and Rwanda had been affected by fraudsters from Japan due to

online transactions. Other fraudsters that do affect Rwanda were identified in China, Kenya, Uganda and Tanzania. This had raised concern for people were experiencing cyber crimes such as leaking national security, confidential information, destroying research materials with no backup, sale of trade secrets to competitors and identity theft.

5.2.1 (a) The Dynamics of Adaptation and Security Mutations

This section responds to the task of the hypothesis that mutations in crime were a function of actor-state adaptation to socio-economic and security dynamics. This was underpinned by the assumption that crime mutations have their roots in an apparent state-actor (criminal) relation within the wider societal setting. The core argument is that what we call mutations is that the changing dynamics such as increases and effects is a result of the ability of criminal elements to take advantage of the prevailing environment in their favor more quickly than the state actors and the converse is true. To illustrate the assertion we examined state criminal behavior in social, economic and political realms. In the social realms, we pointed to the increasing capacity of the criminal to evade the act. We noted that this was underpinned by their strategic and tactical advantages they have compared to the state actors.

On the other hand, where the state was able to adopt fast and cease the initiative, it was able to contain the criminals and the example of this was in urban grenade attacks. We noted that crimes in Rwanda were a function of actor-state adaptation to socio-economic and security dynamics. The critical factor underlying these crime mutations include social economic conditions such as poverty, high level of unemployment, high levels of poverty, rural-urban migration, broken homes and disorganized families. There were also certainly facilitating factors like the

availability of firearms and access to drugs that exacerbated crime, social-economic drivers, cultural influences, out dated criminal sanctions and political circumstances.

We concluded that these, over time and space, had security implications which included local crime increase due to drug abuse as the case in homicides; this ultimately undermined state authority and good order. Social costs to the government due to spread of diseases such as HIV/AIDS due to women and children trafficked for the purposes of sexual exploitation and the exploitative nature of human trafficking that crippled state useful human resources, huge loss of remittances paid to unscrupulous human traffickers, the ability and capability of drug traffickers to bribe government officials such as law enforcement agents, immigration and judicial officials. Coupled with this was the Internet hacking that had undermined the security of state secrets. We cannot over emphasize the murders perpetrated as a result of drug abuse leave alone the issue of firearms that proliferated to kill survivors of genocide.

A good number of people had died as a result of many unhealthy and hazardous raw materials fueled by the consumption illegal brews and uncertified drugs. A good number of people had died as a result. The presence of firearms had facilitated the killing of Gacaca witnesses and even drove about 450 individuals to abstain from giving evidence related to Gacaca courts thus once again undermining political leadership and state ideals.¹¹

¹¹ Christopher J. Le Mon; *Rwanda's Troubled Gacaca Courts*. (2009), <http://www.wcl.american.edu/hrbrief/14/2lemon.pdf>

5.3 Conclusions and Thesis

Our study posed two fundamental questions: What factors underlie crime mutations? What are the security implications of mutating modes and forms of crime in Rwanda? Crime is as old as mankind and has increased in sophistication and mutation to beat the institutional frame work available to quell the effects of crime. As realized, crime causes can be biological and depend on the individual characteristics which are inherited. Individuals vary in the way they can exercise self control and this can either influence crime commission or not though the major overriding mutations in crimes are as result of social economic conditions in the country, the politics of the past and legal issues pertaining.

Socially, the youth are most affected due to peer pressure as their maturity is not fully developed to comprehend what is right and wrong. Hence, youths of juvenile age fall prey to the environment they live in. Further, an environment which is disorganized and more especially characteristic of urban setting that cherishes a culture of aggression and violence will be an ideal condition to nurture youth who are violent and the contrary would be true for the youth who grow well attached to the parents and committed to social institutions such as the church, school and recreation centers.

