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RECOVERING FROM GENOCIDE: RECONCILIATION AND KAGAME'S CONTROVERSIAL LEADERSHIP IN RWANDA

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**RECOVERING FROM GENOCIDE: RECONCILIATION AND KAGAME’S
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TABLE OF CONTENTS

LIST OF TABLES.....	ii
ABSTRACT.....	iii
CHAPTER 1: INTRODUCTION.....	1
CHAPTER 2: POLITICAL IDENTITIES AND THE PATH TO GENOCIDE	5
CHAPTER 3: POST-TRANSITIONAL JUSTICE AND RECONCILIATION.....	14
CHAPTER 4: A DIFFERENT KIND OF LEADERSHIP	53
CHAPTER 5: CONCLUSION	85
BIBLIOGRAPHY.....	90

LIST OF TABLES

Table 3.1: Key Economic Variables of Vision 2020.....	65
Table 3.2: Vision 2020 – Progress Report – Economic Indicators.....	67
Table 3.3: Vision 2020 – Progress Report – Social Indicators.....	68

ABSTRACT

Twenty-five years after the Rwandan genocide, Rwanda's economy is thriving. The World Bank Group highlighted Rwanda's economy as one of the top ten most notably improved in 2019 and Rwanda ranked as the only low-income economy on the top 50 economies list.¹ Such economic improvements complement social improvements that have led to an increase in education, life expectancy, and living conditions for the majority of the Rwandan population. These vast improvements are a direct result of President Kagame's leadership, influence within the Rwandan Patriotic Front (RPF), and a vision for Rwanda's future that he turned into policy, *Vision 2020*, after assuming the presidency. The end of violence and Rwanda's relative success are due in no small part to the processes of justice and reconciliation that were implemented following the genocide. These processes worked towards healing emotional wounds resulting from the genocide, which subsequently enabled the restart of Rwandan society. Indeed, Rwanda's innovative approach to transitional justice, especially the *gacaca* courts, and Kagame's vision and leadership, are inextricably intertwined—one cannot understand one without the other.

However, despite Rwanda's successes, Kagame is frequently criticized for his autocratic tendencies and socially oppressive regime. This paper will analyze the positive and negative aspects of Kagame's leadership, focusing particularly on the consequences of the justice and reconciliation processes utilized to bring perpetrators to bear and analyzing the merit behind his leadership style. While Kagame's methods differ from accepted Western standards they have proven to have driven social and economic improvements thus far in Rwanda, suggesting that

¹ World Bank Group, *Doing Business 2019 – 16th Edition* (Washington, DC: International Bank for Reconstruction and Development, 2019), 1, 4.

there are times where harsher forms of leadership are required in order to achieve peace that will then lead to shifting values and a stable civilization.

CHAPTER 1: INTRODUCTION

We cannot turn the clock back nor can we undo the harm caused, but we have the power to determine the future and to ensure that what happened never happens again.²

- President Paul Kagame

This year marks the 25th anniversary of one of the most horrific and rapid episodes of mass atrocity violence in recent history: the Rwandan Genocide of 1994. While the United States was wrapped up in the OJ Simpson murder case and much of the world focused on South Africa's first multiracial elections, approximately 800,000 Rwandans, primarily Rwandan Tutsis, were slaughtered.³ Hutu perpetrators from all levels of education and society ceased their day to day routines, picked up machetes, and proceeded to kill their friends, neighbours, and sometimes family members. Even infants and children were murdered in an effort to permanently eradicate the Tutsi minority population from Rwanda. The United Nations (UN) and its member states, fully aware of the slaughter, actively opposed committing troops to assist in ending the violence.⁴ At the outset, the genocide received limited international press and was misconstrued as

² BBC News, "Excerpts: Kagame marks genocide," *BBC News*, 7 April 2004, <http://news.bbc.co.uk/2/hi/africa/3609001.stm>.

³ Gérard Prunier, *The Rwanda Crisis* (London: Hurst & Company, 2014), 265.

⁴ In particular, the United States made every effort to refuse to acknowledge that genocide was being committed, ostensibly due to a fear of public and legal expectations of US involvement and the potential for another peacekeeping disaster similar to what had occurred in Somalia in 1993. On 10 June 1994, the US State Department announced that evidence indicated that there was "every reason to believe that acts of genocide have occurred in Rwanda" but would not commit to stating that a genocide was occurring. Had they acknowledged genocide, they would have been obligated under international law to take action. See US Department of State Daily Press Briefing, 10 June 1994, accessed 25 April 2019, <https://www.youtube.com/watch?v=g2qs6wAbkBM>; Prunier, *The Rwanda Crisis*, 274. The UN Security Council vote was further complicated by the fact that, in 1994, Rwanda held a seat on the Security Council. The representative worked for Rwanda's Hutu-dominated government and voted against UN intervention in the genocide. It also enabled the representative to be privy to sensitive information regarding the United Nations Assistance Mission for Rwanda (UNAMIR) mission. This information was fed back to Rwanda's Hutu-dominated government. See Roméo Dallaire, *Shake Hands With the Devil* (USA: Vintage Canada, 2008), 145, 195.

inevitable tribal hatred. Rwanda, a tiny, destitute African country that held no economic or strategic interest for the majority of the world, was left to respond on its own.

Paul Kagame, now Rwanda's president, did care about the fate of Rwanda and led an army of the Rwandese Patriotic Front's (RPF) *Inkotanyi* soldiers in a battle of liberation through Rwanda in order to protect what was left of Rwanda's Tutsi population, end the genocide, and bring stability and security to the country.⁵ He succeeded and has been the backbone of stabilization and growth efforts in Rwanda ever since. Demonstrating a unique style of leadership, Kagame has fostered economic and social growth in a state that had been previously forsaken by the rest of the world. His achievements are nothing short of incredible. Despite these achievements, Kagame faces ongoing criticism from those who do not approve of his controversial methods.⁶

This paper will argue that Kagame's methods, while at times authoritarian, rigid and even retributive, have been exactly and paradoxically what Rwanda needed in order to recover from the aftermath of the genocide. It will briefly examine the history that created Rwanda's social divide and will explain how Rwanda has utilized processes of both retributive and restorative justice in order to attempt to both recover from the genocide and heal the divide.⁷ An in-depth examination of the formal and informal methods utilized in the processes of transitional justice

⁵ Note: *Inkotanyi* refers to the name of Kagame's RPF soldiers who fought their way from Uganda to Kigali during the genocide. Note also that the RPF is often also referred to via its French name, Front Patriotique Rwandais (FPR). See Howard Adelman and Astre Suhrke, eds., *The Path of a Genocide – The Rwanda Crisis from Uganda to Zaire* (New Jersey: Transaction Publishers, 1999), 381; Prunier, *The Rwanda Crisis*, 402.

⁶ See Judi Rever, *In Praise of Blood* (Canada: Random House Canada, 2018); Freedom House, "Freedom in the World 2018 – Rwanda – Profile," accessed 25 April 2019, <https://freedomhouse.org/report/freedom-world/2018/rwanda>; Amnesty International, "Rwanda: Decades of attacks repression and killings set the scene for next month's election," 7 July 2017, <https://www.amnesty.org/en/latest/news/2017/07/rwanda-decades-of-attacks-repression-and-killings-set-the-scene-for-next-months-election/>; Human Rights Watch, "Rwanda," accessed 25 April 2019, <https://www.hrw.org/africa/rwanda>.

⁷ While the Rwandan genocide is commonly referred to as a conflict between two distinct ethnic groups, this paper will present evidence that Hutu and Tutsi are not, in fact, ethnicities (see Chapter 2). As such, it will refer to the conflict between the two groups as a result of increased and politically manipulated social tension, understanding that many authors incorrectly utilize the two terms interchangeably.

and reconciliation will provide a foundational understanding of the importance of forgiveness, healing, and reconciliation in *any* post-genocide or post-mass atrocity society facing the challenges of post-conflict state-building. Moreover, by examining what occurred in post-genocide Rwanda, we gain a better understanding as to how a society can function and rebuild after the intensity of such violence. At the same time, this analysis recognizes the ongoing tension that remains unacknowledged and unaddressed by Rwanda's current government—tension that could pose a threat to Rwanda's continued economic success and social stability.

This paper includes three substantive chapters. Chapter Two provides a brief introduction to the concepts of political identity and ethnicity within Rwanda and explains how these concepts led to the 1994 genocide. It also provides a brief background of Kagame, situating his upbringing within Rwanda's political history. Chapter Three discusses efforts toward post-transitional justice and reconciliation, focusing on the formal and informal processes utilized, and examining the concepts of forgiveness, healing and reconciliation and how they are applied to survivors and perpetrators of the genocide. Finally, Chapter Four examines Rwanda's transition under Kagame's leadership, with an in-depth analysis on the positive and negative aspects of his leadership and its consequences. The analysis introduces Kagame's economic and social goals for Rwanda and examines how his government has achieved considerable progress and success. It interrogates the major criticisms levied against Kagame and relates them to his successes and failures as a leader. The paper concludes with an overall analysis Kagame's success as a leader, and provides recommendations as to problem areas that Kagame needs to address.

Why should we care about the progress made in a small African state whose national interests do not align neatly with our own, and whose people were so willing to massacre one another just twenty-five years ago? The reason is simple. Rwanda is a shining example of how,

in a region beset by damaging colonial legacies, underdevelopment and violence, vision and the right form of leadership can transform a nation. Indeed, Rwanda stands as an exception to the rule in much of post-colonial Africa. Unfortunately, and due to a host of legacies and consequences well beyond the scope of this paper, the continent is renowned for the caricature of the corrupt, self-serving leader who views power as a means to furthering personal interests and wealth rather than a method for serving their state's people – in short, using public office for private gain. Kagame has demonstrated by example the progress that can be made when a government functions *as* a government, fighting corruption and working to improve the lives of its people. By not only focusing on healing, forgiveness, and reconciliation but also having a long-term plan for a state enabling the building of infrastructure, economic growth, and continued development that many states within Africa so desperately need, Kagame has squared a nearly impossible circle in moving a society forwards on a path of sustainable success while easing social tension.

CHAPTER 2: POLITICAL IDENTITIES AND THE PATH TO GENOCIDE

Our Tutsi neighbors, we knew they were guilty of no misdoing, but we thought all Tutsis at fault for our constant troubles. We no longer looked at them one by one; we no longer stopped to recognize them as they had been, not even as colleagues. They had become a threat greater than all we had experienced together, more important than our way of seeing things in the community. That's how we reasoned and how we killed at the time.⁸

The roots of the 1994 Rwandan genocide are often misunderstood. Any discussion of ethnicity in Rwanda is complicated and has been too often both historically and journalistically misunderstood. In-depth research is required to understand that what is often considered to be ethnicity in Rwanda springs from political power struggles rather than concrete cultural differences between the Hutu and the Tutsi. Indeed, historically Hutu and Tutsi have not only shared territory, but language, religious beliefs and social practices. Understanding historic differences between Hutu and Tutsi as well as how they were manipulated by colonial and post-colonial elites is critical to fully comprehending the ongoing challenges that Rwanda faces in achieving peace, justice, and reconciliation.

This chapter will discuss the origins of 'tribal ethnicity' in colonial-era Rwanda followed by a brief political history of the build up to the genocide. Moreover, Paul Kagame's early political history will be situated within this larger story, as these larger social and political forces and legacies shaped his experiences, convictions, and ultimately his responses both as leader of the RPF and then as president.

⁸ Jean Hatzfeld, *Machete Season* (New York: Picador, 2003), 121.

The Roots of Rwandan ‘Ethnicity’

Noted Rwandan scholars such as Gérard Prunier, Mahmood Mamdani, Alan J. Kuperman, and Scott Straus all agree that relations between the Hutu and Tutsi were, in general, symbiotic, co-dependent and relatively peaceful prior to the arrival of colonial powers in 1885.⁹ This research is well-supported and contradicts the school of academia that describes the roots of the Rwandan genocide as stemming from centuries-old ancient ethnic divisions.¹⁰ Proponents of this latter theory use it to justify the 1994 genocide and, arguably, to excuse former European colonizers from allegations that colonial rule played a part in the massacres. The aforementioned scholars do not dispute that Tutsi kings governed Rwanda prior to colonialism but note that animosity between the two groups emerged as a result of divisive policies imposed upon Rwandans by its European colonizers rather than from within pre-colonial Rwandan society. Mamdani argues that Hutu and Tutsi should “be seen as *political* identities that changed with the changing history of the Rwandan state” rather than distinct ethnic groups.¹¹

Pre-colonization, Rwandan Hutu and Tutsi identities were fluid where, similar to the emergence of the Western European class system during the sixteenth century, members of one identity could ‘reclassify’ as the other depending on factors such as marriage or a change in social status.¹² Indeed, the two groups shared a common religion, language, and geography, and

⁹ See Alan J. Kuperman, *The Limits of Humanitarian Intervention* (Washington, DC: Brookings Institution Press, 2001), 6; Prunier, *The Rwanda Crisis*, 5-21; Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001), 50-75; Scott Straus, “The Historiography of the Rwandan Genocide,” in *The Historiography of Genocide*, ed. Dan Stone (London: Palgrave Macmillan, 2008), 518-520.

¹⁰ See Kuperman, *The Limits of Humanitarian Intervention*, especially chapter 6, wherein he discusses how Hutu politicians and other historians contend that Tutsi rule imposed a two-tiered system even before the arrival of Europeans to Rwanda; and Mamdani, *When Victims Become Killers: Colonialism, Nativism, and Genocide in Rwanda*, 41, wherein he describes how even post-colonial Hutu intellectuals are likely to argue that a ‘distinct difference’ exists between Hutu and Tutsi.

¹¹ Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 73.

¹² *Ibid.*, 74.

intermarriage between Hutu and Tutsi was common.¹³ Hutus could become Tutsis and Tutsis could become Hutus. Because of this Hutus and Tutsis cannot accurately be considered to be distinct ethnic groups.¹⁴

In 1894, a German colonial expedition led by Gustav Adolf von Gotzen became the first European expedition to enter Rwanda.¹⁵ German colonizers quickly came to believe that two distinct ethnicities existed within Rwanda and opted to bestow political favour upon the ruling Tutsis.¹⁶ When Belgium inherited Rwanda in 1920 following the division of Germany's colonial assets that took place after the First World War, they too mis-identified class distinctions as markers of ethnicity and continued to favour the Tutsi, believing them to be of superior intellect and heritage. This favouritism served to foster deep-seeded resentment, social division, and animosity. In 1933, the Belgians introduced identification cards bearing their interpretation of race (Hutu, Tutsi, or Twa) and it was at this point that the racialization of Hutu and Tutsi identities solidified.¹⁷ These identification cards essentially froze each individual's identity based solely upon a Belgian colonizer's assessment of who belonged to which ethnicity and served to permanently prevent Rwandans from migrating up or down the social ladder.¹⁸ As Lee Ann Fujii

¹³ Organization of African Unity, "Rwanda: The Preventable Genocide Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events," July 2000, vi.

¹⁴ Philip Gourevitch, "After the Genocide," *The New Yorker*, 18 December 1995, <https://www.newyorker.com/magazine/1995/12/18/after-the-genocide>.

¹⁵ Timothy J. Stapleton, *A History of Genocide in Africa* (USA: Praeger, 2017), 31.

¹⁶ Some Hutu historians, on the other hand, continue to assert that a two-tiered, Tutsi-dominated social system existed well before colonial rule, and that colonial powers merely formalized an already existing racial system with the introduction of identification cards. These scholars tend to ignore the obvious migrations between groups that had occurred for centuries prior to colonialism, and their arguments are focused almost entirely upon Rwanda's historical racial-political structure. For a thorough critique to such an approach of Hutu revisionism, see Kuperman, *The Limits of Humanitarian Intervention*, 6.

¹⁷ See Stephen Kinzer, *A Thousand Hills* (New Jersey: John Wiley & Sons, Inc., 2008), 26; Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 101; Stapleton, *A History of Genocide in Africa*, 34; Phil Clark, "Rwanda," in *Encyclopedia of Transitional Justice Volume 2*, ed. Lavinia Stan and Nadya Nedelsky (New York: Cambridge University Press, 2013), 413.

¹⁸ At the time of colonization, Hutu were predominantly farmers, having what a 1925 Ministère des Colonies administrative report describes as 'very typical Bantu features' with wide noses, full lips, and thick-set bodies. Tutsi were predominantly cattle herders and were perceived as being taller, thinner, and often as possessing narrow and angular facial features rendering their appearance more akin to that of Europeans. European colonizers

writes, ““Hutu” and “Tutsi” started out as social labels and gradually took on ethnic meaning under a process of state expansion.”¹⁹

While disagreement still exists as to whether the precolonial Hutu-Tutsi relationship was one of cooperation, dominance, or symbiosis, there is no doubt that the Hutu were treated as ‘lesser’ citizens by European colonizers and also by the Tutsi during this period, fostering a deep-seeded resentment on the part of Rwanda’s Hutu population. In the period of post-war decolonization, demands for majority rule and political representation occurred not just in Rwanda, but throughout European-dominated areas of Africa and Asia. In effect, local populations used the same democratic and nationalist state-building logic as their European oppressors in demanding, negotiating and even fighting for an end to colonial rule. When the Tutsi elite began to push for independence in the 1950s, the Belgians reversed their earlier logic, quickly switched their loyalties to the Hutu in the name of majority rule, and reversed the power structure that had been in place since the onset of colonial rule.²⁰ The newly empowered Hutus sought to make up for years of Tutsi oppression and violence against Tutsis became prevalent throughout Rwanda from 1959 until 1973.²¹ As a result, hundreds of thousands of Tutsis fled the

imposed racialized identities on the two groups and privileged Tutsis with access to better education and employment opportunities, thus providing their Hutu neighbours with concrete reasons for disaffection. Upon implementation of identification cards, the Belgians utilized so-called ‘modern scientific methods’ to measure skull and nose sizes in order to aid in determining ethnicity. Other factors used to determine identity included cattle ownership, wherein those individuals with ten or more heads of cattle were classified as Tutsi, along with their offspring, and those with fewer than ten as Hutu. See Timothy Longman, “Identity Cards, Ethnic Self-Perception, and Genocide in Rwanda,” in *Documenting Individual Identity*, ed. Jane Caplan and John Torpey (New Jersey: Princeton University Press, 2001), 346; Prunier, *The Rwanda Crisis*, 5-6; Stapleton, *A History of Genocide in Africa*, 36; Ministère des Colonies, *Rapport sur l’administration belge du Ruanda-Urundi* (1925), 34, quoted in Jean-Paul Harroy, *Le Rwanda, de la féodalité à la démocratie (1955-1962)* (Brussels: Hayez, 1984), 26; Clark, “Rwanda,” 413.

¹⁹ Lee Ann Fujii, *Killing Neighbors—Webs of Violence in Rwanda* (USA: Cornell University Press, 2009), 45.

²⁰ Kuperman, *The Limits of Humanitarian Intervention*, 6.

²¹ There were incidences of anti-Tutsi violence in 1959, 1961, and 1963-64 as well as political and societal exclusion that intensified up until 1973, when a scourge killed all Tutsi politicians and left Hutus unopposed in Rwandan government. Kuperman writes that, between 1959 and 1967, approximately 20,000 Tutsi were killed and another 200,000 were driven from the country as refugees. See Kuperman, *The Limits of Humanitarian Intervention*, 6-7; Prunier, *The Rwanda Crisis*, 61-62.

country, forming refugee camps in neighbouring Burundi, Uganda, Zaire, and Tanzania.²² Paul Kagame was raised in one of these Ugandan refugee camps, and it was from amongst these refugees that the members of the RPF were later recruited.

The Road to Genocide and the Birth of a Leader

At the age of two, Kagame and his family were amongst the thousands of Rwandans who fled to Uganda to avoid the Tutsi purges that had commenced in 1959.²³ Growing up in a refugee camp, Kagame experienced firsthand the effects of Rwanda's vehement anti-Tutsi sentiments and it was from these experiences that the events surrounding his rise to power began to unfold. As a Rwandan refugee living in Uganda, Kagame quickly learned that he was a second-class citizen, not eligible for the same opportunities available to Ugandan citizens. Responding to exile and marginalization, Kagame believed that all Rwandan Tutsi refugees should and could return to their homeland. In time, he was recruited by his friend Fred Rwigyema to join Uganda's National Resistance Army (NRA) where they both gained invaluable battlefield and leadership experience as well as the opportunity to progress from within the ranks.²⁴ As their military expertise flourished within the NRA, so too did their desire to free Rwanda's Tutsis from oppression and deliver Africa's displaced émigré Tutsi populations back to their homeland.

From 1973 until October 1990, Rwanda experienced relative stability under President Habyarimana, although the Tutsi population continued to be socially repressed and strict quotas

²² Prunier, *The Rwanda Crisis*, 49, 62.

²³ André Guichaoua, *From War to Genocide: Criminal Politics in Rwanda 1990-1994* (Madison, WI: The University of Wisconsin Press, 2015), 12.

²⁴ Kinzer, *A Thousand Hills*, 40. Note that Uganda's NRA was headed by Yoweri Museveni, seizing power of Uganda in 1986 continuing to preside as president to this day, and waged a guerilla struggle against the Milton Obote regime in southern Uganda in the early 1980s. The NRA counted 4,000 Rwandan exiles amongst its 14,000 personnel when it overthrew President Obote in 1986, thus enabling many Rwandans to gain extensive military and leadership experience which they later leveraged within Rwanda as RPF fighters. See Stapleton, *A History of Genocide in Africa*, 46, 215.

prevented equal access to education, politics, and the workforce.²⁵ Throughout this time period, increases in foreign aid money and expatriate foreign aid workers led to improvements in Rwanda's economic, educational, and health systems.²⁶ Furthermore, high coffee prices from 1977-1979 aided in stabilizing the economy.²⁷ Despite maintaining a minimal level of violence within Rwanda, Habyarimana opposed the return of Rwanda's Tutsi refugees, stating that there was simply not enough space in the tiny country for its diaspora to return. During this time the RPF, consisting mainly of Rwandan Tutsi refugees who lived in Uganda and served in the Ugandan army, expanded and solidified. These soldiers were experienced, having fought in several Ugandan conflicts. Rwigyema, the leader of the RPF, and Kagame, Rwigyema's second in command, were officers who held positions of command in Uganda's NRA.²⁸ By 1989, Rwigyema had risen to the positions of Army Chief of Staff and Minister of Defence, and Kagame to that of Acting Director of Military Intelligence.²⁹ The RPF had a simple goal: to reclaim a safe place for all Tutsi refugees within Rwanda while simultaneously ending Tutsi repression.

On 1 October 1990, the RPF attacked Rwanda commencing the Rwandan Civil War. The invasion was a failure from the beginning due to disagreements in tactics and the death of Rwigyema on the second day of the war and was quickly suppressed by the Forces Armées

²⁵ Guichaoua, *From War to Genocide: Criminal Politics in Rwanda 1990-1994*, 18.

²⁶ Stapleton, *A History of Genocide in Africa*, 45.

²⁷ During Habyarimana's presidency, coffee was Rwanda's main export commodity. From 1976-79, the value of Rwandan coffee exports was approximately USD\$60 per capita. A sharp downturn in global coffee prices in 1989 led to a substantial drop in per capita coffee prices, with the value of exports dropping to USD\$13 per capita by 1991. The resulting economic crisis generated social instability and enhanced the ability of Hutu extremists to engage in Tutsi scapegoating. See Anthony Nyong, "Resource and Environmental Security," in *Too Poor for Peace?*, eds. Lael Brainard and Derek Chollet (Washington, D.C.: Brookings Institution Press, 2007), 80; Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 147-48.

²⁸ Guichaoua, *From War to Genocide: Criminal Politics in Rwanda 1990-1994*, 23.

²⁹ See Prunier, *The Rwanda Crisis*, 72; Kinzer, *A Thousand Hills*, 53.

Rwandais (FAR) who were supported by French, Belgian, and Zairean troops.³⁰ Upon learning of Rwigyema's death, Kagame removed himself from the United States Army Command and Staff College that he was attending at Fort Leavenworth, Kansas and relocated to Rwanda to assume leadership of the RPF.³¹ He quickly withdrew RPF forces from their assault and initiated a guerilla war that endured until 1992, at which point Habyarimana commenced the peace negotiations that resulted in the 1993 Arusha Accords.³²

The Arusha Accords resulted in both the Habyarimana regime and the RPF agreeing to form a transitional government consisting of members of both political parties, to allow the return of refugees, and to restructure the FAR to create integrated security forces. As part of this agreement, the RPF was permitted a 600-person battalion in Kigali in order to provide protection for its representatives in the transitional parliament.³³ The signing of the Arusha Accords exacerbated social tensions. The Accords laid out a plan for a broad-based transitional government (BBTG) that would create a power sharing arrangement between the existing government and the RPF. Members of the Habyarimana regime and Hutu extremists interpreted the BBTG as an RPF victory rather than a step towards peace, and were further infuriated when the RPF were awarded eleven seats in the transitional national assembly (TNA) three weeks later.³⁴ Hutu extremists, fearful of losing complete control over Rwanda's government, believed

³⁰ Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 186. Note: The FAR were the armed forces of the Habyarimana and Interim governments and were heavily involved in carrying out the genocide. The FAR was renamed to the Rwandan Patriotic Army (RPA) following the genocide. See Prunier, *The Rwanda Crisis*, 408, 411.

³¹ Kinzer, *A Thousand Hills*, 62.

³² *Ibid.*

³³ See "Peace Agreement Between the Government of the Republic of Rwanda and the Rwandese Patriotic Front," 4 August 1993, accessed 23 April 2019, <https://peaceaccords.nd.edu/accord/arusha-accord-4-august-1993>; Stapleton, *A History of Genocide in Africa*, 51.

³⁴ Adelman and Suhrke, *The Path of a Genocide – The Rwanda Crisis from Uganda to Zaire*, 140, 379, 380. According to the Arusha Accords, the TNA was to give eleven seats each to the Habyarimana's Mouvement Révolutionnaire National pour le Développement (MRND) party, RPF, the opposition's Mouvement Démocratique Républicain (MDR), the Parti Démocratique Islamique (PDI), and the Parti Libéral (PL). The Parti Démocratique

that too much power had been ceded to the RPF. Colonel Théoneste Bagosora, who later coordinated the genocide, was especially opposed to the portion of the agreement that granted the RPF fifty percent of the officer positions and forty percent of the enlisted positions in the FAR and became increasingly vocal in his opposition towards Habyarimana, who was ultimately responsible for implementing the Accords.³⁵ Hardline factions within Rwanda increasingly took on what Prunier describes as “an attitude of almost open defiance of their official leader,” believing that he should simply reject the Arusha Accords and maintain the status quo of a Hutu-dominated Rwanda.³⁶ Habyarimana was placed in an impossible position, torn between international pressure to implement the Arusha Accords and internal pressure from the Hutu hard-liners within his government to defy them.

When President Habyarimana’s presidential jet was shot down on 4 April 1994, the genocide began in full force—initiating a killing spree of civilians at a speed and scale unseen by the world since the Holocaust during World War II.³⁷ Nevertheless, by mid-July, the RPF successfully took control of Rwanda’s government and officially ended the genocide. Over the course of three months, an estimated 800,000 people had been killed.³⁸ The country’s government, infrastructure, and people were completely devastated. Rwanda’s interim

Chrétien (PDC) was to have four seats and other registered parties would be entitled to one seat each. See “Peace Agreement Between the Government of the Republic of Rwanda and the Rwandese Patriotic Front,” Article 62.

³⁵ See Prunier, *The Rwanda Crisis*, 163, 167; Kuperman, *The Limits of Humanitarian Intervention*, 11.

³⁶ Prunier, *The Rwanda Crisis*, 166.

³⁷ *Ibid.*, 211-212.

³⁸ Stapleton, *A History of Genocide in Africa*, 25. Note that a problem in any mass-atrocity situation is that numbers of those killed can only be estimated. Kuperman estimates Rwanda’s 1994 pre-genocide population to be 649,900 and its post-genocide Tutsi population to be 155,882, yielding 494,018 Tutsis killed during the genocide itself. This number is significantly lower than one presented by Prunier stating that approximately 800,000 Tutsis were killed, but agrees with an estimate from the UN Commission of Experts. Prunier estimates the total number of deaths (Hutu and Tutsi) at between 800,000 and 850,000. See Kuperman, *The Limits of Humanitarian Intervention*, 121-122; Prunier, *The Rwanda Crisis*, 265; UN Commission of Experts Established Pursuant to Security Council Resolution 935 (1994) on Rwanda, “Final Report,” Geneva, 25 November 1994. Note that these numbers do not take into account the tens of thousands of deaths that occurred after but as a result of the genocide due to disease and malnutrition in refugee camps and prisons, HIV/ AIDS contracted as a result of being raped by *génocidaires*, or RPF-induced killings of accused *génocidaires* and Tutsi civilians.

government faced the seemingly-impossible task of re-uniting a divided population, diffusing tensions that had now existed for more than sixty years, and rebuilding the state. The most challenging of these tasks was that of reunification. In order to achieve peace and stability, the Rwandan government needed to quickly determine how to hold perpetrators to account, deliver justice, and initiate a process of forgiveness and reconciliation.

CHAPTER 3: POST-TRANSITIONAL JUSTICE AND RECONCILIATION

Deeply rooted social conflicts like the one that devastated Rwanda in 1994 cannot be resolved through trial and punishment alone. A country torn so violently apart can stabilize only if former enemies reconcile. In Rwanda, this means that people must forgive those who slaughtered their families and even live beside them in newfound brotherhood. This is not a rational thing to do.³⁹

Between 350,000 and 600,000 people were guilty of committing genocide in Rwanda in 1994.⁴⁰ Approximately 800,000 people were slaughtered from April to July, and many of those who survived were victims of rape, mutilation, or attempted murder.⁴¹ In 1996, UNICEF reported that 80 percent of 3,000 children interviewed lost at least one relative during the genocide, 70 percent witnessed a killing or an injury, 35 percent witnessed other children killing or injuring children, 88 percent saw dead bodies or body parts, 31 percent witnessed rape or sexual assault, 80 percent were forced to hide for protection, 61 percent were told that they would be killed, and 90 percent believed that they would die.⁴² Only one of Rwanda's ten prefectures, Byumba, escaped the Tutsi slaughter.⁴³ The remaining nine prefectures lost between fifteen and forty-five percent of their populations.⁴⁴ Given these staggering numbers, and the fact that approximately ten percent of Rwanda's population was killed in 1994, the vast majority of

³⁹ Kinzer, *A Thousand Hills*, 263.

⁴⁰ Helen Hintjens, "Reconstructing Political Identities in Rwanda," in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 82.

⁴¹ See Timothy J. Stapleton, *A History of Genocide in Africa*, 25; Adam Jones, *Genocide: A Comprehensive Introduction* (New York: Routledge, 2017), 473.

⁴² Leila Gupta, "Exposure to War-Related Violence Among Rwandan Children and Adolescents: A Brief Report on the National Baseline Trauma Survey," *UNICEF Trauma Recovery Programme*, February 1996, 6.

⁴³ In 1994, Rwanda, was divided into ten administrative subdivisions called prefectures. Prefectures are further divided into communes, sectors, and cells, where cells are the smallest codified administrative units consisting of, on average 150 households. See Kuperman, *The Limits of Humanitarian Intervention*, 122; Marijke Verpoorten, "The Death Toll of the Rwandan Genocide: A Detailed Analysis for Gikongoro Province," *Population* 60, no. 4 (2005): 342.

⁴⁴ Data extracted from Kuperman, *The Limits of Humanitarian Intervention*, 122.

Rwanda's population either lost a loved one or witnessed a neighbour murdering family and friends.⁴⁵

How do people who have experienced so much horror begin to heal? Is it ever possible to forgive those neighbours who killed your family and would have killed you had you not managed to hide? Have Rwandans forgiven each other for the gruesome crimes that were committed by so many and moved forward towards a conflict-free future? In order to attempt to answer these questions, it is first necessary to understand the concepts of healing, forgiveness, reconciliation, and justice. This chapter explores each of these concepts as well as their application to post-genocidal Rwandan society. The chapter continues with a discussion of the various methods of justice and reconciliation that have been implemented in Rwanda since 1994, including Rwanda's domestic prison system, the International Criminal Tribunal for Rwanda (ICTR), and Rwanda's *gacaca* courts. The significance of the terms 'victim', 'survivor' and 'perpetrator' and their linkages to justice and reconciliation are then interrogated and explored in depth, and recommendations regarding a way ahead for Rwanda's reconciliation process are discussed.

HEALING, FORGIVENESS, RECONCILIATION, AND JUSTICE IN A POST-GENOCIDAL SOCIETY

When the RPF seized control of Rwanda in July of 1994, the transitional government faced the daunting tasks of establishing legitimacy and fostering trust and reunification amongst a divided population. Additionally, the state needed to locate and hold the perpetrators of the genocide accountable for their actions, to find a way to demonstrate good governance, to resolve

⁴⁵ Data extrapolated from Kuperman, *The Limits of Humanitarian Intervention*, 121, based on an assumed 10% growth rate of Tutsi population from 1991.

decades of social conflict, and to achieve reconciliation while at the same time administering justice, whether retributive or restorative, to perpetrators. None of these were simple tasks, in particular dealing with a society in which the predominant population, the Hutu, were painted in governmental discourse as being universally guilty of committing genocide.⁴⁶ The government attempted to achieve these goals through a combination of Rwanda's domestic legal and prison systems, the ICTR, and the establishment of a system of transitional justice and reconciliation via *gacaca* courts. Before exploring each of these systems, we will first discuss the key terminologies and concepts associated with reconciliation.

In order to discuss reconciliation, it is necessary to understand the concepts of truth and recognition, how they relate to healing and forgiveness, and then to understand how each of those concepts fits into the reconciliation process. The first step in the path to healing and, ultimately, reconciliation, is the establishment of truth. In this case, we are referring to a healing truth, which is “one that in post-conflict processes enables a country to rebuild the foundations of peaceful co-existence, by helping to heal people's hearts and return to social harmony.”⁴⁷ Learning the truth enables survivors and perpetrators alike to publicly acknowledge the circumstances of the crime, to establish a real history of what occurred and, hopefully, to come to terms with it.⁴⁸

⁴⁶ See Nigel Eltringham, *Accounting for Horror: Post-Genocide Debates in Rwanda* (London: Pluto Press, 2004), 69; Hintjens, “Reconstructing Political Identities in Rwanda,” 87; Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 267.

⁴⁷ Penal Reform International, “The contribution of the *Gacaca* jurisdictions to resolving cases arising from the genocide,” accessed 26 April 2019, https://cdn.penalreform.org/wp-content/uploads/2013/06/Gacaca_final_2010_en.pdf, 24. For more on the three meanings of truth, see 23-25 of this report.

⁴⁸ Phil Clark, “Establishing a Conceptual Framework: Six Key Transitional Justice Themes,” in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 202.

Clark conducted numerous interviews with Rwandans who lost family members during the genocide and many reported to him that discovering the truth of what had happened to their loved ones “helped them deal with emotions of anger and loss by providing the necessary facts about the death of their friends and family.”⁴⁹ Minow discusses the restorative power of truth-telling, and cites anecdotal evidence that suggests the healing power of speaking about a trauma. As Minow writes, “[f]acing, rather than forgetting, the trauma is crucial if a victim hopes to avoid reproducing it in the form of emotional disturbances.”⁵⁰ Associated with the concept of truth is recognition. Hoffman proposes that recognition of both the victim’s experience and the perpetrator’s responsibility can provide a foundation for acceptance, healing, and reconciliation.⁵¹ It is important to understand that, especially in the case of mass atrocities, both victims and perpetrators need to come to terms with what happened and find a way to heal and move forward. Recognition serves to enable perpetrators to acknowledge their crimes and to allow the victims to have a voice where they can be heard, allowing both sides to confront each other while simultaneously establishing the truth as to what occurred. Indeed, it is these two concepts that form the basis for the justification of truth commissions. As stated by Minow, “[i]f the affirmative case for truth commissions rests on the goal of healing, then the working hypothesis is that testimony of victims and perpetrators, offered publicly to a truth commission, affords opportunities for individuals and the nation as a whole to heal.”⁵²

⁴⁹ Phil Clark, “The Rules (and Politics) of Engagement: The *Gacaca* Courts and Post-Genocide Justice, Healing and Reconciliation in Rwanda,” in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 305.

⁵⁰ Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998), 66.

⁵¹ Eva Hoffman, “The Balm of Recognition: Rectifying Wrongs through the Generations,” in *Human Rights, Human Wrongs*, ed. Nicholas Owen (New York: Oxford University Press, 2003), 280.

⁵² Minow, *Between Vengeance and Forgiveness*, 61.

The term ‘healing’ is often misapplied when discussing reconciliation. Healing and reconciliation are different. Healing refers to overcoming trauma while reconciliation involves healing as well as rebuilding the associated broken relationships.⁵³ In the case of post-genocide Rwanda, Clark writes that “nearly every citizen (had) been affected individually by violence, whether from direct involvement in perpetrating crimes, from personal injury, or from the injury or death of loved ones.”⁵⁴ In order to heal from such violence, people need to overcome the trauma and associated resentment, lest these perceptions be permitted to fester and produce subsequent sentiments of ongoing victimhood in future generations that might nurture further violence.⁵⁵

This argument is especially poignant when considering the concept of traumatic inheritance. Hoffman proposes that children of trauma survivors often incorporate memories of traumas passed on to them by their parents and subconsciously begin to identify with them. As Hoffman writes, this identification can grow so strong “that it contains a moral element – a deep imperative to honour the experience of parental suffering by remaining psychically faithful to it.”⁵⁶ When a trauma is passed on to the children of survivors, the wrongs of history are propagated and brought into the present.

In Rwanda, Hutus had perceived themselves as victims for decades prior to assuming political power in the 1960s.⁵⁷ Upon assuming political control and upending the pre-existing Tutsi-dominated power structure, the wrongs associated with this sense of victimhood intensified and were taken out upon the Tutsi in order to ensure that Hutus would not fall prey to Tutsi

⁵³ Clark, “Establishing a Conceptual Framework: Six Key Transitional Justice Themes,” 195.

⁵⁴ *Ibid.*, 199.

⁵⁵ *Ibid.*, 200.

⁵⁶ Hoffman, “The Balm of Recognition: Rectifying Wrongs through the Generations,” 293.

⁵⁷ For in-depth detail, see: Kuperman, *The Limits of Humanitarian Intervention*, Chapter 2; Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Chapters 3-5; Prunier, *The Rwanda Crisis*, Chapters 1-2.

domination again. As Mamdani explains, throughout Rwanda's history, every round of perpetrators, whether Hutu or Tutsi, justified their use of violence as the only means by which they could prevent themselves from being re-victimized.⁵⁸ Because the root causes of the Hutu-Tutsi friction were never fully addressed, the inter-generational effects of past traumas sowed the seeds of violence that, having never been resolved, continued to grow until the 1994 genocide. This outcome reinforces the importance of facilitating healing in post-conflict society not only in order to assist individuals in rebuilding their lives, but also to protect that society from future conflict.

Forgiveness can be an element of healing. While it is not always possible to achieve, Staub et al. suggest that "in response to acknowledgment by perpetrators of what they have done and apology for their actions...it is likely to facilitate reconciliation and may even be regarded as an aspect of it."⁵⁹ With forgiveness, healing and reconciliation have a greater chance of success. Forgiveness "entails foregoing feelings of resentment and a desire for personal, direct retribution, [and] is necessary to start afresh...to allow people to deal with memories of the past in a more constructive manner."⁶⁰ Forgiveness is a choice and involves a conscious decision to "forego rightful grounds for grievance against those who have committed a wrong or harm."⁶¹ John Steward, former manager of Reconciliation and Peacebuilding for World Vision in Rwanda, wrote that "[f]orgiveness is an act of healing the self, which releases the forgiver from the chain that binds him or her to hurt and nurtures the desire for revenge."⁶² Forgiveness greatly assists in

⁵⁸ Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 267-268.

⁵⁹ Ervin Staub et al., "Healing, Reconciliation, Forgiving and the Prevention of Violence After Genocide or Mass Killing: An Intervention and its Experimental Evaluation in Rwanda," *Journal of Social and Clinical Psychology* 24, no. 3, 2005, 301.

⁶⁰ Clark, "Establishing a Conceptual Framework: Six Key Transitional Justice Themes," 202.

⁶¹ Martha Minow, "Forgiveness, Law, and Justice," *California Law Review* 103, no. 1615, 2015, 1618.

⁶² John Steward, "Only Healing Heals: Concepts and Methods of Psycho-Social Healing in Post-Genocide Rwanda," in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 188.

achieving reconciliation by helping to eliminate bitterness, anger, or resentment that otherwise tend to remain with victims, preventing them from coming to terms with the wrongs that were done to them. In Rwanda, this lack of forgiveness amongst Hutu and Tutsi, each of which experienced repression at the hands of the other at one point in their recent history, resulted in ongoing resentment and ultimately spurred those most ideologically motivated members of the Hutu Power movement to plan and instigate the genocide.⁶³

Reconciliation is defined as “the mutual acceptance by members of formerly hostile groups.”⁶⁴ It follows healing and, ideally, involves forgiveness. While forgiveness can occur within an individual and does not require both parties to a conflict to interact, reconciliation requires a two-way interaction in which one party offers an apology and, normally, some form of restitution to the aggrieved, and the other party responds with forgiveness.⁶⁵ Reconciliation seeks to address both the root causes of conflict and ongoing feelings of grievance and hostility, aiming to rebuild fractured relationships, both individual and communal, that occur following a conflict. Reconciliation promotes meaningful interactions and cooperation between victims and perpetrators and establishes a degree of acceptance between partners.⁶⁶ In reality, reconciliation rarely occurs immediately following a conflict given the time involved for immediate healing and the requirement of both parties to participate.⁶⁷ In Rwanda, nationwide reconciliation effectively began in earnest with the commencement of the *gacaca* trials, where victims and

⁶³ For greater detail on Hutu-Tutsi power struggles and repression, see: Kuperman, *The Limits of Humanitarian Intervention*, Chapter 2; Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Chapters 3-5; Prunier, *The Rwanda Crisis*, Chapters 1-2.

⁶⁴ Staub et al., “Healing, Reconciliation, Forgiving and the Prevention of Violence After Genocide or Mass Killing: An Intervention and its Experimental Evaluation in Rwanda,” 301.

⁶⁵ Steward, “Only Healing Heals: Concepts and Methods of Psycho-Social Healing in Post-Genocide Rwanda,” 177; On psychiatric analysis regarding time and trauma, see Morton Beiser, *Strangers at the Gate: The ‘Boat People’s’ First Ten Years in Canada* (Canada: University of Toronto Press, 1999).

⁶⁶ Clark, “Establishing a Conceptual Framework: Six Key Transitional Justice Themes,” 194.

⁶⁷ Steward, “Only Healing Heals: Concepts and Methods of Psycho-Social Healing in Post-Genocide Rwanda,” 188.

perpetrators were strongly encouraged to face each other in an effort to establish truth, beg for forgiveness, and pursue reconciliation. The success of these trials will be discussed later in this chapter.

The final concept relevant to post-genocide Rwanda is justice. Justice can be retributive or restorative. Retributive justice assumes the efficacy of punishment while restorative justice assumes that, given certain processes such as forgiveness and reconciliation, people can heal from a trauma and move on with their lives. Criminal punishment tends to emphasize retributive justice, wherein an appropriate sanction or punishment for violation of the penal code is imposed by a legal authority following a formal determination of guilt.⁶⁸ Restorative justice, on the other hand, involves a process wherein those who have stake in a particular offense meet to collectively identify and address the wrong that has been committed in an attempt to deal with and rectify the consequences of its aftermath.⁶⁹ Oftentimes, this includes not just victims and perpetrators, but also their families, neighbours, and others affected by the crime.

Occupying a nebulous middle ground between retributive and restorative justice is the concept of transitional justice. Transitional justice is comprised of “a variety of judicial and nonjudicial means through which states and societal groups seek to come to terms with past human rights violations by providing truth, justice, redress, and reconciliation.”⁷⁰ It “refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.”⁷¹ Additionally, transitional justice

⁶⁸ Donald H.J. Hermann, “Restorative Justice and Retributive Justice: An Opportunity for Cooperation or an Occasion for Conflict in the Search for Justice,” *Seattle Journal for Social Justice* 16, no. 1 (Summer 2017), 72.