In economic terms, a deprived family and community will be difficult to manage and administer. The issue can be so grave if the community lacks the basic necessities of life like food, shelter and clothing. When the means to acquire the basic necessities of life in terms of employment fail, the next alternative is to acquire them illegitimately through commission of crime. It is a common understanding and knowledge that individual human beings have expectations,

aspirations and goals for achievements in their life time. Expectations, aspirations and goals may be limited by education, skills and even blocked by social class. The discrepancy between the aspirations and actual achievements can cause anger, hatred, unhappiness and cause crime as realized. This is mostly true where individuals live side by side to those who have material and financial success. Embezzling of government funds, corruption and fraud are some of the crimes that come as a result of greed to achieve financial and material success.

Economic and social marginalization coupled with unfair distribution of resources is among the major causes of crime. This situation can result into political motivated crime and genocide. When poverty levels and unemployment are current and means to subsist are unfairly distributed, room for agitation, crime and even war is a provided ground. It is on this note that one finds the impact of crime so disturbing in as far as the Rwandan society is concerned. The effects of emerging crimes such as cyber crime, human tracking, drug trafficking; terror acts need not be over emphasized. The Rwandan government needs to worry as these kinds of crimes are difficult to combat as the criminals involved derive satisfaction from gains and proceeds of cyber crime, human and drug trafficking.

Psychological effects engulf part of the Rwandan community, particularly those who bear the scars from the effects of the genocide. Revenge and reprisals still occur in the Rwandan community occasionally as people harbor emotional outbursts when they reflect on the past episodes of genocide. As the case proceedings continue over the period and witnesses testify, there is continued harassment and even elimination of these witnesses. Whereas crime reduction is evident in Rwanda, it is partly true for particular kinds of crime. Burglary, thefts, robbery,

assaults and drug trafficking are crimes whose rate is rising and one gets to understand that if poverty is not eradicated, crimes of such nature will stay on to cause human suffering. One feature that needs to be understood is that assaults do not just happen; they are aggravated by drug use and alcohol consumption. As a result of crimes such as assaults, certain places are avoided at night. The cover of darkness provides opportunities for crime hence disrupting people's lifestyles and freedom. Indications are that crimes such as embezzlement, fraud and corruption kill effort and hard work since workers in key positions spend most of their time thinking of how obtain bribes and gratuities leave alone obtaining what one would not have got using genuine channels.

Given the current threats of crime that undermines individual and national security, the Rwandan government should endeavor to reduce crime to such levels where nationals feel certain and secure of their lives. The fundamental crime prevention models to establish and well harness will encompass primary crime prevention as well as secondary crime prevention methods. As the case may be, primary crime prevention has to look at all those options that will prevent crime from taking place whereas secondary crime prevention strategy shall dwell reacting to crime.

A poor population will be prone to crime commission and poverty alleviation would be an ideal solution to crime reduction. The government of Rwanda has to plan, strategize and build on policies that will propel economic growth, self reliance in order to provide employment opportunities to the ever growing population, more especially the youth who graduate from schools and universities and cannot be employed.

Opportunity to crime is normally provided when there is absence of guardianship, exposure in the presence of motivated offenders. Individuals who are unemployed and criminally bound will always look for an opportunity to reach homesteads and premises to steal and opportunities for thefts should be denied by providing physical protection to homes and installations of electronic locks, CCTVs, watch men and neighborhood watch are some of the applications that will deny entry of potential burglars. Social controls through which the youth are attached to the parents and committed to the church and schools as well as recreation centers is an endeavor that needs to be inculcated and advocated to by the government. It will be out of such practices that the youth will stay away from crime or environments that attract criminal activities.

Community partnership with the police is paramount. Communities everywhere in the country need to be informed of the essential feature and importance of national security. The community needs to be concerned about their security just as the police. On the secondary crime prevention models, it is the criminal justice system that needs to streamline the whole process. The capacity and capability of the police, prosecution, courts and correction centers should professionalize their job to deliver better and efficiently. We contented in the study is that crime mutation and sophistication adapt to the changing circumstances much faster than the institutions are able to deal with emerging and mutating crimes. It is at the same time vividly clear that the state capacity to handle poverty and unemployment are slower than the rise of the population in need of employment. There is therefore a divergence and a gap in the means and ways available to solve problems emanating from emerging and mutating crime. The convergence between strategies to combat crime requires tackling, socio-economic, political and legal aspects as well as streamlining institutions responsible for crime prevention.