⁶⁹ Howard Zehr, *The Little Book of Restorative Justice* (Chicago: Good Books, 2002), 37.

⁷⁰ Lavinia Stan and Nadya Nedelsky, ed., *Encyclopedia of Transitional Justice Volume 1* (New York: Cambridge University Press, 2013), xli.

⁷¹ International Centre for Transitional Justice, “What is Transitional Justice?” accessed 24 March 2019, <https://www.ictj.org/about/transitional-justice>.

acknowledges that standard judicial practices are not always feasible following wide-scale conflict and focuses on recognizing the dignity of individuals involved in the process, redress and acknowledgement of violations, and prevention of recurrence of violence.⁷²

When discussing transitional justice, there are two key questions that must be asked: is it necessary and feasible to punish the perpetrators of mass crimes and, if so, what is the purpose of the punishment?⁷³ Punishment is designed to achieve one of three things: to fulfil a moral obligation of holding the guilty accountable for their crimes, to deter future wrongdoers, or to contribute to wider objectives such as that of reconciliation.⁷⁴ In the case of Rwanda, where there were hundreds of thousands of accused perpetrators, it was necessary to establish appropriate forms of justice that would enable perpetrators to be punished and victims to feel that perpetrators were being held accountable for their actions while at the same time rebuilding society and facilitating reconciliation amongst the populace. The following section examines the processes of justice that were implemented in and for Rwanda following the genocide.

POST-GENOCIDAL JUSTICE IN RWANDA

By November of 1996, approximately 86,000 Rwandans had been imprisoned in a prison system designed to house a maximum of 12,000 people.⁷⁵ By 1998, the number of genocide-related prisoners within this same system had risen to 135,000.⁷⁶ Conditions were horrendous. Most prisoners were forced to stand day and night due to a lack of space, and thousands died due

⁷² International Centre for Transitional Justice, “What is Transitional Justice?”

⁷³ Clark, “Establishing a Conceptual Framework: Six Key Transitional Justice Themes,” 192.

⁷⁴ *Ibid.*

⁷⁵ See Prunier, *The Rwanda Crisis* 365; Gourevitch, “After the Genocide.”

⁷⁶ World Prison Brief, “Rwanda,” accessed 23 February 2019, <http://www.prisonstudies.org/country/rwanda>.

to suffocation, disease, and neglect.⁷⁷ In Gitarama Prison alone, 1,000 of its 7,000 inmates died during a nine month period due to overcrowding and damp conditions.⁷⁸ As of 2015, Rwanda's prison population had dropped to 54,279 people and the capacity of its prison system had risen to 56,782 people, however many of those still incarcerated were genocide suspects.⁷⁹

The cause of the backlog was two-fold. Rwanda's judicial system had been destroyed during the genocide. Prior to the genocide, Rwanda had approximately 700 judges and magistrates, of which less than fifty had formal legal training.⁸⁰ By the end of 1994, most of Rwanda's judges had either been killed or had fled the country.⁸¹ By November of 1994, there remained a mere 20 lawyers with legal education in Rwanda, which rendered Rwanda "incapable of respecting the provisions of its own criminal law, not to mention its obligations under international human rights law and international criminal law."⁸² As a result, Rwanda's legal system required time to rebuild.

While Rwanda was incapable of immediately dealing with trials for prison inmates in July of 1994, the years that went by before adequate repairs to the judicial system were made and the time it took to begin prosecuting those accused of genocide were unacceptably long and could have been resolved sooner. The Rwandan government refused to utilize foreign judges in its courts, which would have greatly accelerated the restart of its judicial processes.⁸³ Prunier

⁷⁷ David Orr, "Hutus held in 'worst prison in world,'" *Independent*, 16 July 1995, <https://www.independent.co.uk/news/world/hutus-held-in-worst-prison-in-world-1591700.html>.

⁷⁸ Helena Cobban, *Amnesty after Atrocity?* (USA: Paradigm Publishers, 2007), 62-58.

⁷⁹ See Roy Walmsley, "World Prison Population List (eleventh edition)," *World Prison Brief*, accessed 23 February 2019, http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition_0.pdf; World Prison Brief, "Rwanda."

⁸⁰ William A. Schabas, "Post-Genocide Justice in Rwanda: A Spectrum of Options," in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 212.

⁸¹ Andrew Wallis, *Silent Accomplice* (London: I.B. Tauris, 2006), 181; Clark, "Rwanda," 415.

⁸² Schabas, "Post-Genocide Justice in Rwanda: A Spectrum of Options," 212-213.

⁸³ Prunier, *The Rwanda Crisis*, 365.

offers a list of deeper, more complex reasons as to why the government might have deliberately delayed restarting Rwanda's judiciary system. He suggests that the uncertainty related to prison sentences and the fact that people were continuously being arrested for genocide crimes served to remind the Hutu perpetrators of their collective guilt. Prunier suggests that "generalized arbitrary detentions are a powerful tool of political and social control," implying that the threat of prison conditions and undetermined sentences or punishment was used to manipulate the behaviour of the population. Finally, Prunier discusses the significance of how the overflowing, appalling prisons served to remind the international community of its part in refusing to aid in halting the genocide. If at any point an international human rights group attempted to question the Rwandan government for allowing such conditions to prevail, the government would quickly silence those groups by pointing out the failures of the international community to intervene in order to prevent or stop the genocide in the first place.⁸⁴

By early 2003, only six thousand of Rwanda's inmates had been tried by its judicial system. This represented less than five percent of all inmates and, if no other means of justice was found, would have required two hundred years to process all cases.⁸⁵ Post-genocide Rwanda was faced with a colossal challenge. It would have been impossible to investigate, try, or even imprison all suspected *génocidaires* in a reasonable time but survivors were demanding justice for the crimes that had been committed against them. Alternative solutions had to be found. The United Nations responded by setting up the International Criminal Tribunal for Rwanda wherein organizers and coordinators of the genocide were tried and received retributive justice. Kagame insisted on trying the majority of the accused in Rwanda and rejected external legal assistance, believing that it was critical for Rwanda to prove that it had the capacity to resolve its own

⁸⁴ Prunier, *The Rwanda Crisis*, 366.

⁸⁵ Samantha Power, "Rwanda: The Two Faces of Genocide," *The New York Review*, 16 January 2003, 48.

problems.⁸⁶ Lesser criminals, such as those members of the *Interahamwe* who guided death squads or killed in villages or the marshes were either eventually tried through conventional trials within Rwanda, or through Rwanda's *gacaca* system.⁸⁷ The *gacaca* system was a process of transitional restorative justice championed by Kagame.⁸⁸ It was established to combat the impossibility of trying tens of thousands of accused *génocidaires* within a reasonable amount of time and assumed the necessity of punishing perpetrators and allowed local communities to be involved in the determination of the type and severity of the punishment.⁸⁹ Despite intense criticism from both the international community and Rwandans, Kagame insisted on pursuing *gacaca*, believing that its ability to achieve reconciliation was more important than taking a strictly punitive approach.⁹⁰

International Criminal Tribunal for Rwanda

Following in the footsteps of the International Criminal Tribunal for Yugoslavia (ICTY), the ICTR was stood up in 1994 in Arusha, Tanzania in response to the 8 November 1994 delivery of United Nations Security Council Resolution 955 (1994).⁹¹ Its aim was to “prosecute

⁸⁶ Leslie Haskell, “Justice Compromised: The Legacy of Rwanda’s Community-Based Gacaca Courts,” *Human Rights Watch*, 31 May 2011, accessed 25 April 2019, <https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts>.

⁸⁷ Cobban, *Amnesty after Atrocity?*, 62, 64.

⁸⁸ Paul Kagame, “Rebooting Rwanda: A Conversation with Paul Kagame,” *Foreign Affairs* 93, no. 3 (May/June 2014), 42.

⁸⁹ Phil Clark, “Gacaca Courts,” in *Encyclopedia of Transitional Justice Volume 1*, ed. Lavinia Stan and Nadya Nedelsky (New York: Cambridge University Press, 2013), 33; Stephen Kinzer, “Big Gamble in Rwanda,” *The New York Review of Books*, 29 March 2007, 26.

⁹⁰ Kagame, “Rebooting Rwanda: A Conversation with Paul Kagame,” 42.

⁹¹ The ICTY was established in 1993 to deal with war crimes that took place during conflicts in the former Yugoslavia since 1991 and was the first international war crimes tribunal since the Nuremberg and Tokyo trials, as well as the first international court for criminal justice. For more information, see Geoffrey R. Watson, “The Changing Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia,” *New England Law Review* 37, no. 4, 2003; United Nations, “United Nations International Criminal Tribunal for the former Yugoslavia,” accessed 8 April 2019, <http://www.icty.org/>; United Nations Security Council, *Security Council Resolution 955 (1994)*, S/RES/955 (1994), 8 November 1994, accessed 23 April 2019, [https://undocs.org/S/RES/955\(1994\)](https://undocs.org/S/RES/955(1994)).

persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda...committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.”⁹² With a focus on justice and ending impunity for the leaders of the genocide, the ICTR aimed to prosecute only the genocide’s worst “high-level” offenders, leaving other international courts and Rwanda’s justice system to deal with lower-level perpetrators.⁹³

From the outset, the ICTR was plagued with issues. It was embarrassingly slow to prosecute its first case, afflicted by a lack of funding and a lack of resources to the point where the building housing the ICTR initially lacked reliable Internet service, phone lines, electricity and even the necessary reference material required by lawyers and judges to carry out their legal duties.⁹⁴ Throughout its twenty-one year existence, and similar to the ICTY, the Tribunal was heavily criticized for its exorbitant costs in relation to the actual outputs of proceedings in terms of cases heard and decisions delivered.⁹⁵ By the end of 2007, approximately \$1 billion had been spent on the ICTR resulting in a mere thirty-five completed cases.⁹⁶ Upon delivery of its final trial judgment on 20 December 2012, the Tribunal had indicted just ninety-three individuals, delivering sixty-two sentences and fourteen acquittals, at a cost of \$2 billion.⁹⁷ In addition, the ICTR has been condemned for inadvertently hiring *génocidaires* to act as investigators.⁹⁸ Of

⁹² See United Nations International Residual Mechanism for Criminal Tribunals, “The ICTR in Brief,” accessed 23 February 2019, <http://unictr.irmct.org/en/tribunal>; United Nations Security Council, *Security Council Resolution 955 (1994)*.

⁹³ Phil Clark and Zachary D. Kaufman, “After Genocide,” in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 12.

⁹⁴ Power, “Rwanda: The Two Faces of Genocide,” 47.

⁹⁵ Clark, “Rwanda,” 415; Global Policy Forum, “International Criminal Tribunal for Yugoslavia,” accessed 8 April 2019, <https://www.globalpolicy.org/international-justice/international-criminal-tribunals-and-special-courts/international-criminal-tribunal-for-yugoslavia.html>.

⁹⁶ Clark and Kaufman, “After Genocide,” 12.

⁹⁷ See United Nations International Residual Mechanism for Criminal Tribunals, “The ICTR in Brief;” Jones, *Genocide: A Comprehensive Introduction*, 707.

⁹⁸ Power, “Rwanda: The Two Faces of Genocide,” 47.

note, the ICTY faced almost identical criticisms as the ICTR despite its own relative successes such as its precedent-setting decisions regarding war crimes, crimes against humanity, and acts of genocide. For example, its arrest of former Yugoslav president Slobodan Milosevic, determined that a person's position could no longer protect them from prosecution.⁹⁹ The similarities in criticisms of the two tribunals indicate that the problems faced by the ICTR were less related to the issue of Rwandan cases themselves, and more to the bureaucratic processes and start-up issues that impeded its productivity. However these criticisms should be considered against the fact that *all* formal criminal justice systems are time-consuming and costly, and that these issues are not restricted to international courts alone.¹⁰⁰

Another major issue related to the ICTR was its geographical location. Despite trying the genocide's worst criminals and delivering legal justice, the ICTR's location in Tanzania prevented many victims from bearing witness to the outcomes of trials, effectively impeding their personal reconciliation processes. Low percentages of access to public information reinforce that the majority of Rwandans received their news via the radio or word of mouth. According to the National Institute of Statistics of Rwanda's 2016/17 Household Living Conditions Survey, only 10.4% of Rwandan households owned a television set, up from 2.4% in 2006. Similarly, in 2017 only 17% of the Rwandan population had access to the Internet, up from 4% in 2011.¹⁰¹ This left Rwandans to listen to local radio broadcasts in order to hear of ICTR progress and outcomes. Depending on the level of media coverage of the ICTR trials, the

⁹⁹ United Nations, "About the ICTY," accessed 22 April 2019, <http://www.icty.org/>.

¹⁰⁰ The ICTY was criticized for being politicized, biased, unfair, and very costly. Similar to the ICTR's focus on Hutu perpetrators, the ICTY was seen as being anti-Serb, focusing on trying primarily Serbians who committed crimes in the former Yugoslavia. For more, see Global Policy Forum, "International Criminal Tribunal for Yugoslavia" and Gordana Knezevic, "Despite its Critics, The Hague Tribunal Will Leave a Positive Legacy," 23 November 2017, <https://www.rferl.org/a/balkans-without-borders-hague-tribunal-legacy/28872088.html>.

¹⁰¹ National Institute of Statistics of Rwanda, "Fifth Integrated Household Living Conditions Survey 2016/17," modified 6 December 2018, <http://www.statistics.gov.rw/publication/eicv5-power-point-presentation>.

majority of Rwandan victims would have experienced long delays prior to learning the results, assuming they were even aware of the trials in the first place. A 2002 survey of 2,000 Rwandans from four different parts of the country indicated that the majority of the respondents were “not informed” about questions related to the ICTR.¹⁰² Not without good reason did Kagame state: “[i]ts physical detachment from Rwanda has prevented [the ICTR] from meaningfully engaging with the Rwandan people.”¹⁰³ Without being able to personally observe the accused and come to terms with the associated emotions, ordinary Rwandans reported feeling shortchanged with regards to the justice that was carried out by the ICTR.¹⁰⁴

A significant dissatisfier for Rwandans was the fact that those accused and waiting trial by the ICTR received more rights and amenities than the average Rwandan citizen. The accused were afforded comfortable living space, nourishment, and anti-retroviral drugs to treat HIV infection that were unaffordable to most of their victims.¹⁰⁵ It is impossible to determine how many Rwandan women were sexually assaulted overall, but Human Rights Watch reported that at least 250,000 women were raped during the 100 days of genocide and that “rape was extremely widespread and that thousands of women were individually raped, gang-raped, raped with objects such as sharpened sticks or gun barrels, held in sexual slavery (either collectively or through forced “marriage”) or sexually mutilated.”¹⁰⁶ Many of these women became infected

¹⁰² Cobban, *Amnesty after Atrocity?*, 55.

¹⁰³ Paul Kagame, “Preface,” in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), xxv.

¹⁰⁴ Alastair Leithead, “Rwanda genocide: International Criminal Tribunal closes,” *BBC News*, modified 14 December 2015, <https://www.bbc.com/news/world-africa-35070220>.

¹⁰⁵ Maya Sosnov, “The Adjudication of Genocide: Gacaca and the Road to Reconciliation in Rwanda,” *Denver Journal of International Law and Policy* 125, 2007-2008, 131.

¹⁰⁶ Human Rights Watch, “Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath,” September 1996, <https://www.hrw.org/reports/1996/Rwanda.htm>. Note that these reported numbers refer specifically to estimated cases of rape. Human Rights Watch reported that “Rwandan women were subjected to sexual violence on a massive scale” but even approximate numbers of Rwandan women who experienced genocide-related sexual violence are unknown.

with HIV or became pregnant as a result of their rapes (an estimated 2,000-5,000 rape-related pregnancies occurred following the genocide) and were unable to afford the medical care they needed in order to care for themselves.¹⁰⁷ For impoverished Rwandans who had become infected with HIV after being raped or were forced to care for a baby born of rape, the knowledge that those guilty of carrying out such heinous acts were living comfortably and receiving medical care simply served to increase resentment and anger towards perpetrators. More importantly, this knowledge and its associated emotions exacerbated trauma and further prevented healing from the horrors suffered.

The gravest criticism of the ICTR, however, has to do with a belief that the ICTR delivered a victor's justice. Only Hutu perpetrators were tried, and the tribunal failed to prosecute the many members of the RPF who have also been accused of committing atrocities against the Hutu both during and after the genocide.¹⁰⁸ Indeed, Kagame vehemently opposed the ICTR throughout its existence, advocating for a national form of justice instead.¹⁰⁹ His resistance to assisting the Tribunal is believed to be related to a fear of being held accountable for RPF-committed war crimes that occurred during and just after the genocide.¹¹⁰ According to Prunier, the Rwandese government came to indirectly control the ICTR and ensured that cases against members of the RPF would not be tried by exercising control over which witnesses were allowed to leave Rwanda in order to testify.¹¹¹

¹⁰⁷ Human Rights Watch, "Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath," Gerard Prunier, *Africa's World War* (New York: Oxford University Press, 2009), 35.

¹⁰⁸ See Andrea Flynn-Schneider, "Looking Back: The International Criminal Tribunal for Rwanda," *Human Rights Brief*, modified 16 January 2016, <http://hrbrief.org/hearings/looking-back-the-international-criminal-tribunal-for-rwanda/>; Rever, *In Praise of Blood*.

¹⁰⁹ Prunier, *Africa's World War*, 9.

¹¹⁰ *Ibid.*, 9, 350.

¹¹¹ *Ibid.*, 350. With reference to the ICTR, Prunier writes that, "because 80 percent of the casework for the accusations rested on the used of witnesses, Kigali would fine-tune the release or blocking of testimonies according to what it needed from the tribunal."

This blatant disregard of Tutsi-committed crimes adds to the logical conclusion drawn by Rwandan Hutus that those who committed crimes against the Hutu have been handed impunity—exactly what justice is supposed to eliminate. When questioned regarding whether his resistance towards the ICTR was related to attempting to avoid indictments against members of the RPF, Kagame hedged the issued by stating that “[t]he ICTR judges crimes of genocide and our combat in 1994 was to free Rwanda from those perpetrating the genocide. Therefore there is nothing in common, no possible comparison, no parallel to be established between them and us.”¹¹² It must be noted that the ICTR’s mandate was not restricted specifically to crimes of genocide, and that serious violations of international humanitarian law such as the Kibeho massacre, which will be discussed later in this chapter, also fell under its jurisdiction. If, as Kagame has decreed, the social identities of Hutu and Tutsi no longer exist in Rwanda, the question of why those of Tutsi background fail to be prosecuted for heinous crimes begs to be answered.

Despite such obvious flaws, the ICTR was responsible for some ground breaking legal successes. It was the first ever international tribunal to deliver verdicts related to genocide. In its landmark case ICTR-96-4 -I, *The Prosecutor v. Jean Paul Akayesu*, the ICTR delivered the first-ever prosecution of rape as genocide, thereby becoming the first international tribunal to recognize systematic rape as a crime against humanity and a means of perpetrating genocide.¹¹³ In another of its landmark cases, ICTR-99-552-A *Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze v. The Prosecutor* (otherwise known as The Media Case), the ICTR

¹¹² François Soudan, *Kagame: Conversations with the President of Rwanda* (USA: Enigma Books, 2015), 81.

¹¹³ *The Prosecutor v. Jean Paul Akayesu*, ICTR-96-4-I (2001), last accessed 22 April 2019, <http://unictr.irmct.org/sites/unictr.org/files/case-documents/ict-96-4/appeals-chamber-judgements/en/010601.pdf>; United Nations International Residual Mechanism for Criminal Tribunals, “The ICTR in Brief,” Human Rights Watch, “Rwanda: Justice After Genocide – 20 Years On,” 28 March 2014, accessed 24 March 2019, <https://www.hrw.org/news/2014/03/28/rwanda-justice-after-genocide-20-years>.

also became the first international tribunal to hold members of the media responsible “for broadcasts intended to inflame the public to commit acts of genocide.”¹¹⁴ In yet another groundbreaking case, ICTR 97-23-A, *Jean Kambanda v. The Prosecutor*, former Prime Minister Kambanda became the first head of state to plead guilty to genocide.¹¹⁵ In addition, the ICTR indicted and tried many of Rwanda’s most wanted genocide perpetrators, enabling arrests to be made in twenty different countries, effectively bringing to justice numerous individuals who likely would not have been otherwise tried had justice been left to Rwanda’s judicial system alone.¹¹⁶ Those indicted by the ICTR include high-ranking Rwandan military and government officials, politicians, businessmen, and religious, militia, and media leaders.¹¹⁷

The ICTR boasts a variety of successes and failures. Notwithstanding enormous operational costs, the fact that the tribunal delivered justice to dozens of perpetrators who had fled Rwanda, and likely would have otherwise lived their lives in freedom, gives credence to its value and impact.¹¹⁸ Landmark legal verdicts have set precedents for future human rights violations and are now part of the overall jurisprudence available for tribunals such as the

¹¹⁴ See Ferdinand Nahimana, Jean-Bosco Barayadwiza, Hassan Ngeze v. The Prosecutor, ICTR 99-52-A (2007), accessed 22 April 2019, <http://unictr.irmct.org/en/cases/ictr-99-52>; United Nations International Residual Mechanism for Criminal Tribunals, “The ICTR in Brief.”

Note that the earlier precedent for the Rwandan Media Case conviction was set in 1946 when Julius Streicher, publisher of *Der Stürmer*, an anti-Semitic German weekly, was convicted by the International Military Tribunal (IMT) for crimes against humanity in connection with his incitement of mass murder of European Jews. This case established a legal precedent for linking inflammatory speech to criminal action. See United States Holocaust Memorial Museum, “Incitement to Genocide in International Law,” *Holocaust Encyclopedia*, accessed 22 April 2019, <https://encyclopedia.ushmm.org/content/en/article/incitement-to-genocide-in-international-law>.

¹¹⁵ See Jean Kambanda v. The Prosecutor, ICTR 97-23-A, accessed 22 April 2019, <http://unictr.irmct.org/en/cases/ictr-97-23>; Renee Dopplick, “Rwanda Prime Minister Kambanda First Head of State to Plead Guilty to Genocide,” *Inside Justice*, 4 May 2010, http://www.insidejustice.com/intl/2010/05/04/rwanda_april_nine/.

¹¹⁶ Power, “Rwanda: The Two Faces of Genocide,” 47. See also United Nations International Residual Mechanism for Criminal Tribunals, “The ICTR in Brief,” for further information on the prosecution of prominent Rwandan political figures such as former army Chief of Staff, General Augustin Bizimungu (ICTR-99-50); and former Ministry of Defence Chief of Staff, Colonel Théoneste Bagosora (ICTR-98-41).

¹¹⁷ United Nations International Residual Mechanism for Criminal Tribunals, “The ICTR in Brief.”

¹¹⁸ According to articles contained within the ICTR News Archive, arrests were made in at least twenty-one different countries. See ICTR Press Release, “Nzabirinda arrested in Belgium,” 21 December 2001, <http://unictr.irmct.org/en/news/nzabirinda-arrested-belgium>.

International Criminal Court (ICC). Perhaps most importantly, Rwanda's judiciary system was simply not equipped to cope with such significant trials in the decade immediately following the genocide, and the ICTR filled that role, and fulfilled an important international commitment on the part of the United Nations. The next section of this chapter will examine how justice was dealt with within Rwanda, with a focus on the uniquely Rwandan *gacaca* courts.

Traditional Justice: Rwanda's *Gacaca* Courts

On 8 June 1999, faced with a growing prison population of over 100,000 people, Rwanda's government published a proposal to establish *gacaca* courts in order to deal more quickly with the majority of the state's genocide perpetrators.¹¹⁹ On 26 January 2001, despite opposition from within the RPF and Rwanda's Hutu and Tutsi populations, legislation approving the use of *gacaca* was passed.¹²⁰ This legislation was pushed forward by Kagame, who noted that, despite the fact that many people disagreed with him regarding *gacaca*, it was essential that the entire population "be involved and seen to be buying into the process of justice and reconciliation."¹²¹

William A. Schabas, director of the Irish Human Rights Centre and author of *Genocide in International Law*, describes *gacaca* as being "an ancient dispute resolution method used at the local level, administered by respected local leaders or elders."¹²² *Gacaca*, as applied to genocide perpetrators, was a reformed version of this traditional conflict resolution system and was intended to serve as an institution of restorative justice that promoted reconciliation while at the

¹¹⁹ Schabas, "Post-Genocide Justice in Rwanda: A Spectrum of Options," 221.

¹²⁰ Paul Kagame (speech, official closing of Gacaca Courts, Kigali, Rwanda, 18 June 2012), accessed 26 April 2019, <http://paulkagame.com/?p=1355>; Sosnov, "The Adjudication of Genocide: Gacaca and the Road to Reconciliation in Rwanda," 134.

¹²¹ Kagame, "Rebooting Rwanda: A Conversation with Paul Kagame, 42; Kinzer, *A Thousand Hills*, 257.

¹²² Schabas, "Post-Genocide Justice in Rwanda: A Spectrum of Options," 222.

same time punishing those convicted of genocide or crimes against humanity.¹²³ *Gacaca* courts aimed to discover the truth about what had happened during the genocide, including finding the locations of victims' remains, in order to facilitate a major component of the reconciliation process.¹²⁴

According to Donald H.J. Hermann, “[t]he minimum elements of a restorative justice program involve a process in which the victim and their offender(s) meet face-to-face and that they come to some understanding.”¹²⁵ The face-to-face meeting and the mutual understanding of the crime that was committed are what constituted the restorative aspects of the *gacaca* process and were seen by many as being critical to enabling Rwandans to heal, reconcile, and move forward in their lives. Kagame offered his own analysis: “[r]ebuilding Rwandan society requires responses to conflict that draw upon our own culture. Efforts to achieve justice, peace, healing and reconciliation must derive from concepts and practices that the Rwandan population recognises and can own.”¹²⁶ Kagame believed that for the population as a whole to heal, remain at peace, and reconcile with one another, they needed to be directly involved in the process.¹²⁷ He reinforced this belief in a speech made at the formal termination of the *gacaca* courts in 2012 when he stated that, in Rwanda “[c]entral to everything we do has been the need to empower citizens to make decisions about what directly affects their lives,” and that *gacaca* was “a process where the contribution of every Rwandan has been valued.”¹²⁸ Indeed, in a post-genocide society where perpetrators and victims must live and work side by side, it is essential to

¹²³ Phil Clark, “The Rules (and Politics) of Engagement: The *Gacaca* Courts and Post-Genocide Justice, Healing and Reconciliation in Rwanda,” 300.

¹²⁴ Stapleton, *A History of Genocide in Africa*, 57.

¹²⁵ Hermann, “Restorative Justice and Retributive Justice: An Opportunity for Cooperation or an Occasion for Conflict in the Search for Justice,” 73.

¹²⁶ Kagame, “Preface,” xxv.

¹²⁷ Quote from interview with Paul Kagame in Kinzer, *A Thousand Hills*, 257.

¹²⁸ Kagame (speech, official closing of *Gacaca* Courts).

attempt to achieve reconciliation *throughout* the population, not just at elite or educated levels of society or in urban centres. While traditional judicial systems focus on justice and punishment, they rarely allow victims to reconcile with their tormentors because the humanization of the perpetrator is far less likely to happen.

In October of 2001, each of Rwanda's 11,000 voting districts elected nineteen 'persons of integrity' to serve as unpaid *gacaca* judges. These judges were not formally trained in law and there was no requirement for them to have academic credentials. Farmers, teachers, and workmen made up the majority of the judges and, after receiving a three-day course in *gacaca* procedures, they became "empowered to make investigations, summon Rwandans to "court," search local houses, order detentions, pronounce sentences, assign damages, and confiscate goods."¹²⁹ *Gacaca* councils consisted of a panel of nine elected members and had the authority to impose sentences ranging from community service for lesser crimes such as robbery or property damage, to thirty years' of imprisonment for more serious crimes such as murder, attempted murder, and torture.¹³⁰ When a *gacaca* court was called to sit, everyone in that district was expected to attend. The rationale behind this regulation was that the courts served as group therapy sessions just as much as they did judicial proceedings, allowing Rwandans a place where they could both mourn together and confront those who had harmed them and their families, all within a local context of where the atrocities had actually occurred—the first time this was done following mass atrocity violence or genocide.¹³¹

The *gacaca* process was intended to offer a space for achieving forgiveness and reconciliation not just to victims, but also to perpetrators. Many of those who committed crimes

¹²⁹ Power, "Rwanda: The Two Faces of Genocide," 48.

¹³⁰ Stapleton, *A History of Genocide in Africa*, 57.

¹³¹ Kinzer, *A Thousand Hills*, 256.

of genocide did so reluctantly or were forced to do so by their peers.¹³² In many cases, those who confessed to murder and were deemed to have honestly, reliably and remorsefully reported the details of their participation would see their prison sentences halved from, for example, fourteen years' of imprisonment to just seven years' of jail time followed by seven years' of community service.¹³³ Ideally, this ability to bestow more lenient testimonies upon those who appeared to be genuinely remorseful would encourage others to confess, thereby enabling greater reconciliation for the population as a whole. As described by Kagame, he selected *gacaca* specifically because it would permit "communities to participate in deciding whether to acquit or punish those charged with genocide crimes" and "to ultimately reintegrate perpetrators, and in the process, to assist in rebuilding the fabric of society torn by criminality and conflict."¹³⁴

Gacaca has been both lauded and heavily criticized, and there are undoubtedly pros and cons to the process.¹³⁵ The most obvious benefit of *gacaca* is that it eased the impossible burden that had been placed upon Rwanda's justice system of trying the more than one hundred thousand prisoners inhabiting Rwanda's prisons. Over the course of its eleven-year existence, 1.2 million cases were eventually heard through in *gacaca* courts, a number that would have been impossible to achieve through formal legal processes.¹³⁶

¹³² Hatzfeld, *Machete Season*, 49, 71, 76.

¹³³ Power, "Rwanda: The Two Faces of Genocide," 49.

¹³⁴ Kagame, "Preface," xxv.

¹³⁵ See Haskell, "Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts;" Penal Reform International, "The contribution of the *Gacaca* jurisdictions to resolving cases arising from the genocide;" Jones, *Genocide: A Comprehensive Introduction*, 715-718; Solomon Nsabiyera Gasana, "Confronting Conflict and Poverty Through Trauma Healing: Integrating Peace-Building and Development Processes in Rwanda," in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 145-169; Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda* (New York: Cambridge University Press, 2010); Clark, "The Rules (and Politics) of Engagement;" Susan Thomson, "The Darker Side to Transitional Justice: The Power Dynamics Behind Rwanda's *Gacaca* Courts," *Africa: The Journal of the International African Institute* 81 (3), 2011, 373-390; Maya Sosnov, "The Adjudication of Genocide: Gacaca and the Road to Reconciliation in Rwanda," 125-262.

¹³⁶ Stapleton, *A History of Genocide in Africa*, 57.

This in turn assisted Rwandan efforts to rejuvenate the economy. Due to so many men being imprisoned, Rwanda's post-genocidal population was approximately 70% female, with 50% of households being headed by women.¹³⁷ Rwandan women had traditionally been regarded as dependents of their male relatives, endowed with the role of wife and mother but little more.¹³⁸ With so few men free to assist, the ability of Rwandan women to care for their families while also farming their land was limited. It was essential that men be freed to assist with field work. David Simon observes that *gacaca* effectively “disposed of the backlog of legal cases and helped to reduce the populations of previously overcrowded prisons. It thereby freed up labor for production—at a minimum, to help Rwanda feed itself.”¹³⁹

In terms of attempting to heal a broken society, the elements of *gacaca* targeted towards forgiveness and reconciliation were likely the most important components of the process. The restorative justice element of *gacaca* was aimed at achieving reconciliation through punishing those found guilty of having committed crimes.¹⁴⁰ This principle of *gacaca* acknowledged that “punishment is necessary both to express moral outrage at genocide crimes and to satiate survivors’ desire to see some form of retribution meted out to the guilty.”¹⁴¹ However, the fundamental premise of *gacaca* was that something more than pure punishment was required in order to facilitate the reconstruction of Rwandan society. Kagame’s goal for *gacaca* was to restore social harmony by establishing the truth and seeking forgiveness and, as he stated, “[t]his has been at the heart of our unity and reconciliation efforts.”¹⁴² As a part of *gacaca*, members of the community were encouraged to “engage in open, communal, often emotional and non-legal

¹³⁷ Human Rights Watch, “Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath.”

¹³⁸ *Ibid.*

¹³⁹ Jones, *Genocide: A Comprehensive Introduction*, 718.

¹⁴⁰ Clark, “The Rules (and Politics) of Engagement,” 314.

¹⁴¹ *Ibid.*, 313.

¹⁴² Kagame, (speech, official closing of Gacaca Courts).

discourse about their experiences in conflict, with the aim of eventually achieving reconciliation.”¹⁴³ The non-legal component of these discussions was particularly relevant in a society where, from 2000-2010, 34-35% of the adult population was illiterate and the majority of the population would likely have been unable to understand complex legal discourse.¹⁴⁴ Instead, victims and perpetrators were forced to confront and converse with one another. Remembering that reconciliation is a two-way interaction between parties, these victim-perpetrator conversations were necessary in order to move past the forgiveness stage and into reconciliation.¹⁴⁵

These interactions benefited both victims and perpetrators. Following a massive societal trauma, all members of society must heal. Many of Rwanda’s perpetrators had participated in the genocide unwillingly, and the *gacaca* courts offered them a place to express their remorse. As Eva Hoffman writes, “[f]orgiveness can offer benefits to an offender – relieving a sense of isolation and offering solace and acceptance.”¹⁴⁶ Many Rwandan Hutus who had been branded as perpetrators felt intense guilt for what they had done and were isolated from society. By creating a place where they could talk about what they had done and the remorse they felt, *gacaca* enabled them to face the reality of their actions, establish the truth, recognize their victims and their own crimes, and attempt to move forward.

Above and beyond the fact that Rwandan society had to heal so that all citizens could live and work together in a safe environment, such healing and reconciliation was also necessary in order to prevent the traumatic inheritance of genocide-related bitterness and anger from being

¹⁴³ Clark, “The Rules (and Politics) of Engagement,” 303.

¹⁴⁴ Knoema, “Rwanda – Adult (15+) literacy rate,” *World Data Atlas*, accessed 24 February 2019, <https://knoema.com/atlas/Rwanda/topics/Education/Literacy/Adult-literacy-rate>.

¹⁴⁵ Steward, “Only Healing Heals: Concepts and Methods of Psycho-Social Healing in Post-Genocide Rwanda,” 177.

¹⁴⁶ Hoffman, “The Balm of Recognition: Rectifying Wrongs through the Generations,” 293.

promulgated throughout future generations. If these memories are not properly addressed, Hoffman suggests that “the danger is that the transmitted memories are converted into dogmatic conviction of adult thought and can lead to a retributive repetition of the past.”¹⁴⁷ *Gacaca* aimed to involve the entire community in the retributive justice process, and one of its many goals was to attempt to minimize the amount of traumatic inheritance passed down to generations of Rwandans by exposing stories of perpetrators and victims, and working towards forgiveness and reconciliation.

Anecdotal evidence, while not wholly systematic, offers powerful testimony regarding the efficacy of *gacaca*. Solomon Nsabiyeera Gasana, a Rwandan genocide survivor, spoke positively of the process, stating that, “From my personal observations from living in Banyamulenge communities, these mechanisms have contributed to reducing the rate of community homicide, crime, theft, prostitution, and alcohol and drug abuse.”¹⁴⁸ Dancila Nyirabazungu, another survivor, felt positively towards the *gacaca* process because “she believed that survivors would be able to lift the veil of anonymity on killers and hold those who ordered the killings accountable.”¹⁴⁹ Many others interviewed expressed similar sentiments, describing *gacaca* as an important means by which they were able to discover the truth about what happened to their loved ones during the genocide. Achieving the closure associated with this truth subsequently assisted them in processing their losses, finally allowing them to move forward in the reconciliation process.¹⁵⁰ Ms. Odette Mukamutara, another survivor, was able to retrieve her sister’s body as the result of a *gacaca* confession. She expressed relief in having

¹⁴⁷ Hoffman, “The Balm of Recognition: Rectifying Wrongs through the Generations,” 295.

¹⁴⁸ Solomon Nsabiyeera Gasana, “Confronting Conflict and Poverty Through Trauma Healing: Integrating Peace-Building and Development Processes in Rwanda,” 166.

¹⁴⁹ “Rwanda to use Traditional Justice in ’94 Killings,” *New York Times*, 7 October 2001.

¹⁵⁰ Clark, “The Rules (and Politics) of Engagement,” 305.

discovered the location of her sister's remains.¹⁵¹ Few Rwandans expected to hear positive news about their loved ones during these trials, but achieving closure proved to be highly beneficial to many in terms of commencing the healing process.¹⁵²

While many approved of the *gacaca* courts, others were highly critical and questioned their ability to achieve either justice or reconciliation. Human Rights Watch expressed concern over using untrained community leaders to deliver judgment on cases of murder, worried that the courts would seek revenge by applying 'mob-justice' to defendants, criticized the process for failing to provide defendants with legal representation while the councils received advice from professional state prosecutors, and cited suspicions that some of the councils included suspected genocide perpetrators and that judges were open to corruption.¹⁵³ Emmanuel Muranjira, who survived the genocide despite being shot in the head, expressed misgiving that was echoed by many Rwandans who were anxious about the effectiveness of *gacaca*, stating that he was doubtful whether such an approach would be able to deliver justice. He believed that hundreds of those involved in the genocide continued to roam free and that some would undoubtedly be elected as *gacaca* judges which would intimidate witnesses, prohibiting justice from being served.¹⁵⁴ In many cases, survivors were terrified that their testimonies would lead to retribution, while Hutu feared that they might be accused and unjustly imprisoned for social or economic reasons as, "rightly or wrongly, a genocide perpetrator [became] a convenient way of getting rid of personal enemies and competitors."¹⁵⁵ Effectively, a process designed to bring the population closer together also had, paradoxically, the ability to alienate and divide.

¹⁵¹ Stephanie Nolen, "Rwandans wash death from the bones," *The Globe and Mail*, 6 April 2004.

¹⁵² Clark, "The Rules (and Politics) of Engagement," 316.

¹⁵³ Haskell, "Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts."

¹⁵⁴ "Rwanda to use Traditional Justice in '94 Killings."

¹⁵⁵ Susanne Buckley-Zistel, "We are Pretending Peace: Local Memory and the Absence of Social Transformation and Reconciliation in Rwanda," in *After Genocide: Transitional Justice, Post-Conflict*

In an all too familiar criticism ringing true with so many of Rwanda's post-genocidal policies, the *gacaca* courts have been heavily condemned by both Rwandans and other international fora for their political selectivity with respect to those who were tried: Tutsis who had murdered Hutus both during and after the genocide were not put on trial.¹⁵⁶ Ismail Mbonigaba, an opposition activist living in Uganda who fled Rwanda after receiving death threats, noted that, "[t]here is a huge silent resentment of the government" as a result of Hutus whose family members were murdered being unable to call Tutsis to trial.¹⁵⁷ While the government claims to have privately dealt with those RPF soldiers who committed atrocities during and after the genocide, most believe that their crimes have not been dealt with, and never will be. When the *gacaca* trials were still ongoing, Kinzer argued: "[i]f the state cannot give citizens confidence that justice is applied fairly to all Rwandans, *gacaca* trials could slow and even subvert the process of reconciliation they are designed to encourage."¹⁵⁸ In 2004, *The Economist* reported the viewpoint that *gacaca* served as a "state-run legal system that produce[d] a particular version of justice and reconciliation that reinforce[d] the power of the post-genocide government at the expense of individual processes of reconciliation."¹⁵⁹ In a process that expressly forbade Tutsi from being taken to trial, thereby affording many of those who had committed heinous acts impunity, it is difficult to argue with that sentiment.

Kagame's government advertised *gacaca* courts as being the necessary means to achieving reconciliation amongst the Rwandan people, believing that the trials would lead to acts of forgiveness and eventual and otherwise unattainable reconciliation. Kagame reiterated his

Reconstruction and Reconciliation in Rwanda and Beyond, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 137.

¹⁵⁶ Jones, *Genocide: A Comprehensive Introduction*, 717.

¹⁵⁷ "The road out of Hell," *The Economist* 370, no. 8368, 27 March 2004, 27.

¹⁵⁸ Kinzer, *A Thousand Hills*, 259-260.

¹⁵⁹ Thomson, "The Darker Side to Transitional Justice: The Power Dynamics Behind Rwanda's *Gacaca* Courts," 373-374.

position regarding the value of truth, forgiveness, and reconciliation at the closing of the *gacaca* courts in 2012, stating that the trials “illustrated the liberating value of truth” and “prepared the ground for the restoration of social harmony.”¹⁶⁰ Proponents of the process cite the numerous success stories related to *gacaca*, but often neglect to report cases where success was not achieved. One survivor, who lost both parents and two sisters during the genocide, affirmed that he did not think highly of the *gacaca* process. Speaking of those accused, he stated that he believed that those who confessed did so in order to get out of prison, rather than because they felt remorse for their actions. Interestingly, he also stated that he “could forgive, if they would tell the truth about where people are buried.”¹⁶¹ In this case, this survivor effectively stated that he didn’t trust the accused to tell the truth but that, if they did, the forgiveness Kagame’s government aimed to achieve through the *gacaca* process was possible. In other instances, *gacaca* served to increase community tensions as hostilities that erupted during hearings spilled over into the daily lives of those attending the hearings.¹⁶²

Rwanda’s *gacaca* process officially ended in June of 2012, leaving the Rwandan justice system to handle any future genocide-related trials.¹⁶³ While there are many valid criticisms of *gacaca*, such as those cited and discussed above, in a society where hundreds of thousands of people were likely guilty of committing genocide atrocities, some form of transitional justice needed to be established as no formal legal system could ever have been expected to try such a high number of cases. Furthermore, many of the criticisms associated with the process have been disproven. In *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda*, Phil Clark points out that, while individual judges may have been subject to corruption, the fact that a

¹⁶⁰ Kagame, (speech, official closing of Gacaca Courts).

¹⁶¹ Nolen, “Rwandans wash death from the bones.”

¹⁶² Clark, “The Rules (and Politics) of Engagement,” 317.

¹⁶³ Jones, *Genocide: A Comprehensive Introduction*, 717.

panel of nine judges was required to come to a consensus regarding sentencing assisted in mitigating individual cases of corruption. Clark also points out that 25% of *gacaca* cases resulted in acquittals. While fears of mob justice, a lack of procedural safeguards, and relaxed rules of evidence were well-founded, the literature does not indicate an increase in miscarriages of justice or wrongful results due to the *gacaca* procedures.¹⁶⁴ Many of *gacaca*'s harshest critics, including Human Rights Watch and Penal Reform International, have since conceded that, while imperfect, the end results of the *gacaca* courts were significantly more positive than initially predicted.¹⁶⁵

Finally, the importance of involving communities in the *gacaca* process must not be overlooked. Because *gacaca* encouraged participants to discuss difficult issues in a community environment, it forced people who might otherwise have avoided interaction to acknowledge and humanize each other.¹⁶⁶ In allowing all members of the community to participate in the judicial process, *gacaca* processes were able to establish personal understandings and closures for individuals unachievable through a formal judiciary process. While there will always be members of the Rwandan population who are in favour of or are against the *gacaca* proceedings, in a post-genocidal society where there is simply *no* perfect or single solution in terms of seeking justice, *gacaca*'s successes appear to outweigh its flaws. Still, the ongoing refusal of the Rwandan government to allow accused Tutsi perpetrators to be tried and subsequent denial of Hutu victimhood has prevented the *gacaca* process from achieving its full potential.

¹⁶⁴ Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda*, 155.

¹⁶⁵ Haskell, "Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts;" Penal Reform International, "The contribution of the *Gacaca* jurisdictions to resolving cases arising from the genocide."

¹⁶⁶ *Ibid.*, 162.