5.4 Recommendations

This section responds to the third objective task which seeks to proffer research based recommendations for anchoring policy and requisite organizational framework. Based on the study findings the following recommendations are proffered. In order to address the emerging and mutating crime challenges that pose security implications, there is need to change crime prevention strategy to fit the changing circumstances of crime and thus, we recommend primary crime prevention (pro-active) to reduce and finally eliminate crime.

Primary crime prevention entails steps taken to prevent crime before it takes place. Pre-emptive deterrence should be encouraged where the community and the police cooperate to deter crime before it occurs. It means that certain factors that cause crime are known and should be eliminated. Primary prevention has been identified to include, social crime prevention, economic, political and legal initiatives, physical crime prevention and capacity building. It is commonly understood that unemployment levels are high in Rwanda. There is need to devise a strategy that will create employment so that able bodied people seeking jobs can find employment. We therefore recommend institution of vocational training centers for many youths who leave school and run on town streets with no sound occupation. Vocational centers should then endeavor to train the youth on a number of trades such as carpentry, tailoring, metal work, brick-laying and simple mechanics, public works, hair and beauty, hotel and tourism so as to reduce the level of unemployment in Rwanda. Such education and training programs will encourage the youth to take advantage of the training and in this way the issue of street children and crime will be addressed. Vocational training should be geared to promote, facilitate and guide the development and upgrading of skills and competencies of the national workforce in

order to enhance competitiveness and employability. The target of these programs should be to increase the number of working adults in Rwanda. In this sense crimes that are committed because of serious socio-economic conditions such as drugs, human trafficking and property crimes will in the end be eradicated.

There is need to change the social environment in order to influence behavior, this is necessarily so where behavior is thought to be caused by certain drives and motives. Social crime prevention programs should be provided to those elements in society who are vulnerable to crime and these are the old, the young and the poor. Social crime prevention programs in families, churches, schools, recreation facilities and job creation opportunities are some of the programs the government designs to reduce youth indulgence into crime. Families, churches, schools, and recreation facilities offer useful community values and norms for acceptable behavior. It is at this general community outlook that we should maximize to capture those individuals that would be driven to commit crime.

We observed that Rwanda's population increased from 8.13 million in 2002 to 10.5 million in 2012, indicating an increase of about 30% in 10 years which is quite high. We also note that the population density in Rwanda had increased from 321 persons to 416 persons per square kilometer; this is also very high by global standards. Rwanda government should have a population keeping pace with the available resources lest the state risks crime rise owing to

poverty levels, and this will be achieved population control measures and particularly through family planning.¹²

The government of Rwanda should endeavor to undertake community based crime prevention policies and in this case improving the police community relationship is cardinal. The police should be truly effective changing the behavior in their ranks so as to change the community behavior. The police should see that it is in their interest to run an institution that is competent, fair and responsive to the needs of the citizens. The police institution has to see that it alters its image towards the community. One most important action the police should consider is conflict management programs essential where tensions may incite incidents that are police-community related.

Community-police relationship should be developed out of positive creation. The police and the local authorities who own the public relationships should be out of design and not emotionally react to crisis within the community. The basic principle of any successful police-community relations should be open channel of communication through a police liaison officer. Community based crime prevention programs encompass neighborhood watch, citizen patrols commonly known as the '*Amarondo*', and community policing committees.

In this community based community policing the police has to embrace pro-active system of policing in order to close the gap between the police and community and through such systems,

¹² Jon Rosen; *Rwanda Tackles Population Growth*, (2010),
<http://www.globalpost.com/dispatch/africa/101201/rwanda-population-growth-family-planning-contraception?page=0.1>

The major advantages that can accrue out of such a set up is that countrywide community policing committees will raise the awareness and break the silence as well as report issues on crime in the community. More effort of law enforcement agencies to counter drug trafficking is needed. Actions have to be based on an intelligence-led approach to crime. Strengthening and maximizing the opportunity of information sharing is important while at the same time encouraging joint operations targeting areas that are commonly known to be drug bases.