VICTIMS, SURVIVORS AND PERPETRATORS

In Rwanda today, the government has attempted to erase all references to ethnicity. References to ‘Hutu’ or ‘Tutsi’ are now forbidden; all Rwandans are now *Banywarwanda*.¹⁶⁷ Instead of the terms Hutu and Tutsi, new expressions for Rwandans have arisen, dividing the population into five relatively static categories: returnees, refugees, victims, survivors, and perpetrators. Returnees are considered to be those, mainly Tutsi, exiles who returned to Rwanda with the RPF. Refugees are divided into two categories: old caseload, referring mainly to pre-genocide Tutsi refugees; and new caseload, referring solely to Hutu post-genocide refugees.¹⁶⁸ The Rwandan definition of ‘victim’ is more complicated. Those who died as a result of the conflict are considered to be victims, regardless of whether they were Tutsi or Hutu. For those still living, however, the term ‘victim’ is applied *only* to Tutsi genocide survivors and old caseload refugees. Where this terminology becomes important is in the allocation of victims’ aid. Because new caseload Hutus are *not* considered to be victims, they do not qualify for the financial assistance that would assist them to, for example, construct a new home.

Equally contentious is the fact that the term survivor is applied only to Tutsi who were in Rwanda in 1994 and who survived the genocide. No Hutu are classified as survivors, regardless of whether or not they supported the genocide, sheltered Tutsis, or were also persecuted. Similarly, all Hutu who were alive and in Rwanda during the genocide are considered to be perpetrators, the argument being that all moderate Hutus were killed, therefore those remaining

¹⁶⁷ René Lemarchand, “The Politics of Memory in Post-Genocide Rwanda,” in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 65; From Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 36-37: *Banywarwanda* was the term used in Uganda and Zaire to refer to any Rwandan, whether Hutu or Tutsi. It was considered to be a cultural identity, but not a political one (as the terms Hutu and Tutsi became).

¹⁶⁸ Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 266.

were either passive onlookers or active participants.¹⁶⁹ However, this argument is completely false. Scott Straus estimates the number of perpetrators at 7 to 8 percent of the adult Hutu population overall, and only 14 to 17 percent of the adult male Hutu population. Assuming that these numbers are even remotely correct, only a minority of the Hutu population actively participated in the genocide.¹⁷⁰ Furthermore, there are numerous instances where Hutu chose to protect Tutsi. Mamdani cites a retired soldier who hid eleven people in different locations, saving their lives.¹⁷¹ Regine Uwibereyeho King, a Tutsi survivor now living in Canada, recounts memories of a Hutu woman who would cook food and bring it to Tutsis hiding in the bushes.¹⁷² Clearly, not all Hutu are perpetrators. However, in refusing to acknowledge Hutus also as victims, the state has by practice adopted the stance that *all* Hutu are perpetrators, given the overall message that there are only Tutsi survivors throughout Rwandan society.¹⁷³

In a society where the government has banned references to ‘ethnicity,’ it appears that the terms ‘Hutu’ and ‘Tutsi’ have simply been replaced by ‘perpetrator’ and ‘victim.’ Rather than eliminating social tensions, the government has instead re-politicized the two groups, this time assigning genocide guilt according to an identity that purportedly no longer exists. In response to arguments that many Hutu were persecuted during and after the genocide, whether by *génocidaires* or by the RPF, and should also be considered to be victims, the Rwandan government has steadfastly adhered to a viewpoint that almost *all* Rwandan Hutus benefited

¹⁶⁹ Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 267.

¹⁷⁰ Scott Straus, *The Order of Genocide: race, power, and war in Rwanda* (USA: Cornell University Press, 2006), 118.

¹⁷¹ Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 220.

¹⁷² CBC Radio, “After escaping Rwanda’s genocide, this woman confronted the neighbour who handed her over to would-be killers,” *The Current*, 4 April 2019, <https://www.cbc.ca/radio/thecurrent/the-current-for-april-4-2019-1.5083352/after-escaping-rwanda-s-genocide-this-woman-confronted-the-neighbour-who-handed-her-over-to-would-be-killers-1.5084139>.

¹⁷³ See Hintjens, “Reconstructing Political Identities in Rwanda,” 87; Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 267.

from the genocide.¹⁷⁴ This logic even applies to Hutu whose Tutsi relatives, including spouses and children, were murdered.¹⁷⁵ Recognition is an important component of the reconciliation process, and both truth and recognition aid in allowing healing to commence. By branding all Hutus as perpetrators, those who also experienced injustices and loss during the genocide have effectively been barred from truth, recognition, and reconciliation efforts.

While Rwanda's government tends to only recognize those Tutsi who died, thousands of Hutu were also massacred both during and after the genocide.¹⁷⁶ Scholars tend to disagree over the estimated number of Hutu who were killed, but estimates range between 10,000 and 100,000.¹⁷⁷ Prunier estimates that between 10,000 and 30,000 Hutu moderates were murdered during the genocide by Hutu extremists.¹⁷⁸ Seth Sendashonga, a former Hutu member of the RPF, declared that the RPF killed approximately 60,000 Hutu between April of 1994 and August of 1995, and some scholars such as Reyntjens suggest that the actual numbers might be even higher.¹⁷⁹ After the genocide, it is estimated that 200,000 Hutu were killed during Rwandese Patriotic Army (RPA)-led search-and-destroy missions that took place in Zaire in 1996 and 1997.¹⁸⁰ Also following the genocide, thousands of Hutu who had fled to refugee camps outside of Rwanda died of disease and starvation due to the unsanitary conditions of the camps, and in

¹⁷⁴ Hintjens, "Reconstructing Political Identities in Rwanda," 87.

¹⁷⁵ *Ibid.*

¹⁷⁶ Hutu moderates who refused to participate in the genocide were amongst the first massacred. In addition, those who were politically opposed to the genocide, those who were caught attempting to protect or shelter Tutsi, and many accidental victims who either appeared to be Tutsi, were well dressed, or who simply happened to be in the wrong place when a squad of *Interahamwe* passed through were also murdered. See Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 219-220; Prunier, *The Rwanda Crisis: A History of Genocide*, 230-231.

¹⁷⁷ Kuperman, *The Limits of Humanitarian Intervention*, 21.

¹⁷⁸ Prunier, *The Rwanda Crisis*, 265.

¹⁷⁹ Kuperman, *The Limits of Humanitarian Intervention*, 20.

¹⁸⁰ Stephen Smith, *Le Fleuve Congo* (Paris: Aces Sud, 2003), 95. Following the genocide, RPF was used exclusively to describe the political party while the governmental army was renamed from the FAR to the RPA. The RPA was renamed to the Rwanda Defence Force (RDF) in 2002. See Kuperman, *The Limits of Humanitarian Intervention*, 9; Ministry of Defence, "Rwanda Defence Force," accessed 22 April 2019, <https://mod.gov.rw/about-the-rdf/rwanda-defence-force/#.XL5VSvZFyUk>.

April of 1995 the RPA slaughtered 4,000 refugees in an attempt to close the refugee camp of Kibeho and capture the *génocidaires* who were living there.¹⁸¹ This attack is considered to be one of the RPA's most heinous crimes. The Rwandan government continues to deny the extent of the killing, admitting to only 338 casualties, and the slaughter has never been investigated despite having taken place in full view of UN aid workers.¹⁸² These denials present two major obstacles to achieving societal reconciliation: the issue of impunity for those who committed crimes and are not being held accountable, and the issue of recognition of all victims of the genocide rather than simply those who the government has chosen to recognize as victims.

The fact that the RPF has never been brought to trial or held accountable for crimes it has been accused of committing has left many believing that the government and its forces operate with impunity.¹⁸³ In an interview with *Foreign Affairs* Kagame became defensive of this fact and did not deny the interviewer's figure of 'about twenty' Tutsis who have faced trials for war crimes since 1994, implying instead that number was adequate.¹⁸⁴ This impunity is troubling and reminiscent of prior regimes in which power-wielding Hutu committed atrocities and were not held accountable. As stated by genocide survivor Jean Baptiste Kayigamba, "[h]ad the guilty been punished for crimes in the years before the genocide, perhaps people would have hesitated before responding to the call to massacre their neighbours, with whom they had lived for generations."¹⁸⁵ Yet impunity has been a characteristic of Rwandan life since at least 1962 when

¹⁸¹ Buckley-Zistel, "We are Pretending Peace: Local Memory and the Absence of Social Transformation and Reconciliation in Rwanda," 134; Prunier, *Africa's World War*, 38-42.

¹⁸² Prunier, *The Rwanda Crisis*, 363.

¹⁸³ See Kinzer, *A Thousand Hills*, 259-260; Stephanie Nolen, "Rwanda 10 Years After – 'Don't talk to me about justice,'" *The Globe and Mail*, 3 April 2004; "The road out of hell."

¹⁸⁴ Kagame, "Rebooting Rwanda: A Conversation with Paul Kagame," 43-44.

¹⁸⁵ Jean Baptiste Kayigamba, "Without Justice, No Reconciliation: A Survivor's Experience of Genocide," in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: Hurst & Company, 2008), 35.

Rwanda achieved independence.¹⁸⁶ Above and beyond the associated signs of corruption and invincibility of power, impunity serves to breed a culture of fear and resentment amongst those who are also victims. While the majority of Rwanda's genocide victims are Tutsi, the genocide's Hutu victims will be unable to achieve reconciliation without seeing those who murdered their loved ones brought to justice. For this to occur, the RPA's culture of impunity must be eliminated and Kagame should adopt a new position in which all genocide victims are acknowledged. Thus far, he has demonstrated no indications that he will direct his government to do so.

Officially, Hutu victims of civil war and genocide-related violence in Rwanda remain largely unacknowledged.¹⁸⁷ Because so many Hutu were killed during and after the genocide, many of whom did not support Hutu Power and even rose to defend Tutsi friends and neighbours, many Rwandans simply do not understand why they are not permitted to mourn their dead publicly and why their murdered family and friends are not included in national commemoration ceremonies.¹⁸⁸ As a result, genocide memorials that are scattered throughout Rwanda's landscape to pay tribute to genocide victims do not always assist in promoting reconciliation—instead serving as reminders that Hutu victims are not recognized.¹⁸⁹

Identifying Rwandans by their *presumed* rather than *actual* role in the genocide has slowly transformed Rwandan historical discourse into one that suggests that all Hutus were perpetrators and all Tutsis were victims.¹⁹⁰ René Lemarchand writes that the government utilizes every opportunity to manipulate Rwanda's political and historical memory, likely in order to

¹⁸⁶ Schabas, "Post-Genocide Justice in Rwanda: A Spectrum of Options," 207.

¹⁸⁷ Hintjens, "Reconstructing Political Identities in Rwanda," 83.

¹⁸⁸ Buckley-Zistel, "We are Pretending Peace: Local Memory and the Absence of Social Transformation and Reconciliation in Rwanda," 135.

¹⁸⁹ Hintjens, "Reconstructing Political Identities in Rwanda," 87.

¹⁹⁰ *Ibid.*, 93.

solidify its own power and exonerate itself and its forces for their responsibility in killings that took place before, during, and after the genocide.¹⁹¹ Similarly, Lemarchand also reports that genocide commemoration ceremonies, held under the auspices of promoting a ‘never again’ attitude throughout society, actually have an underlying purpose of attempting to solidify the ideological legitimacy of the unacknowledged consolidation of Tutsi power that has taken place in Rwanda.¹⁹²

Indeed, Lemarchand even suggests that a form of “ethnic amnesia” is occurring in Rwanda wherein the government is trying to eliminate ethnicity and associated historical conflict. He suggests, “[e]nforced ethnic amnesia is the most formidable obstacle to reconciliation, because it rules out the process of reckoning by which each community must confront its past and come to terms with its share of responsibility for the horrors of 1994.”¹⁹³ Despite this enforced ethnic amnesia, difficulties faced by a post-genocidal society, where hate has been ingrained in a population for decades, and for many is the only memory they have, often outweigh the negativity associated with attempting to ignore the past. Lemarchand acknowledges that giving “free reign to ethnic memories is no less problematic” as these memories fueled conflict in Rwanda in the first place. Still, policy choices about definitions of official victims and who receives aid or is considered worthy of commemoration has had and will continue to have consequences.¹⁹⁴

In a society where millions of people are guilty of having participated in a genocide, it is admittedly difficult if not impossible to determine any optimal solution for approaching unity

¹⁹¹ Lemarchand, “The Politics of Memory in Post-Genocide Rwanda,” 70.

¹⁹² *Ibid.*, 72. See also Buckley-Zistel, “We are Pretending Peace: Local Memory and the Absence of Social Transformation and Reconciliation in Rwanda,” 134-135.

¹⁹³ Lemarchand, “The Politics of Memory in Post-Genocide Rwanda,” 73.

¹⁹⁴ *Ibid.*, 74.

and reconciliation as there can be no single method, approach, timing, or sequencing to dealing with such a complicated problem. Yet in order to truly achieve reconciliation, the social cleavages that to this day permeate Rwandan society must first be transformed. In order to achieve that transformation, the manner in which different groups, whether they be labeled as Hutu, Tutsi, perpetrator, or survivor, relate to each other must first change. Kagame has attempted this in banning the use of the labels of Hutu and Tutsi but has failed to achieve the goal of uniting a divided society with policies and definitions that suggest all living Hutu are perpetrators and all living Tutsi are either survivors or victims.¹⁹⁵

In reality, a label applied to various groups is less significant than what that label *means*; Rwandans need to reach a point where these identity labels are not seen as conflictual or zero-sum in terms of social admonition or benefits. Kagame recognizes this fact in an interview with François Soudan in which he admits to banning ethnicity but states that “the important idea is transcending differences to unite as a nation.”¹⁹⁶ However, the only way to achieve this transcendence is to acknowledge that *all* members of Rwandan society suffered during the genocide. Many were victims, many were perpetrators, and there were instances where the roles were reversed, for example in the case of revenge killings that occurred during and after the genocide. Where applicable, Hutu and Tutsi both must be recognized as survivors, victims and perpetrators so that a shared sense of responsibility can emerge in order to foster healing among all citizens rather than just one group.

¹⁹⁵ Rever, *In Praise of Blood*, 152; Soudan, *Kagame: Conversations with the President of Rwanda*, 101.

¹⁹⁶ Soudan, *Kagame: Conversations with the President of Rwanda*, 101.

A PATH TO RECONCILIATION?

Reconciliation is a time-consuming process that can be difficult to achieve, particularly in a post-conflict society. While this chapter has focused on reconciliation with respect to a transitional justice system, it is necessary to understand that the justice system *alone* cannot hope to achieve society-wide reconciliation.

In *Rwanda: The Preventable Genocide Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events*, a report generated by the Organization of African Unity, the panelists concluded that “[a]ll governmental institutions and policies must foster a culture of reconciliation, and all opposition to government must function in the same manner.”¹⁹⁷ In Rwanda today, this is only partially happening. The Rwandan government stood up the National Unity and Reconciliation Commission (NURC) in March 1999. Its mission is “To promote Unity, Reconciliation, and social cohesion among Rwandans and build a country in which everyone has equal rights and contribution to good governance.”¹⁹⁸ The NURC runs a variety of programs aimed at promoting national unity and reconciliation through education and participation, and the Rwandan government advertises it as a success story. Unfortunately, the NURC espouses identical virtues to the RPF’s overall sentiment in Rwanda wherein Tutsi are victims and Hutu are perpetrators. As such, it does not permit discussion of the violence suffered by the population at the hands of the RPF. As a result, many citizens do not feel that the program has actually propagated a sense of unity and reconciliation within Rwanda.¹⁹⁹

¹⁹⁷ Organization of African Unity, “Rwanda: The Preventable Genocide Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events,” xv.

¹⁹⁸ Republic of Rwanda, “National Unity and Reconciliation Commission – Mission,” accessed 25 February 2019, <http://www.nurc.gov.rw/index.php?id=84>.

¹⁹⁹ Susan Thomson, “Rwanda’s National Unity and Reconciliation Program,” *E-International Relations*, 1 May 2014, accessed 25 February 2019, <https://www.e-ir.info/2014/05/01/rwandas-national-unity-and-reconciliation-program/>.

Reconciliation entails more than simply a non-violent coexistence and certainly does not entail burying a portion of a nation's past that affects the entire population.²⁰⁰ Lemarchand writes that "[r]econciliation, assuming it can ever be achieved, requires the past to be confronted, not obliterated."²⁰¹ The Rwandan genocide occurred a mere twenty-five years ago, which means that the majority of the country's inhabitants were alive when it took place and were affected by it. For reconciliation to truly occur, it is essential for all victims of the genocide, whether Tutsi or Hutu, to be acknowledged. Many survivors, among them Jean Baptiste Kayigamba, feel that the Rwandan government under President Kagame is simply repeating the mistakes of past Hutu regimes by not administering full justice to those guilty of genocide crimes. As Kayigamba writes, "[w]ithout justice for genocide perpetrators, any attempt to reconcile the nation will prove futile. As long as survivors assume that justice has not been done, prospects for healing the nation's wounds remain bleak."²⁰²

It is impossible to determine the 'best' or the 'perfect' approach to post-genocidal reconciliation. Kagame's strict control of social and genocidal discourse may have been necessary in the aftermath of the genocide, if for no other reason than to curb the desire of those wronged to seek revenge. While the *gacaca* courts were controversial, critics did not propose effective alternative solutions to dealing with a number of suspects that has climbed to a figure of over one million people since 1994. The fact that many survivors express satisfaction with the trials speaks to their relative success, but the criticisms related to the exclusionary nature of post-genocide justice in Rwanda must also not be ignored. Social tensions have calmed in comparison

²⁰⁰ Clark, "Establishing a Conceptual Framework: Six Key Transitional Justice Themes," 194.

²⁰¹ Lemarchand, "The Politics of Memory in Post-Genocide Rwanda," 66.

²⁰² Kayigamba, "Without Justice, No Reconciliation: A Survivor's Experience of Genocide," 40.

to their 1994 rates but are unlikely to fully vanish until impunity is eliminated and all victims are recognized.

Twenty-five years have passed since the Rwandan genocide and most citizens who are unafraid to speak freely admit that they do not believe that there is a full spirit of unity and reconciliation within Rwanda. President Kagame has been intimately involved with Rwandan politics since the end of the genocide and, as will be discussed in the next chapter, there is no indication that he will relinquish control of Rwanda's government in the near future. Based on Kagame's repeated hedging of answers to questions related to RPF-committed crimes, it is unlikely that the current Rwandan government will ever consider admitting guilt for crimes committed by its soldiers before, during, and after the genocide as the government relies on its status of 'genocide saviours' to maintain such strict control over Rwandan politics.²⁰³ Perhaps, though, it is time for the government to consider a revised approach to unity and reconciliation, wherein Hutu and Tutsi alike are permitted to grieve their dead and where Hutu and Tutsi victims are remembered. This gesture would differ from the RPF's discourse and strategy thus far, but the time might finally have arrived for it to update its genocide policies in order to ease some of the social tensions that simmer below the surface in Rwanda today, and to prevent violence from recurring in the future.

²⁰³ In an interview with François Soudan, Kagame acknowledges murders committed by the RPF in 1994 but insists that they are distinct from genocide. From Kagame, "Yes, moderate Bahutu were murdered. But that wasn't genocide. It cannot be defined as genocide. We have recognized that Bahutu were killed, and that there were people who stood up for the truth, against their fellow Bahutu who were behind the genocide. But the fact that they were assassinated doesn't make it genocide. It was murder, and that is a different matter... The Bahutu who were killed in 1994 weren't slaughtered as part of the genocidal machine, but for other reasons." At no point does he answer the question as to why those RPF soldiers who committed these murders have not been held accountable. Soudan, *Kagame: Conversations with the President of Rwanda*, 71. See also Kagame, "Rebooting Rwanda: A Conversation with Paul Kagame, 43-44; Haskell, "Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts;

CHAPTER 4: A DIFFERENT KIND OF LEADERSHIP

Human rights are not the preserve of Western activists: The definition must extend to encompass the right to the dignified life; the right to send your kids to school, for that child to get health care, for access for greater prosperity for generations to come and to have a say in the destiny of your community and country. Under that definition, Rwanda has nothing to learn from advocacy groups who think they own the copyright on what constitutes human rights under all conditions in every corner of the world.²⁰⁴

- President Paul Kagame

Rwanda is lauded as being one of the few modern-day African success stories. Under Kagame's leadership, its economy, infrastructure, and the quality of life of its citizens have improved significantly since 1994. These accomplishments are especially remarkable given the fact that Rwanda's post-genocide government was faced with the seemingly impossible task of reconstructing the state from the ground up. As Andrew Wallis writes, "Kagame's incoming broad-based government faced total devastation. Trying to run a country with a million dead, a third of the population displaced and the local and central administration in chaos was a nightmare."²⁰⁵ The interim government that ruled Rwanda during the genocide robbed the state of its treasury, with former government members ferrying 17 billion Rwandan francs to Zaire and transferring any remaining funds to Belgian bank accounts. Government offices were plundered for everything from windows to pens, and anything that wasn't stolen was purposefully destroyed.²⁰⁶ Faced with seemingly insurmountable obstacles, Rwanda's government has since enabled substantial development and economic growth while

²⁰⁴ News of Rwanda, "Rwanda: Kagame Refutes Allegations of Rwanda Supporting M23," 29 August 2012, accessed 31 March 2019, <http://www.newsofrwanda.com/irembo/12782/rwanda-kagame-refutes-allegations-rwanda-supporting-m23/>.

²⁰⁵ Wallis, *Silent Accomplice*, 181.

²⁰⁶ *Ibid.*

simultaneously preventing mass conflict within its borders. This is, without a doubt, an incredible feat.

Despite these numerous successes, Rwanda has faced increasing criticism over human rights abuses and political repression from organizations such as Amnesty International, Freedom House, and Human Rights Watch.²⁰⁷ Kagame has been accused of preventing opponents from running against him in democratic elections and for eliminating anyone he feels might pose a threat to his power, either through unlawful arrests or targeted assassinations.²⁰⁸ Following Rwanda's December 2015 constitutional referendum, Rwandans voted to amend the constitution to allow Kagame to run for a third term in office. In the ensuing 2017 presidential election, Kagame won with a staggering 98.63% of the vote.²⁰⁹ With no obvious successor and no indications that he has any intention of relinquishing power any time soon, fears of Kagame turning into yet another African strongman are seemingly more and more legitimate.²¹⁰

This chapter will explore the successes and criticisms of Kagame's government. It will discuss Kagame's rise to power followed by an examination of the progress Rwanda has made since 1994. It will then investigate criticisms of Kagame's leadership, and explore what these deficiencies mean to Rwanda's future.

²⁰⁷ See Amnesty International, "Elections in Rwanda: Two Decades of Clamping Down on Critics," accessed 31 March 2019, <https://www.amnesty.org/en/latest/campaigns/2017/08/rwandas-repressive-tactics-silence-dissent-before-elections/>; Freedom House, "Freedom in the World 2018 – Rwanda – Profile"; Human Rights Watch, "World Report 2018 – Rwanda – Events of 2017," accessed 24 February 2019, <https://www.hrw.org/world-report/2018/country-chapters/rwanda>.

²⁰⁸ See Freedom House, "Freedom in the World 2018 – Rwanda – Profile."; Michela Wrong, "Rwanda's Khashoggi: who killed the exiled spy chief?" *The Guardian*, 15 January 2019, <https://www.theguardian.com/news/2019/jan/15/rwanda-who-killed-patrick-karegeya-exiled-spy-chief>; BBC News, "Diane Rwigara: Rwanda government critic acquitted," *BBC News*, 6 December 2018, <https://www.bbc.com/news/world-africa-46471808>; Amnesty International, "Rwanda: Decades of attacks repression and killings set the scene for next month's election."

²⁰⁹ "Rwanda election: President Paul Kagame wins by a landslide," *BBC News*, 5 August 2017, accessed 4 March 2019, <https://www.bbc.com/news/world-africa-40822530>.

²¹⁰ Jeffrey Gettleman, "The Global Elite's Favorite Strongman," *The New York Times Magazine*, 4 September 2013, <https://www.nytimes.com/2013/09/08/magazine/paul-kagame-rwanda.html>; Amnesty International, "Rwanda: Decades of attacks repression and killings set the scene for next month's election."

KAGAME'S RISE TO POWER

Paul Kagame, President of Rwanda since 2000, represents an enigma among modern-day world leaders. Refugee turned war hero turned politician turned president, his autocratic rule has transformed Rwanda from a failed state into one of Africa's biggest success stories. While most scholars concede that Rwanda has made remarkable progress since 1994, they cannot agree on President Paul Kagame, who exhibits a constant clash of exemplary and questionable behaviour.²¹¹

Kagame possesses a remarkable ability to inspire and lead people. His intelligence combined with these leadership abilities was directly responsible for the RPF's victory against the Rwandese Government Forces (RGF) and subsequent ending of the genocide in 1994. In his memoir, former Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR), then Major-General Roméo Dallaire commented that his first inspection of RPF soldiers indicated that they were "well-led, well-trained and motivated."²¹² Even more importantly, and in stark contrast to his later inspection of the RGF, Dallaire noted that "[t]his was a combat-proven and battle-ready army."²¹³ What is most remarkable about the professionalism and battle prowess of the RPF in 1994 is its rapid transformation from a

²¹¹ In *In Praise of Blood*, author Judi Rever condemns Kagame as a murderer and war criminal. Human Rights Watch accuses Kagame of political pluralism, restricting freedom of expression, and permitting RPA soldiers/ police to use disproportionate force, torture, and arbitrary detention against perceived opponents. See Human Rights Watch, "Rwanda – Events of 2018," accessed 3 May 2019, <https://www.hrw.org/world-report/2019/country-chapters/rwanda> and Human Rights Watch, "Rwanda." At the same time, Kagame is lauded for having decreased Rwanda's infant and maternal mortality rates, decreased poverty, increased life expectancy, increased rates of education, and for investing in critical infrastructure development, all of which will be discussed in detail later in this chapter. See also Anjan Sundaram, "Rwanda: The Darling Tyrant," *Politico Magazine*, March/April 2014, <https://www.politico.com/magazine/story/2014/02/rwanda-paul-kagame-americas-darling-tyrant-103963>.

²¹² Dallaire, *Shake Hands With the Devil*, 67.

²¹³ *Ibid.*

subsistence force to one capable of ending a genocide and immediately taking over governance of the country. This transformation occurred while the RPF was forced to inhabit the frigid mountains of Virunga where there were neither sources of food nor easy logistical solutions to supply demands. Warm clothing and boots were rare, and soldiers relied on donations from sympathetic supporters. Vehicles and weapons were in short supply, and members were unpaid.²¹⁴ Still, the depth of the cause against which the RPF battled was such that its volunteer force doubled in size by 1991, attracting Rwandans from all walks of life who were willing to undertake stringent training and abide by Kagame's strict code of discipline. Kagame's ability to instill a sense of purpose and belonging ensured that RPF recruits were willing to accept the hardships their training forced them to endure, eventually resulting in the RPF being seen as one of the most strictly disciplined rebel armies in the world.²¹⁵

Unfortunately, many African leaders are viewed unfavourably by much of the Western World. In the past, African leaders have been too typically corrupt, favoring local acolytes, and have used public office for private enrichment—from Jacob Zuma in South Africa to Omar al-Bashir in Sudan to Robert Mugabe in Zimbabwe to Zaire's Mobutu Sese Seko.²¹⁶ There exists no evidence that Kagame has enriched himself as a result of his position, and he has stated that money is not important to him personally and that he only requires enough for “the basics.”²¹⁷ He does not own properties outside of Rwanda, asserts that his foreign bank accounts exist specifically to pay for the living expenses of his children who are studying abroad, and he does

²¹⁴ Kinzer, *A Thousand Hills*, 81-82.

²¹⁵ *Ibid.*, 83-84.

²¹⁶ Robert I. Rotberg, “The Role of Leadership in Overcoming Poverty and Achieving Security in Africa,” in *Too Poor for Peace?*, ed. Lael Brainard and Derek Chollet (Washington, D.C.: Brookings Institution Press, 2007), 120, 124.

²¹⁷ Soudan, *Kagame: Conversations with the President of Rwanda*, 107.

not give favours such as political positions to family members, stating that “I will not use my power to deprive someone else of something so that my relative may have it instead.”²¹⁸

Kagame is clearly from a different mold and has demonstrated this fact since the moment he assumed command of the RPF. In the years prior to the genocide, Kagame maintained a clear goal as to the purpose of the RPF’s fight with Rwanda’s government and ensured that every action he took directly supported that goal. He instilled a sense of purpose in his troops that was essential to maintaining order and discipline but also to establishing the legitimacy of his rebel force. Dallaire, following his first inspection of RPF troops in 1993, noted, “they had won all recent contests because of their superior leadership, discipline and morale. If Kagame was responsible for nurturing this force, he was a truly impressive leader.”²¹⁹

Kagame’s far-seeing vision enabled him to approach the end of the genocide with a rational, calculated plan. Unlike warlords such as Uganda’s Idi Amin, the Central African Republic’s (CAR) Jean-Bédél Bokassa, or even Zimbabwe’s contentious Robert Mugabe, Kagame opted not to immediately seize power upon the defeat of his enemy. While there is no doubt that he was directly responsible for the composition of Rwanda’s post-genocide government, Kagame understood the importance of establishing trust in a predominantly Hutu population that was fearful of Tutsi retaliation.²²⁰ When the post-genocide Rwandan ‘Government of National Unity’ was sworn in on 19 July 1994, Hutu moderate Pasteur Bizimungu was named as President and Kagame was promoted to the rank of General while also

²¹⁸ François Soudan, *Kagame: Conversations with the President of Rwanda*, 110-111.

²¹⁹ Dallaire, *Shake Hands With the Devil*, 67.

²²⁰ Kagame acknowledges his choice in determining his position within the transitional government in an interview with François Soudan in which he states that, “When I analyzed the country’s politics, I came to the conclusion that I needed to play a different role...In my mind, it didn’t matter who would be president as long as we collectively agreed who would take on that position.” Soudan, *Kagame: Conversations with the President of Rwanda*, 75-76.

being named Vice President and Minister of Defence.²²¹ Faustin Twagiramungu, a Hutu by birth who had no affiliation with the RPF, was sworn in as Prime Minister and most cabinet ministers were of Hutu origin.²²² This governmental composition attempted to establish trust amongst Rwandan's Hutu majority, as the victors were acknowledging that Rwanda was to be a state for all Rwandans, and not just its Tutsi victors.

Though not in the highest governmental position, Kagame retained significant influence and was responsible for the majority of the government's policies.²²³ He strove to ensure that Rwanda's government was dedicated to improving the lives of all Rwandans and scorned African leaders who failed to govern while growing rich off of the spoils of their own impoverished nations. Addressing corruption, Kagame acknowledged that it is a major contributor to the problems faced by African states, and that the involvement of African leaders exacerbates the problem.²²⁴ Kagame was adamant that corruption has had a negative effect upon development, which he views as essential to Rwanda's future success, and noted the necessity of leadership fighting against corruption when he stated, "You can't make a difference if you don't fight it... You can't fight corruption from the bottom. You have to fight it from the top."²²⁵ In light of the economic and societal growth that Rwanda has seen over the past two and a half decades, you cannot help but wonder how different Africa as a whole might be if more leaders were to embrace Kagame's anti-corruption ideals.

²²¹ Wallis, *Silent Accomplice*, 171.

²²² Kinzer, *A Thousand Hills*, 186

²²³ During an interview with Kagame, François Soudan pointed out that "From the time the government was instated, most observers and diplomats felt that President Bizimungu and Prime Minister Twagiramungu were just figure heads. When Foreign ministers and diplomats came to the country, they asked to see the Vice President." Kagame acknowledged this statement as the truth, expressing that he was comfortable with the arrangement. Soudan, *Kagame: Conversations with the President of Rwanda*, 76-77.

²²⁴ Soudan, *Kagame: Conversations with the President of Rwanda*, 105-106; Kinzer, *A Thousand Hills*, 236.

²²⁵ Kinzer, *A Thousand Hills*, 236.

As Vice President, Kagame reacted quickly to a sense of entitlement amongst Rwanda's senior governmental leaders. Believing in the need to invest money into Rwanda's infrastructure and population, he opposed members of the government claiming perks based solely upon the fact that they held official positions. Upon being informed that the President had authorized the purchase of expensive luxury vehicles for all members of cabinet, Kagame fought both the President and the Minister of Finance, eventually forcing them to cancel the approved funding. Kagame argued: "Part of the problem that we inherited, that people fell prey to, was leaders who thought leadership meant just sitting there and being adored, not even respected, and having privileges."²²⁶ Kagame fought to ensure that those in governmental positions were actually working, rather than absorbing benefits out of a sense of entitlement. He continuously demanded that Rwanda's money went to Rwandan priorities, rather than lining the pockets of the government. This mindset is directly attributable to the positive growth that Rwanda has experienced since the genocide.

By the end of the 1990s, Rwanda's governing regime did not share the passion for rebuilding Rwanda that burned within the majority of the RPF leaders. According to Kinzer, "[t]he regime was plodding and self-absorbed, while Kagame and his comrades, gripped by the extravagant dreams to which exile can give birth, were bursting with revolutionary zeal."²²⁷ Kagame himself stated that, "They were doing nothing. Actually, some of these people, including Bizimungu, were just enjoying being leaders, in the wrong interpretations and definition of it."²²⁸ It was unsurprising when the two groups eventually clashed, nor was it surprising when Kagame emerged as Rwanda's leader. On 22 April 2000, after dominating

²²⁶ Kinzer, *A Thousand Hills*, 208

²²⁷ *Ibid.*, 220.

²²⁸ Paul Kagame in Kinzer, *A Thousand Hills*, 221.

Rwandan politics from behind the scenes for six years, Kagame was officially elected as the President of Rwanda.²²⁹

VISION 2020: AN IMPOSSIBLE GOAL?

Under Kagame's leadership, Rwanda has catapulted forward in terms of successful development, measured in terms of economic growth, as well as the health and education of Rwandan citizens. Rwandan life expectancy has increased from 39 years in 2000 to 60 years as of 2016.²³⁰ The government has built hundreds of new schools and has focused on investing in infrastructure, including geothermal energy and high-speed fiber optic cables to increase connectivity amongst its citizens.²³¹ In the World Bank Group's *Doing Business 2019* report, Rwanda's economy was highlighted as one of the top ten most notable improvements in 2019 and Rwanda ranked as the only low-income economy on the top 50 economies list.²³² Ranking 29th in the ease of doing business ranking, Rwanda finished ahead of countries such as France, Switzerland, and the Netherlands, and 31 places ahead of the next African country on the list, Morocco.²³³ Rwanda ranked 2nd in the world for registering property and 3rd for obtaining credit.²³⁴ These vast improvements are a direct result of Kagame's vision for Rwanda's future and the deliberate policy choices made after assuming the presidency. Launched in 2000, *Vision 2020* outlined Kagame's plans to transform Rwanda from one of the world's poorest countries to 'the Singapore of Africa.'²³⁵

²²⁹ Kuperman, *The Limits of Humanitarian Intervention*, 106.

²³⁰ World Health Organization, "Healthy Life Expectancy (HALE) Data by Country," updated 6 April 2018, <http://apps.who.int/gho/data/node.main.HALE?lang=en>.

²³¹ Gettleman, "The Global Elite's Favorite Strongman."

²³² World Bank Group, *Doing Business 2019 – 16th Edition*, 1, 4.

²³³ *Ibid.*, 5.

²³⁴ *Ibid.*, 7.

²³⁵ "Africa's Singapore?" *The Economist*, 25 February 2012, accessed 31 March 2019, <https://www.economist.com/business/2012/02/25/africas-singapore>.

The aim of *Vision 2020* was to attain the “per capita income of a middle-income country in an equitable way” while achieving “a modern, strong, and united nation, without discrimination between its citizens” by the year 2020.²³⁶ The policy focused on six pillars: reconstruction of the nation and its social capital by implementing good governance; transforming agriculture into a productive, high-value, market-oriented sector; developing an efficient private sector; the comprehensive development of human resources and a knowledge-based economy, to include education, health, and ICT skills; developing infrastructure to include improved transportation, energy, water supplies, and ICT networks; and the promotion of regional and international economic integration and cooperation.²³⁷ Measures of success included the increase of per capita income from US\$290 to US \$900, the reduction in poverty rate from 64% to 30%, and an average life expectancy of 55 years.²³⁸

Identifying that Rwanda is a tiny, land-locked country with limited potential for resource exploitation, *Vision 2020* recognized that Rwanda would need to develop its then subsistence-based agricultural sector in order to sustain population growth, which was expected to double to sixteen million people by 2020. At the same time, it acknowledged the need to diversify the economy and emphasized the need for Rwanda’s economy to become knowledge-based rather than dependent upon agriculture.²³⁹ Previously, Rwanda had depended upon tea and coffee as its primary exports, neither of which was able to satisfy its export needs.²⁴⁰ Agriculture accounted for more than 90% of the work force in 2000, however Rwanda was unproductive in terms of

²³⁶ Republic of Rwanda – Ministry of Finance and Planning, “Rwanda Vision 2020,” July 2000, accessed 31 March 2019, <https://www.sida.se/globalassets/global/countries-and-regions/africa/rwanda/d402331a.pdf>: 2-3.

²³⁷ *Ibid.*, 6-7.

²³⁸ *Ibid.*, 11.

²³⁹ *Ibid.*, 6.

²⁴⁰ Furthermore, the global market for coffee crashed in the late 1980s, resulting in famine and severe economic decline within Rwanda. See David Newbury, “Ecology and the politics of genocide: Rwanda 1994,” *Cultural Survival Quarterly* 22, no. 4, (1999): 32-35.

industry. Due to high birth rates, Rwanda had one of the highest population densities in Africa (340 inhabitants/km). Rural families owned less than 1 hectare of land each, which was not enough to earn a living, and exploitation of this land without the use of corrective measures such as fertilizer had led to a decline in productivity which in turn had led to “rampant malnutrition amongst the Rwandan population.”²⁴¹ While Rwanda does have some natural resources such as cassiterite, wolframite, gold, and Colombo-tantalite, limited mining and production capabilities have impeded Rwanda from exploiting these resources.²⁴²

Vision 2020 specifically addressed Rwanda’s low level of human resource development and the fact that a severe shortage of professionals at all levels of the work force, from skilled technicians to competent managers, was creating barriers to development. Demonstrating incredible foresight, *Vision 2020* referenced the need to pursue gender equality and environmental and natural resource management as it acknowledged that they were necessary to “contribute to the development of the other pillars and the overall goals of the VISION.”²⁴³ It also recognized social factors such as Rwanda’s 48% illiteracy rate, malnutrition, and the prevalence of diseases such as malaria and HIV/ AIDS as being major contributors to the nation’s reduced productivity.²⁴⁴ Finally, *Vision 2020* noted that Rwanda’s public debt of US\$1.5 billion, which was larger than its US\$1.3 billion gross domestic product (GDP), was a major barrier to its economic development and that the government would focus on reducing this level of debt to one that would be sustainable.²⁴⁵

²⁴¹ Republic of Rwanda – Ministry of Finance and Planning, “Rwanda – Vision 2020,” 8-9, 15.

²⁴² *Ibid.*, 9.

²⁴³ *Ibid.*, 4, 10.

²⁴⁴ *Ibid.*, 10, 16. At the time, 40% of hospital consultations were related to malaria and 11.2% of the population was infected with HIV/ AIDS.

²⁴⁵ *Ibid.*, 10.

In order to accomplish these goals, *Vision 2020* outlined a commitment to universal education for all of its citizens, technology, and management. Family planning programs were to be implemented in order to reduce the fertility rate from 6.5 to 4.5 children, thereby reducing the population growth rate by 1% to 2.2%. The plan's ambitious reforms to health care aimed to reduce infant mortality from 107 to 50 per 1,000 people, and the maternal mortality rate from 1070 to 200 per 100,000 people. The prevalence of AIDS was to be reduced to 8%, and life expectancy was to increase from 49 to 55 years. The plan outlined strict land use management policies including the reorganization and consolidation of land in order to modernize farming. It specified that basic infrastructure within urban centres would be developed in order to decongest agricultural zones, with a goal of increasing the proportion of citizens living in urban centres from 12% to 30% by 2020. To support the country's urbanization, *Vision 2020* stated that Rwanda would increase its energy production and diversify into alternative energy sources in order to reduce the population's dependency upon wood for energy.²⁴⁶ The plan projected that, by 2020, the percentage of the population connected to electricity would increase from 6% to at least 35% and the consumption of wood would be reduced from 94% to 50% of Rwanda's national energy consumption.²⁴⁷

To support health and growth, the plan specified a goal of increasing access to clean water from 52% to 100% of the population by 2020. In addition, improvements to waste management aimed to ensure that rural and urban areas would have sufficient sewage and waste disposal systems, that each town would be endowed with a waste treatment facility, and that all

²⁴⁶ As of the year 2000, 99% of Rwanda's population depended upon wood as its primary source of energy. Republic of Rwanda – Ministry of Finance and Planning, "Rwanda – Vision 2020," 19.

²⁴⁷ Republic of Rwanda – Ministry of Finance and Planning, "Rwanda – Vision 2020," -15-19.

households would be educated on and be practicing appropriate measures of hygiene and waste disposal.²⁴⁸

In order to better expand its economy, *Vision 2020* vowed to improve Rwanda's transportation infrastructure, most notably through the construction of a second airport aimed at being a regional hub for the Great Lakes region, and through building a combined rail and water system that would link to Isaka, Tanzania. By expanding its communications infrastructure, it projected to increase telephone services within rural areas and to have internet access in all secondary schools and at all administrative levels by 2020. These expansions to communications infrastructure would serve to both improve education, streamline government services, and to promote Rwanda as a communication and telecommunication hub. *Vision 2020* outlined the need to minimize trade barriers and to implement policies that would encourage foreign investment, as well as the need for access to larger regional markets. Finally, in a move that some democratic nations such as Canada are typically unwilling to make, *Vision 2020* clearly stated the need to "adopt policies to promote competitive enterprises, exports and entrepreneurship rather than protecting failing industries."²⁴⁹ Table 3.1 below contains a summary of the key economic variables of *Vision 2020*.

²⁴⁸ Republic of Rwanda – Ministry of Finance and Planning, "Rwanda – Vision 2020," 19-20. Note: In 2000, 85% of the population had access to sewage disposal services and 64% of latrines did not meet required hygienic standards. Note 2: After seeing notable progress towards achieving some of these goals within two years of its inception, the Rwandan government issued a revised version of *Vision 2020* in 2012 with updated progress indicators. The altered goals for the above-mentioned indicators were increased as follows: infant mortality rate – 27 per 1000, life expectancy – 66 years, urban population – 27%, access to electricity – 75%. Republic of Rwanda, "Rwanda Vision 2020 – Revised 2012," accessed 6 April 2019, http://www.minecofin.gov.rw/fileadmin/templates/documents/NDPR/Vision_2020_.pdf.

²⁴⁹ Republic of Rwanda – Ministry of Finance and Planning, "Rwanda – Vision 2020," 18-19, 21.

	2005	2010	2015	2020
Population (Million)	8.65	9.88	11.29	12.90
Population growth rate	2.7%	2.7%	2.7%	2.7%
Nominal GDP (Billion)	1,218.75	2,147.85	3,957.28	7,291.04
GDP Growth Rate	7%	8%	9%	9%
GDP per Capita (Rwf)	140,915.87	217,369.10	350,540.18	565,298.46
GDP per Capita (USD)	231.39	336.48	542.63	875.08
Agriculture(billion)	560.63	923.58	1,582.91	2,376.88
Agriculture (%of GDP)	46%	43%	40%	33%
Services (Billion)	439	795	1,504	3,048
Services (% of GDP)	36%	37%	38%	42%
Industry (Billion)	219	430	871	1,867
Industry (% of GDP)	18%	20%	22%	26%
Gross Domestic Investment (GDI)	321.75	614.29	1,131.78	2,085.24
Public	124.19	163.26	314.35	605.25
Private	197.56	451.02	817.44	1,479.99
Gross Domestic Investment (GDI) % of GDP	26%	29%	29%	29%
Public	10%	8%	8%	8%
Private	16%	21%	21%	20%
Total Capital Expenditure	124.19	163.26	314.35	605.25

Table 3.1: Key Economic Variables of *Vision 2020*²⁵⁰

The goals set out by *Vision 2020* were impressive. Considering the utter devastation of Rwanda in 1994, and the fact that it had always been an impoverished country, the goals seemed impossible. But, as stated in the *Vision* itself, “[s]ome will say that this is too ambitious and that we are not being realistic when we set this goal. Others say that it is a dream. But what choice did and does Rwanda have? To remain in the current situation is simply unacceptable for the Rwandan people.”²⁵¹ It is this statement that speaks to Kagame’s dedication to transforming Rwanda into a successful, independent, economically viable state.