The government should focus on economic initiatives that change the attitude and mindset of the citizens in order to build a strong private sector that will offer jobs. It should also strengthen government institutions in order to effectively respond to the country's need for economic self reliance to avoid dependency on foreign aid.¹³ The government of Rwanda should harness poverty reduction strategy and increase export earnings, diversify the economy by developing information technology and communications as well as manufacturing sector to create more jobs for the jobless.

Politically, good governance is a pre-requisite in any development; it has to be inclusive where people value one another. Education, health, should aid in the nation being able to contribute and participate inclusively to Rwanda's development. Investing in people and stressing the importance of building institutions to drive the country are essential. This is important in that marginalization that causes frustration and aggressive behavior will be eliminated.

¹³ Kwibuka Eugene; New Times, *Self Reliance Our Priority*, Kagame says, (22 Jan 2013), <http://www.newtimes.co.rw/news/index.php?i=15245&a=63081>

We recommend regional cooperation in order to fight transnational crime. Exchange programs, training, joint operations and timely exchange of information is a necessity in the East African region to begin with. Regional cooperation should be the key and information communication strategy should be the guiding principle, in order to track and arrest criminals. Closer collaboration and harmonisation of penal stipulations in affiliated countries should be undertaken. Cooperation should include confiscation of proceeds of crime, the extradition of suspects, transfer of penal procedures and the exchange of information between member countries of East Africa and beyond.

We recommend that police in the region should promote the public awareness on the dangers of illicit drugs to the community. Strengthening regional coordination and cooperation at frontier entry and exit points is a necessity. In fact, coordination and cooperation in the drug trafficking field can be strengthened at both national and regional level so that drug policies made known to different professionals and civil society, while at the same time enabling these structures to provide feedback to inform policy.

We again recommend reducing the demand for drugs and this will require supplementary and effectiveness of measures to reduce drug use and its consequences by improving the coverage, quality and effectiveness of demand reduction interventions. This includes particular attention for vulnerable groups. Offenders are individuals who have wronged society and should not be looked upon as marginalized people only to be locked up in prisons. They are sent to prisons to reform their behavior and once they are rehabilitated they are put back into the society to resume

their daily life. At this level police should see how they can attack the profits of those who deal in drugs through audits in order to ascertain the source of their income.

More so, we recommend that the government of Rwanda embarks on civic education and voluntary national service where the government should advocate for youth awareness of crime and consequences thereof. Awareness campaign on dangers of prostitution and associated HIV/AIDS prevention, juvenile delinquency, drug abuse and developmental initiatives are some of the issues that should be emphasized to reduce crime.¹⁴ There is need to educate the youth about the dangers and effects of corruption right on the outset. Sensitizing and involving the youth against graft will ensure a good foundation for a corruption free Rwanda.¹⁵ A corrupt country cannot break free from poverty as the money trickles out because when corruption becomes a way of life, it discourages hard work.¹⁶ There should be no one exempted from revenue and assets declarations that take place every year.

The government of Rwanda should again endeavor to work with national and international watch dogs. Despite the fact that the government of Rwanda tolerates no corruption, embezzlement, and nepotism, it still is a practice being done in secret. It is therefore important that the judicial system opens up to incorporate human rights, the media and transparency organizations such as the Rwanda Transparency as watch dogs to monitor and identify corrupt and weak criminal justice institutions in order to achieve more professional, effective and accountable justice

¹⁴ Musoni Edwin; New Times, Government Launches National Voluntary Service, (22Jan,2013), <http://www.newtimes.co.rw/news/index.php?i=15245&a=63083>