²⁵⁰ Republic of Rwanda – Ministry of Finance and Planning, “Rwanda – Vision 2020,” 25.

²⁵¹ *Ibid.*, 27.

While the goals were daunting, the aggressive strategy Kagame has taken towards achieving them has paid off. With only one year remaining, Rwanda will only meet a few of *Vision 2020's* goals, but it has made meaningful progress towards meeting most of them. Tables 3.2 and 3.3 divide these goals into economic and social groupings and summarize the progress made this far, depicting the status of each in 2010 and the most up to date actuals for each indicator. Goals that have already been met are highlighted in orange.

Based on the available data, only five *Vision 2020* indicators have been met. Progress towards achieving social indicators is strong, however major economic variables such as reducing the agricultural population and the national energy consumption of wood to 50%, increasing the GDP growth rate to 11.5%, increasing the GDP per capita to US\$1240, and reducing the poverty rate to 20% of the population are nowhere close to being met. Furthermore, while the United Nations and World Bank define extreme poverty as living on less than US\$1.90 per day, *Vision 2020* utilizes US\$1 per day as its measure of poverty, rendering its actual results artificially high.²⁵²

²⁵² United Nations, "Ending Poverty," accessed 3 May 2019, <https://www.un.org/en/sections/issues-depth/poverty/>; The World Bank, "Measuring Poverty," accessed 2 April 2019, <http://www.worldbank.org/en/topic/measuringpoverty>.

Rwanda VISION 2020 Indicators - Economic	Situation in 2000	Target in 2020	Most Recent Actuals	Year of Data	% Achieved
Average GDP growth rate (%)	6.2	11.5	6.1	2017	53.0%
Growth rate of the agricultural sector (%)	9	8.5	8	2018	94.1%
Growth rate of the industry sector (%)	7	14	8	2018	57.1%
Growth rate of the service sector (%)	7	13.5	10	2018	74.1%
Domestic credit to private sector (% GDP)	none	30	19	2017	63.3%
Gross national savings (% of GDP)	1	20	16.716	2015	83.6%
Gross national investment (% of GDP)	18	30	25.018	2015	83.4%
Goods and services ext. balance (% GDP)	none	-3	-8.1	2013	37.0%
GDP per capita in USD	220	1240	710	2018	57.3%
% adults accessing financial services	none	90	22.8	2012	25.3%
% payment transactions done electronically	none	75	22.6	2016	30.1%
External Trade (% of GDP)	none	60	51	2017	85.0%
Export Growth	none	28	13	2016	46.4%
Agricultural population (%)	90	50	70.2	2018	71.2%
Agricultural production (kcal/day/person)	1612	2600	2148	2011	82.6%
Food consumption score (CFSVA)	none	Poor FCS:0%	7	2015	
Food consumption score (CFSVA)	none	Borderline:5%	19	2015	
% agricultural operations mechanized	none	40	13	2013	32.5%
% land area protected for biodiversity	none	10.3	9.1	2017	88.3%
Forest cover (% of land area)	none	30	19.7	2016	65.7%
% roads in good condition	none	85	No Data		
Access to electricity (% population)	2	75	29.4	2016	39.2%
National energy consumption of wood (%)	94	50	80	2012	62.5%
Internet users per 100 people	none	50	20	2016	40.0%
Mobile subscriptions per 100 people	none	73	72.2	2017	98.9%
Poverty (%<1 US \$/day)	60.4	20	38.1	2017	52.4%
Gini Coefficient (income disparity)	0.454	0.350	0.504	2018	69.4%
# Off-farm jobs	200,000	3,200,000	1,785,556	2,018	55.8%

Table 3.2: Vision 2020 – Progress Report – Economic Indicators²⁵³

²⁵³ Source Data: Republic of Rwanda, “Rwanda Vision 2020 – Revised 2012.” Data for actuals extracted from the following sources: World Bank Group, “Country Profile – Rwanda,” accessed 7 April 2019, https://databank.worldbank.org/data/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=RWA; Economy Watch, “Rwanda Gross National Savings (% of GDP) Statistics,” http://www.economywatch.com/economic-statistics/Rwanda/Gross_National_Savings_Percentage_of_GDP/ and “Rwanda Investment (% of GDP) Statistics,” accessed 7 April 2019, http://www.economywatch.com/economic-statistics/Rwanda/Investment_Percentage_of_GDP/; National Institute of Statistics of Rwanda (NISR), “GDP – National Accounts (Fiscal Year 2017/18),” <http://www.statistics.gov.rw/publication/gdp-national-accounts-fiscal-year-201718>, “Comprehensive Food Security and Vulnerability Analysis (CFSVA) Report – 2015,” <http://www.statistics.gov.rw/publication/comprehensive-food-security-and-vulnerability-analysis-cfsva-report-2015>, and “Access to Finance,” http://www.statistics.gov.rw/file/2108/download?token=mf7_RjmQ, accessed 7 April

Rwanda VISION 2020 Indicators - Social	Situation in 2000	Target in 2020	Most Recent Actuals	Year of Data	% Achieved
Access to improved sanitation facilities (%)	20	100	54	2015	54.0%
Access to clean water (%)	52	100	84.8	2017	84.8%
Life expectancy (years)	49	66	66.6	2016	100.9%
Population Growth Rate (%)	2.9	2.2	2.4	2017	91.7%
Female fertility rate	5.8	3	3.9	2016	67.2%
Urban population (%)	10	35	29.8	2018	85.1%
Infant mortality rate per 1000	107	27	28	2015	96.4%
Maternal mortality rate per 100,000	1071	200	325	2015	61.5%
Child malnutrition - acute malnutrition (%)	none	0.5	2.2	2015	22.7%
Child malnutrition - underweight (%)	none	8	9	2018	88.9%
Child malnutrition - chronic (%)	none	15	38	2018	39.5%
Malaria-related mortality (%)	51	5	0.02	2015	+100%
Doctors per 100,000 inhabitants	1.5	10	6.4	2015	64.0%
Nurses per 100,000 inhabitants	16	100	83.2	2015	83.2%
Literacy level (%)	48	100	72	2018	72.0%
Gross primary school enrolment (%)	none	100	133.4	2017	133.4%
Gross secondary school enrolment (%)	7	98	38	2017	38.8%
Pupils: Qualified Teacher – Primary	none	40:1	58:1	2016	69.0%
Pupils: Qualified Teacher – Secondary	none	30:1	19:1	2015	157.9%
1st yr tertiary education enrolment (%)	1	65	8	2016	12.3%
% female rep. in decision making orgs	none	40	40	2015	100.0%
% Citizen satisfaction with service-delivery	none	80	69.3	2018	86.6%
Rank in world corruption	none	10th	48	2018	
Index on Rule of law (%)	none	80	57.69	2015	

Table 3.3: Vision 2020 – Progress Report – Social Indicators²⁵⁴

2019; Trading Economics, “Rwanda – Gross National Income (constant LCU),” accessed 7 April 2019, <https://tradingeconomics.com/rwanda/gross-national-income-constant-lcu-wb-data.html>; Freedom House, “Freedom in the World 2018 – Rwanda – Profile,”; Republic of Rwanda, and “Rwanda Payment System Strategy – Towards a cashless Rwanda 2018-2024,” accessed 7 April 2019, https://www.bnr.rw/fileadmin/AllDepartment/paymentSystem/Vison_and_Strategy_RNPS_2018-2024.pdf and “Rwanda – 2014-15”; The World Bank, “World Bank Open Data,” accessed 7 April 2019, <https://data.worldbank.org/>; Bertelsmann Foundation 2019, “BTI 2018 – Rwanda Country Report,” accessed 7 April 2019, <https://www.bti-project.org/de/berichte/laenderberichte/detail/itc/RWA/>; Food and Agriculture Organization of the United Nations, “Country Fact Sheet on Food and Agriculture Policy Trends,” July 2016, <http://www.fao.org/3/a-i5900e.pdf>; Abdellatif Boutata, “Agricultural Mechanization Strategy for Rwanda,” *AMIS Rwanda*, March 2013, <http://www.amis.minagri.gov.rw/documents/agricultural-mechanization-strategy-rwanda/>; The Global Economy, “Rwanda Economic Indicators,” accessed 7 April 2019, <https://www.theglobal-economy.com/Rwanda/>; Ministry of Foreign Affairs, “Access to Energy in Rwanda,” *IOB Evaluation* 396, August 2014, <https://www.oecd.org/derec/netherlands/Access-to-Energy-in-Rwanda.pdf>; NISR, “Labour Force Survey Report 2018,” February 2018, <http://www.statistics.gov.rw/publication/labour-force-survey-report-february-2018>.

²⁵⁴ Source Data: Indicators, Situation 2000, and Target 2020 from Republic of Rwanda, “Rwanda Vision 2020 – Revised 2012. Data for actuals extracted from the following sources: Global Water Intelligence (GWI), “Rwanda cuts rural water price as urban tariff rises,” 12 January 2017,

Critics of Kagame will call *Vision 2020* a failure when not all of its goals are met next year. However, it is doubtful that progress as substantial as what Rwanda has currently achieved would have been made without such a detailed, ambitious plan. Rapidly advancing a war-torn, poverty-stricken, under-developed country into the 21st century is not a task that can reasonably be accomplished in just twenty years. However, the foundation that has been laid as a result of the progress made towards achieving these goals will allow Rwanda to continue to work towards reaching them, and to meet Kagame's goal of transforming Rwanda into the Singapore of Africa.

A Fight Against Poverty

The overarching goal of *Vision 2020* was to develop a framework by which Rwanda could emerge from poverty, stabilize its economy, and lay a foundation for a successful future for its population. Kagame was deeply aware of the need to pull Rwanda out of poverty, both in order to ensure its viability as a state and to reduce the chances of conflict reoccurring. Conflict and poverty are interrelated in both their causes and their effects upon society.²⁵⁵ Poverty-stricken states are more prone to weak institutions, ineffective governance, lawlessness,

<https://www.globalwaterintel.com/news/2017/2/rwanda-cuts-rural-water-price-as-urban-tariff-rises>; United Nations Rwanda, "Child Mortality," accessed 7 April 2019, <http://www.rw.one.un.org/mdg/mdg4>; United Nations Rwanda, "Maternal Health," accessed 7 April 2019, <http://www.rw.one.un.org/mdg/mdg5>; UNICEF Rwanda, "Re-advertisement – National Consultancy to provide a Technical Assistance to develop National Nutrition Policy, Rwanda, Kigali (For Rwandans Only)," accessed 7 April 2019, https://www.unicef.org/rwanda/about_21814.html; USAID, "Rwanda: Nutrition Profile," updated 18 May 2019, <https://www.usaid.gov/what-we-do/global-health/nutrition/countries/rwanda-nutrition-profile>; World Health Organization, "Rwanda statistics summary (2002 - present)," accessed 7 April 2019, <http://apps.who.int/gho/data/node.country.country-RWA?lang=en>; NISR, "National Gender Statistics Report 2016," September 2016, <http://www.statistics.gov.rw/publication/national-gender-statistics-report-2016>; KNOEMA, "Rwanda – Pupil-teacher ratio in secondary education," accessed 7 April 2019, <https://knoema.com/atlas/Rwanda/Pupil-teacher-ratio-in-secondary-education>; Rwanda Governance Board (RGB), "CRC 2018," accessed 7 April 2019, http://rgb.rw/fileadmin/Publications/Citizen_Report_Card_all/CRC_English_Version_2018_2.pdf; Transparency International, "Rwanda," accessed 7 April 2019, <https://www.transparency.org/country/RWA>; Trading Economics, "Rwanda – Rule of Law: Number of Sources," accessed 7 April 2019, <https://tradingeconomics.com/rwanda/rule-of-law-number-of-sources-wb-data.html>.

²⁵⁵ See Pauline Eadie, *Poverty and the Critical Security Agenda* (Great Britain: Ashgate Publishing Limited, 2005); Lael Brainard and Derek Chollet, ed., *Too Poor for Peace?* (Washington, D.C.: Brookings Institution Press, 2007).

environmental degradation, and criminal activities.²⁵⁶ As Gasana notes, the majority of those who carried out the genocide were recruited from the poorest areas of the Rwandan population, and he further stresses that imbalanced power relationships between the rich and poor are what created the class distinctions from which the Hutu-Tutsi divide originated.²⁵⁷ Removing these power relationships by creating opportunities for all citizens to thrive is a major step towards reducing poverty-induced conflict. Hunger, poor sanitation, illness, and a lack of education are all indicators of poverty, but they also strongly correlate with crime and civil unrest.²⁵⁸ While the tension between Hutus and Tutsis and the memories of the horrors of the genocide will continue to take decades to heal, a strengthened economy wherein the majority of Rwandans are not impoverished and where hope for a future exists for all generations will greatly aid in reducing one avenue for future conflict.

Under Kagame's leadership, Rwanda has made irrefutable progress in fighting poverty. While the country remains poor, the percentage of the population surviving on less than US\$1.90 per day has dropped from 77.2% in 2000 to 38.1% in 2017.²⁵⁹ Between 1990 and 2017, child mortality dropped from 15% to 3.8%. Average life expectancy has increased by 33 years, the

²⁵⁶ Lael Brainard, Derek Chollet, and Vinca LaFleur, "The Tangled Web: The Poverty-Insecurity Nexus," in *Too Poor for Peace?*, ed. Lael Brainard and Derek Chollet (Washington, D.C.: Brookings Institution Press, 2007), 3.

²⁵⁷ Gasana, "Confronting Conflict and Poverty Through Trauma Healing: Integrating Peace-Building and Development Processes in Rwanda," 159, 161, 162.

²⁵⁸ Susan E. Rice asserts that "Poor states typically fail to meet the basic needs of many of their citizens – for food, clean water, health care, or education," that they "cannot fulfill their core responsibilities to provide security or sustenance to their own people (and) may also fail to exercise effective sovereign control over their territory" making them high risk zones for extremist organizations and internal conflict. Susan E. Rice, "Poverty Breeds Insecurity," in *Too Poor for Peace?*, ed. Lael Brainard and Derek Chollet (Washington, D.C.: Brookings Institution Press, 2007), 32-34.

²⁵⁹ The World Bank, "The World Bank in Rwanda – Overview," accessed 3 May 2019, <https://www.worldbank.org/en/country/rwanda/overview>. Note that the *Vision 2020* indicator for poverty, as set by the government of Rwanda, uses US\$1.00 per day as its measure rather than US\$1.90.

GDP has grown steadily, and primary school enrollment has risen to almost 100%.²⁶⁰

Connectivity throughout the state has increased with mobile cellular subscriptions rising from 0.5% of the population in 2000 to 72.2% in 2017, however internet connectivity remains low at 20%.²⁶¹ In addition, Kagame has set up a national health insurance program, *Mutuelles de Santé*, which provides affordable, community-based health insurance to the poor. As of 2016, 81.6% of the Rwandan population was enrolled in this program, making Rwanda the country with the highest health insurance enrolment in Sub-Saharan Africa and a model for achieving universal health coverage in poor countries.²⁶²

Gender Equality and Social Issues

Kagame has demonstrated remarkably progressive thinking in his push for gender equality, placing women's rights "at the forefront of the national agenda."²⁶³ *Vision 2020* noted that, at its time of writing, women had limited access to the opportunities afforded to men, and that women were under-represented in decision-making positions. *Vision 2020* made it a goal to change this and to achieve gender equality by adapting its laws on gender, supporting universal education, eradicating all forms of discrimination, and practicing a positive discrimination policy in favour of women.²⁶⁴ In 2003, Kagame set a quota of 30% for female members of Parliament. That same year, nearly 50% of Parliamentary seats went to women.²⁶⁵ Following the September

²⁶⁰ Note that the numbers reported in Table 3 show an enrollment rate greater than 100%. This is due to the number of children outside of the official primary school age bracket, who were unable to attend as younger children, now attending.

²⁶¹ World Bank Group, "Country Profile – Rwanda."

²⁶² Benjamin Chemouni, "The political path to universal health coverage: Power, ideas and community-based health insurance in Rwanda," *World Development* 106, June 2019, 87-88.

²⁶³ Renford Reese, "Paul Kagame: Machiavelli's Prince," *Journal of Diplomacy and International Relations* 15, no. 1, Winter 2014, 111.

²⁶⁴ Republic of Rwanda – Ministry of Finance and Planning, "Rwanda – Vision 2020," 21.

²⁶⁵ UN Women, "Revisiting Rwanda five years after record-breaking parliamentary elections," 13 August 2018, <http://www.unwomen.org/en/news/stories/2018/8/feature-rwanda-women-in-parliament>.

2018 parliamentary elections, women were elected to 64% of the seats, making Rwanda the country with the most female parliamentarians in the world.²⁶⁶

Part of this change was brought on by the substantial change in Rwanda's demographics following the genocide, where only 30 to 40% of the late 1994 population was male.²⁶⁷ In a situation similar to that which was experienced by Western states during the Second World War, greater female involvement in the workforce became a necessity. However, Kagame has actively campaigned for women's education and involvement in the work force and his gender policies are likely a complimentary contributor to the increased participation of women in education and the workplace.²⁶⁸ Rwanda ranked 6th overall in the world on the World Economic Forum's 2018 *Global Gender Gap Report*.²⁶⁹ Within this report, Rwanda ranked 19th for wage equality, scoring 11% higher than the global average. Comparatively, Canada ranks 50th and Norway 22nd.²⁷⁰ Rwanda has clearly taken massive strides towards gender equality and sits as an example to the world as to the progress that can be made in such a short time period.

While it will be impossible to determine the success of his gender policies until the post-genocide demographic is no longer in the work force, the *Rwanda Demographic and Health Survey 2014-15 Final Report* indicates a marked improvement in early female education, with the percentage of females having no education dropping from 75.1% of the population over the age of 65 to 10.7% in the 25-29 year old bracket. That said, there remains progress to be made.

²⁶⁶ See The World Bank, "The World Bank in Rwanda;" Inter-Parliamentary Union, "Women in national parliaments," 1 January 2019, <http://archive.ipu.org/wmn-e/classif.htm>; World Economic Forum, *The Global Gender Gap Report 2018*, accessed 3 May 2019, http://www3.weforum.org/docs/WEF_GGGR_2018.pdf, 20.

²⁶⁷ Gregory Warner, "It's the No. 1 Country for Women in Politics – But not in Daily Life," *National Public Radio*, 29 July 2016, <https://www.npr.org/sections/goatsandsoda/2016/07/29/487360094/invisibilia-no-one-thought-this-all-womans-debate-team-could-crush-it>.

²⁶⁸ In an interview with François Soudan, Kagame asserted his belief in the importance of women's rights and stated, "Frankly, if I were a woman, I would have waged a war a long time ago to liberate women, as I did to liberate my country." Soudan, *Kagame: Conversations with the President of Rwanda*, 104.

²⁶⁹ World Economic Forum, *The Global Gender Gap Report 2018*, 8.

²⁷⁰ *Ibid.*, 55, 235.

The median number of years of completed education remains low for Rwandan females, with most of the population between the ages of fifteen and twenty-nine having completed between just 3.9 and 5.3 years of education.²⁷¹

Change takes time. Despite the irrefutable increases in women in positions of power, that power does not extend into most Rwandan homes. Justine Uvuza “found with rare exception that no matter how powerful these women were in public, that power didn’t extend into their own homes.”²⁷² She related stories of husbands expecting their wives, regardless of whether or not the wives ‘outranked’ their husbands outside of the home, to carry out all domestic duties, with one female parliamentarian even recounting that her husband expected her to lay out his shoes and socks for him each day. Many of these women feared domestic violence if they did not provide their husbands with the levels of domestic care that have traditionally been expected of Rwandan women. In the end, Uvuza determined that feminism had not yet reached Rwanda, despite the advances made in education and the workforce.²⁷³

Proponents of Kagame aver that he has re-engineered Rwandan society to calm social rivalry.²⁷⁴ In an effort to eliminate the core cause of Rwanda’s post-colonial conflicts, ethnicity has been removed from identity cards and the only time it is referred to is in relation to the genocide.²⁷⁵ Article 16 of Rwanda’s constitution specifically states that “[a]ll Rwandans are born and remain equal in rights and freedoms.”²⁷⁶ Discrimination of any kind is prohibited and

²⁷¹ Republic of Rwanda, “Rwanda Demographic and Health Survey 2014-2015,” March 2016, <http://www.statistics.gov.rw/publication/demographic-and-health-survey-20142015-final-report>, 16. For more detailed statistics of Rwandan demographics, see entire report.

²⁷² Warner, “It’s the No. 1 Country for Women in Politics – But not in Daily Life.” Justine Uyuza was a Rwandan PhD student at Newcastle University who interviewed Rwandan women in positions of power within the country regarding the contrasts between their experiences in their position at work versus their position within the household.

²⁷³ *Ibid.*

²⁷⁴ Gettleman, “The Global Elite’s Favorite Strongman.”

²⁷⁵ Nolen, “Rwanda 10 Years After.”

²⁷⁶ Republic of Rwanda, “The Constitution of the Republic of Rwanda,” 26 May 2003, Article 16.

punishable by law. Quotas that excluded Tutsis from attending schools, participating in politics, or joining the military have all been erased. For example, under Kagame’s leadership, the RPF has enacted into law a guarantee that “every child in Rwanda has the right to fee-free and compulsory education for the first 12 years of basic (primary and lower secondary) education.”²⁷⁷ This policy marks a substantial commitment on behalf of Kagame and his government towards diffusing social tension and working towards building a harmonious future for all Rwandans. Given that Freedom House has determined that Rwanda’s governmental policy “is largely set and implemented by the executive, with the security and intelligence services playing a powerful role” and that “Parliament generally lacks independence, merely endorsing presidential initiatives,” the impetus behind these changes can be attributed directly to Kagame.²⁷⁸

The RPF inherited a nation that had been utterly devastated by the genocide and years of social conflict. Under Kagame’s leadership, Rwanda has made staggering advances with regards to financial, economic, and social issues. In just twenty-five years, the improvements that Rwandans have seen to their quality of life, health, and safety are astounding, and are all directly attributable to the vision and leadership of Kagame. The following section will now discuss the many criticisms of Kagame as a leader.