¹⁵ Babijja Susan, New Times, Anti Corruption Week to Focus on Youth Engagement, (29Nov,2012), <http://www.newtimes.co.rw/news/index.php?i=15191&a=61223>

¹⁶ Boris Bachorz, The Telegraph, Rwanda Gets Tough, (2009) <http://www.telegraph.co.uk/expat/expatnews/6752425/Rwanda-gets-tough-on-corruption.html>

system. The watchdog has to work in collaboration with the criminal justice system to strengthen police, prosecution and courts and correctional services to collect evidence related to corruption, embezzlement and nepotism. It is enough punishment for the government ombudsman to publish the names of both low and high profile convicts who receive or give out bribes.

We recommend physical crime prevention where potential offenders denied access to buildings and property through erection of alarm systems, fences, walls, neighborhood watch and watch towers. Similarly, locks and bars are put against the doors and windows to prevent offenders reach inside houses. Further, safes and electronic detectors are used internally as a safety measure.¹⁷ Most burglary cases occur because of insufficient physical protection at people's own premises hence the only physical protection available in Rwanda are brick walls that run around the perimeter of the individual homesteads. Certain hot spots can be targets for thieves and grenade attacks and there is need for reinforcement with police and army patrols.

We recommend that legal initiatives should include legislation on human and drug trafficking should be reviewed and amended accordingly to suit the current trends of this crime.¹⁸ It is necessary that tougher measures be enhanced in as far as emerging crimes are not legislated and therefore may not be punished. The legislation should cater for new emerging crimes. Tougher penalties against human and drug trafficking should enhanced because of the difficulty in dealing with two crimes. Nine months imprisonment for trafficking drugs as the case with Rwanda penal

¹⁷ Op.cit, pg 19.

¹⁸ Rwanda National Police Official Records, 2013.

code is a lenient sentence that does not deter criminals and potential offenders, new legislation should take place to keep pace with the emerging crime.

Importantly, capacity building in the police service should take priority. Professional skills of police officers are still wanting in order for the police to handle sophisticated cases of emerging crimes such as cyber crime, human trafficking, terrorism and fraud. It is therefore necessary that the police receive training in the fields where crime tends to be mutating. Rwanda National police should embark on training of police at all levels and making sure that law enforcement personnel recognize indications and clues that human trafficking is taking place, lead to increased intervention and arrests.¹⁹ Awareness programs should also be an important tool that should be used in Rwanda as a measure to fight human trafficking. In many cases, victims are unaware about the tactics used by traffickers.

The Rwanda National Police and the division of transnational organized crime in the CID should be equipped and staffed with competent officers to investigate and lay out strategies to combat many emerging crime such as human trafficking, drug trafficking and smuggling of goods. A national task force should be set up specifically to deal with human trafficking. More importantly the Rwanda National Police has recognized the importance of coordinating efforts across agencies, including working with new partners such as non-governmental organizations dedicated to combating human trafficking. Rwanda Interpol should utilize considerable, support law enforcement personnel around the world to arrest human trafficking offenders and recover Rwandan human trafficking victims.

¹⁹ Rwanda National Police, Interpol Records, 2013.

Similarly, Rwandan institutions should be in position to combat the scourge of cyber crime. There is need to strengthen existing security policies and infrastructure with additional layers of protection. As the growth of the networked business model continues to accelerate, cyber attacks will be frequent and targeting vulnerable institutions. The campaign on cyber security is everyone's responsibility, focusing on creation of a robust cyber security that will continue to be the protection of critical national infrastructure. There is need to increase public awareness of internet security. Specific programs in various institutions and campaign to radios, newspapers and televisions will be taken as necessary. For the case of drugs there is needed to improve the understanding of the problem. This requires the increase of knowledge of all aspects of drug use through more and better coordinated research on drug-related crime and on the way the illicit drug supply market works (modus operandi).

Finally, the stress in this drug war will be put on situational crime analysis for an effective response in various districts in Rwanda. This will be based on in-depth analysis of surrounding circumstances in each and every district.

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