²⁷⁷ United Nations, “Consideration of reports submitted by States parties under article 9 of the Convention,” CERD/C/RWA/18-20, *International Convention on the Elimination of All Forms of Racial Discrimination*, 12 December 2014, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/RWA/18-20&Lang=en, 16-17.

²⁷⁸ Freedom House, “Freedom in the World 2018 – Rwanda – Profile.”

CRITICISMS OF KAGAME

The progress that Rwanda has made under Kagame's leadership is indisputable. However, beneath the pristinely groomed streets of Kigali and Rwanda's idyllic façade of rolling green hills, dissent over some of Kagame's methods exists. Human Rights Watch writes that "[t]ight restrictions on freedom of speech and political space remain in place, contrasting with solid results on economic development."²⁷⁹ Freedom House's *Freedom in the World 2018* report lists Rwanda's freedom status as being 'not free,' due in large part to the extreme presidential control that is exercised over Rwandan society.²⁸⁰ In their annual global ranking of level of freedom of the press, Reporters Without Borders ranked Rwanda as 156th out of 179 countries in 2018, behind such countries as the Democratic Republic of Congo (DRC), Russia, and Afghanistan.²⁸¹ This section will explore social and political criticism of Kagame's leadership, with a particular focus on human rights.

The first pillar of *Vision 2020* is 'Good Governance and a Capable State.' The description of this pillar states that good governance "can be understood as accountability, transparency and efficiency in deploying scarce resources." All of these elements are currently being met by Rwanda's government. However, *Vision 2020* goes on to state that good governance "also means a State respectful of democratic structures and processes and committed to the rule of law and

²⁷⁹ Human Rights Watch, "Rwanda."

²⁸⁰ Freedom House, "Freedom in the World 2018 – Rwanda – Profile." According to this report, Rwanda scored 8 out of 40 possible points for Political Rights and 15 out of 60 points for civil liberties. While religious freedom is generally respected, the media is neither free nor independent and the space for free private discussion is highly restricted. There is no freedom of assembly, and Rwanda scored 2 out of 12 for associational and organizational rights. Due to the strict control Rwanda's presidency extracts over civil systems, Rwanda lacks an independent judiciary and scored 2 out of 16 for rule of law. Rwanda's highest score in this report was for personal autonomy and individual rights, in which Rwanda scored a mere 7 out of 16 points. For more information on scoring, see the Methodology chapter of Freedom House, *Freedom in the World 2018* (New York: Rowman & Littlefield, 2019).

²⁸¹ Reporters Without Borders, "2018 World Press Freedom Index," accessed 7 April 2019, <https://rsf.org/en/ranking>.

the protection human rights in particular.”²⁸² It is in these domains that Kagame is falling woefully short. While Rwanda holds democratic elections, Freedom House does not rate Rwanda as an electoral democracy.²⁸³ Freedom House awarded Rwanda a mere 9 out of 40 points in the political rights category of its *Freedom in the World 2018* report, and Rwanda scored 0 in the free and fair elections category.²⁸⁴ In the 2017 presidential election, Kagame won 98.8% of the vote. According to Freedom House, “[t]he electoral process was marred by numerous irregularities, including political intimidation, unfair registration practices, and alleged fraud during the balloting itself.”²⁸⁵ This represents no change from the 2010 election where Kagame won with 93% of the vote after he “effectively banned any major opposition parties from running.”²⁸⁶

Throughout his career, Kagame has exercised tight control over Rwanda’s political system. In 1995, he forced Rwanda’s Prime Minister Twagiramungu and four ministers out of cabinet because he felt that they were indirectly challenging his authority by championing justice for Hutus who had experienced acts of violence during and after the genocide. On 10 May 1998, one of those ministers, Seth Sendashonga, was assassinated in Nairobi. Sendashonga had been a vocal opponent of Kagame and his policies and had publicly accused him of orchestrating murders. Prunier reports that, after three years and a botched trial of the three suspects accused of orchestrating Sendashonga’s murder, Kenyan Justice Msagha Mbogoli released the suspects due to the State’s inability to prove their guilt.²⁸⁷ Justice Mbogoli further added that the court was of

²⁸² Republic of Rwanda – Ministry of Finance and Planning, “Rwanda – Vision 2020,” 14.

²⁸³ To qualify as an electoral democracy, Freedom House requires states to score 7 or higher in the Electoral Process subcategory, 20 or higher in the overall political rights category, and 30 or higher in the overall civil liberties category. Rwanda scored 2, 8, and 15 respectively. Freedom House, *Freedom in the World 2018*, 817, 819, 1205.

²⁸⁴ Freedom House, “Freedom in the World 2018 – Rwanda – Profile.”

²⁸⁵ *Ibid.*

²⁸⁶ Gittleman, “The Global Elite’s Favorite Strongman.”

²⁸⁷ Prunier, *Africa’s World War*, 368.

the opinion that the murder was political, and was linked to Sendashonga “having fallen out with the government of Rwanda.”²⁸⁸ Kagame denies ordering the killing but, as Human Rights Watch reports, suspicion remains.²⁸⁹

Kagame effectively prevents political opponents from challenging him by imposing tight restrictions on the creation of political parties. The Rwandan constitution states that political organizations must “reflect the unity of Rwandans” and that all citizens are “prohibited from disseminating information [of] a denigrating or divisive nature likely to undermine national security, territorial integrity and national unity” including “words and acts that intend to denigrate [or] to disparage a person in order to unlawfully remove him or her from leadership positions.”²⁹⁰ Kagame utilized these laws on numerous occasions to arrest political opponents claiming that their words were inciting divisionism that undermines national unity. In 2001, former president Pasteur Bizimungu was arrested when he tried to create a new political party, the Party for Democratic Renewal (PDR). The government claimed that he was “intent on spreading genocidal ideology.”²⁹¹ In 2003, the Mouvement Démocratique Républicain (MDR), the largest opposition party, was banned from running in the presidential and parliamentary elections on the grounds that it was creating ‘divisionism.’²⁹² Another purge of senior government and judiciary officials occurred in 2004 on allegations of corruption. As Helen Hintjens writes, “[p]olitical opponents or those regarded as hostile to the regime, even if they are not politically active, are told to keep a low profile or face persecution.”²⁹³ Even as recently as

²⁸⁸ Fondation Hirondelle Press Release on the Court’s Decision, Arusha, 31 May 2001.

²⁸⁹ See Human Rights Watch, “Rwanda: Repression Across Borders,” accessed 3 May 2019, <https://www.hrw.org/news/2014/01/28/rwanda-repression-across-borders>; Kinzer, *A Thousand Hills*, 192, 214.

²⁹⁰ See Republic of Rwanda, “The Constitution of the Republic of Rwanda,” Article 56; Republic of Rwanda, “Organic Law governing political organizations and politicians,” No 16/2003 of 27/06/2003, articles 20 and 40.

²⁹¹ Clark and Kaufman, 14.

²⁹² *Ibid.*, 14.

²⁹³ Hintjens, 80, 88.

2017, when Diane Rwigara announced her intention to run for president in the 2017 election, she was harassed and later arrested, along with her mother and sister, on charges of “inciting insurrection or trouble among the population” and using counterfeit documents.²⁹⁴ After being held for more than a year, and conveniently until after the election, Rwigara was eventually acquitted with the three-judge panel stating that the charges were “baseless.”²⁹⁵ While Kagame can claim landslide electoral victories, the fact that any serious opposition candidates are prevented from running against him completely undermines the electoral results.

Kagame has also been criticized for his 2015 decision to amend Rwanda’s constitution in order to allow him to serve a third term.²⁹⁶ Following a referendum, the constitution was amended to limit presidential tenure to two five year terms (they had previously been seven year terms) but included a tailor-made clause that enabled Kagame to run again following the end of his second seven year term.²⁹⁷ Interestingly, Kagame had previously publicly denounced African leaders who change constitutions to extend their terms.²⁹⁸

Perhaps, though, Rwanda is finally starting to move forward towards what Freedom House considers to be an electoral democracy. The 2017 presidential election saw, for the first time, two opposition parties (the Democratic Green Party of Rwanda and the Social Party Imberakuri) win seats in parliament.²⁹⁹ This is clearly not a monumental change to Rwanda’s political makeup, but represents the first emergence of political parties other than the RPF since 1994.

²⁹⁴ Amnesty International, “Rwanda 2017/2018,” accessed 7 April 2019, <https://www.amnesty.org/en/countries/africa/rwanda/report-rwanda/>.

²⁹⁵ BBC News, “Diane Rwigara: Rwanda government critic acquitted.”

²⁹⁶ The World Bank, “The World Bank in Rwanda.”

²⁹⁷ Human Rights Watch, “Rwanda.”

²⁹⁸ Kinzer, *A Thousand Hills*, 333.

²⁹⁹ The World Bank, “The World Bank in Rwanda.”

According to *The Economist*, “the RPF exercises tighter control over the country than perhaps any other African ruling party.”³⁰⁰ This control extends to all levels of daily life and has raised concern amongst organizations such as Amnesty International and Human Rights Watch. Kagame does not hesitate to impose strict rules and regulations upon Rwandan society. When he perceived that plastic bags were posing an environmental hazard to Rwanda, he banned them outright.³⁰¹ In a so-called ‘eradication campaign,’ he banned people from wearing dirty clothes in public and banned grass-roofed huts.³⁰² People without shoes are not permitted to shop at local markets, streets must be kept clean, livestock are forbidden within city limits, and drivers are fined for playing car radios too loudly.³⁰³ In conjunction with these strict limitations, freedom of the press is more or less nonexistent. Freedom House maintains that Rwanda does not have free and independent media, stating that the government has increasingly blocked access to news services and websites based abroad, “imposes legal restrictions and informal controls on freedom of the press” and that the “few journalists in the country who engage in independent reporting are subject to criminal charges and intimidation.”³⁰⁴ Given the substantial role the media played in the genocide, perhaps Kagame’s fears in this realm are justified. Instead, pro-government viewpoints dominate domestic media, arguably with the intention of eliminating any possibility of non-RPF viewpoints being exchanged within the country.

Despite the substantial progress Rwanda’s economy has made over the past two decades, Rwandans as a whole are still quite poor, with approximately 38% of the population falling below the global poverty line.³⁰⁵ Furthermore, despite Kagame’s ban on ‘ethnic’ race labels,

³⁰⁰ “The road out of Hell,” 27.

³⁰¹ Kinzer, *A Thousand Hills*, 234.

³⁰² Reese, 113.

³⁰³ Kinzer, *A Thousand Hills*, 234.

³⁰⁴ Freedom House, *Freedom in the World 2018*, 819.

³⁰⁵ The World Bank, “The World Bank in Rwanda – Overview.”

tension continues to exist between Hutu and Tutsi as any Rwandan who seeks justice for Hutu genocide victims, or for atrocities committed by the RPF in the DRC, “has reason to fear retaliation.”³⁰⁶ Kagame has frequently used the argument that he was creating security for Rwanda in justifying human rights abuses, banking on the genocide credit to exonerate him on the international stage.³⁰⁷ This argument has worked with international world leaders, but is less effective within Rwanda, where the *Inkotanyi* killed between 25,000 and 45,000 Hutu civilians residing in three communes that had been ‘liberated’ by the RPF during the genocide.³⁰⁸ Stephen Smith estimates that 200,000 Hutu were killed during search and destroy operations conducted by the RPA in 1996 and 1997 under the guise of searching out *génocidaires*.³⁰⁹ Amnesty International documents search and destroy operations conducted by the RPA wherein civilian crops and homes were burned after being looted, and where thousands of civilians, mainly Hutus, were murdered.³¹⁰ In a particularly heinous act, RPA soldiers killed between 5,000 and 8,000 civilians who were seeking shelter at Nyakimana cave in in Gisenyi. The exact number of bodies has never been confirmed as the RPA refused to allow entry to the caves after having cordoned off the entrances and thrown grenades inside. Amnesty International arrived at its estimated body count through interviews with the local population, and Judi Rever confirmed the incident during an interview with a former RPA soldier who had participated in the killings.³¹¹ In every case, despite overwhelming evidence to the contrary, the RPA has claimed that it was

³⁰⁶ Hintjens, 89.

³⁰⁷ ‘Genocide credit’ refers to the idea that Kagame has been easily able to win the sympathies of the international community who feel guilty for not stepping in to end the genocide when it first erupted. As a result, the international community has tended to overlook acts of violence committed by Kagame’s regime by focusing on the economic progress Rwanda has made under his leadership. See Reyntjens, “Rwanda: Genocide and Beyond,” 249.

³⁰⁸ Lemarchand, 67, 71.

³⁰⁹ Smith, *Le Fleuve Congo*, 95.

³¹⁰ Amnesty International, “Rwanda: Civilians trapped in armed conflict,” December 1997, Index AFR 47/43/97, <https://www.amnesty.org/download/Documents/156000/af470431997en.pdf>, 1-11.

³¹¹ *Ibid.*, 9; Rever, *In Praise of Blood*, 139-140.

fighting armed insurgents and the international community has accepted, and even defended these arguments.³¹² Rever posits a theory that the RPA's targeted killings of Hutu civilians were for the purpose of claiming land, particularly in the Byumba region, for the thousands of Rwandan Tutsi refugees who had grown up in Ugandan refugee camps.³¹³ Considering the tens of thousands of documented Hutu killings in the region, this theory has validity.

Finally, human rights groups estimate that Rwandan involvement in Zaire, whether hunting for *génocidaires* or working to overthrow the Zairean government, cost as many as 300,000 lives, many of them women and children.³¹⁴ Zairean President Mobutu was directly involved in the politicization and militarization within Rwandan refugee camps located inside Zaire's border.³¹⁵ According to Prunier, "Mobutu was an essential factor" for the *génocidaire* leadership as he permitted their refugee camps to be located within Zaire, providing a measure of protection from RPA forces."³¹⁶ Additionally, Mobutu supplied arms to the ex-FAR fighters living in these camps, enabling them to regroup beyond the reach of the RPA. During a trip to Washington, DC in 1996, Kagame warned the international community that, if they continued to do nothing to disarm these camps, he would, stating that "the failure of the international community to take action would mean Rwanda would take action."³¹⁷ By September of that year the international community had done nothing to rectify the situation, leading Kagame to take

³¹² Rever, *In Praise of Blood*, 140-141. Rever highlights a report by the 1997 US Ambassador for War Crimes, David Scheffer, that strongly supports the RPA claims of fighting insurgents at the Nyakimana cave. Scheffer conducted no interviews with the local population and attempted to falsely discredit the Amnesty International report. Indicating his polarized support for the RPF regime, the same report expresses outrage over an attack on the Mudende Refugee camp in Congo that occurred on 10 December 1997. This camp housed Tutsi refugees.

³¹³ Rever, *In Praise of Blood*, 77-78.

³¹⁴ Nolen, "Is the 'genocide credit' used up?"; Prunier, *Africa's World War*, 30. Prunier

³¹⁵ Prunier, *Africa's World War*, 27.

³¹⁶ *Ibid.*, 28.

³¹⁷ Interview with Mahmood Mamdani in *Weekly Mail and Guardian* (South Africa), 8 August 1997.

matters into his own hands and attack Zaire.³¹⁸ Though Kagame initially acted alone in his decision to invade, his motive of removing the ex-FAR fighters from the camps along Rwanda's border was tied to a "systematic trans-African plan to overthrow the Mobutu regime in Zaire" that had been discussed by a gathering of African heads of state in 1995.³¹⁹ Kagame's intervention in Zaire and the ensuing overthrow of Mobutu effectively set the conditions for instability that plagues what is now the DRC to this day.³²⁰

Since 1996, Rwanda has intervened in the ongoing conflict in the DRC and continues to exploit the DRC's insecure political climate by seizing a significant portion of its wealth of natural resources. According to a 2001 UN Security Council press release, Kagame and Ugandan President Yoweri Museveni were "on the verge of becoming the "godfathers of the illegal exploitation of natural resources and the continuation of the conflict in the DRC.""³²¹ Rever reports that in 2001, the Rwandan army made at least \$250 million from coltan, a mineral used in electronics and aeronautics manufacturing, in an eighteen month period.³²² Millions of people have been killed as a result of Rwanda's involvement in DRC and its exploitation of the DRC's resources. In June 2000, the U.S. International Rescue Committee reported that 1.7 million deaths had occurred due to conflict in the DRC from August 1998 to April 2000. Of these deaths, only twelve percent were directly attributable to fighting.³²³ Using the genocide credit and "a sophisticated understanding of Western diplomacy and media, Rwanda's political leaders

³¹⁸ Prunier, *Africa's World War*, 32-33, 37-42, 67-72..

³¹⁹ *Ibid.*, 67-68. The other heads of state involved in this decision were the presidents of Tanzania, Eritrea, Ethiopia, Uganda, Zimbabwe, and Angola.

³²⁰ "The road out of Hell," 26.

³²¹ United Nations Press Release, "Security Council Condemns Illegal Exploitation of Democratic Republic of Congo's Natural Resources," 3 May 2001, <https://www.un.org/press/en/2001/sc7057.doc.htm>.

³²² Rever, 46. See also Prunier, *Africa's World War*, 244.

³²³ International Rescue Committee, *Mortality Survey in Eastern DRC*, Bukavu, June 2000. The remainder of the deaths were a result of population displacement, the collapse of DRC's health system, an inability to carry out normal agricultural work, overexposure to weather, and disease.

literally got away with murder in the DRC for two years without any loss of status or foreign aid.”³²⁴ Kagame has made undeniable inroads into improving Rwanda’s economy, but some of these inroads have been illegal, and at the expense of stability in the DRC and the Great Lakes Region as a whole.

Kagame’s unwillingness to recognize the hundreds of thousands of Hutu who have been killed as a result of the genocide continues to taint the success of his leadership.³²⁵ Officially, the National Unity and Reconciliation Commission was created to promote Unity and Reconciliation among Rwandans with the aim of acknowledging the catastrophic effects that bad governance, based on discrimination and exclusion, have had upon Rwanda.³²⁶ Unfortunately, in an effort to find the best method of achieving healing, forgiveness, and reconciliation for survivors of the genocide, Kagame has inadvertently applied discrimination and exclusion to present-day Rwandan society. Once again, Kagame was faced with an impossible situation of attempting to find a way to heal generations of social wrongs. Jeffrey Gettleman reports that some Rwandans believe that Kagame attempts to underplay the importance of social identities in order “to cover for the fact that his minority ethnic group, the Tutsis, who account for about 15 percent of the population, control just about everything.”³²⁷ As Gettleman argues, “[i]f no one can talk about ethnicity, then it’s hard to talk about Tutsi domination.”³²⁸ Hintjens writes that, as a result, critics believe that Kagame is “not only failing to overcome social divisions in Rwandan society but is providing only a tiny and inter-connected minority with access to economic and political power.”³²⁹

³²⁴ Hintjens, 96.

³²⁵ *Ibid.*, 110.

³²⁶ Republic of Rwanda, “National Unity and Reconciliation Commission.”

³²⁷ Gettleman, “The Global Elite’s Favorite Strongman.”

³²⁸ *Ibid.*

³²⁹ Hintjens, 79.

Kagame once stated that, if he was not able to groom a successor by the end of his second presidential term in 2017, “it means that I have not created capacity for a post-me Rwanda. I see this as a personal failure.”³³⁰ It is now 2019 and Kagame remains in charge, with no obvious successor in sight. Perhaps his reasons for this ‘failure’ are related to a personal perception that Rwanda is not yet ready for a less restrictive government. As Kinzer writes, “[e]very time I heard a Rwandan defend the government’s authoritarian rule, it was the same justification. For now and for years to come, they told me, a strong and even repressive regime is necessary to avoid another cataclysm.”³³¹ On the other hand, it is possible that Kagame’s oppressive rule exists in order to protect his position of power, and that despite his remarkable achievements economically and developmentally within Rwanda, he will eventually fall prey to the temptation that has lured so many other African leaders, and refuse to relinquish rule.

³³⁰ Adekeye Adebajo, “Rwanda: The President and the Playwright,” *The Guardian*, 21 August 2017, <https://allafrica.com/stories/201708210139.html>.

³³¹ Kinzer, *A Thousand Hills*, 288.

CHAPTER 5: CONCLUSION

The efficiency of a President at the beginning of his term depends on their capacity to get everything under control. That was my case. But once the institutions have been put in place, and the responsibilities delegated, the leader becomes a reference, a referee, a symbol and unifying figure for the nation. The issue is how and when to recognize the moment when staying in power becomes counterproductive. Even in case the leader fails to recognize that moment, sure enough the population will let him know.³³²

- President Paul Kagame

Twenty-five years after the genocide, Rwanda has demonstrated to the world that a tiny, landlocked, impoverished African nation can, using homegrown solutions and leadership unassisted by Western nations, recover from catastrophic tragedy. It exhibits continuous progress in its *Vision 2020* goals that, if achieved, will transport Rwanda into the status of a middle-income nation.

While it is natural to focus on the statistical data that dramatically illustrates Rwanda's considerable progress, the inroads made with regards to justice, forgiveness and reconciliation and the importance of these processes to Rwanda's present-day success cannot be understated. In a state that was torn apart by biases formed from European-imposed political identities, the fact that Rwanda has not suffered extensive follow-on internal violence since the end of the genocide is an important achievement given earlier post-colonial episodes of repetitive violence.

There is no universally accepted formula for uniting a deeply divided society or for changing century-old belief systems. By utilizing a combination of legal and transitional justice, Rwanda has shown that victims and perpetrators can live harmoniously following a large-scale conflict. The *gacaca* courts, while controversial, have "become a touchstone for considerations

³³² Quote from Paul Kagame, "Paul Kagame Interview in Jeune Afrique, "Rwanda is a democracy not a monarchy," *Jeune Afrique*, 9 April 2016, <https://umuvugizi.wordpress.com/2016/04/09/paulkagame-interview-in-jeune-afrique-rwanda-is-a-democracy-not-a-monarchy/>.

of community-based transitional practices elsewhere,” and a better solution to dealing with the volume of prisoners Rwanda faced following the genocide has yet to be proposed.³³³ Kagame understood the need for a non-standard solution to justice and, rather than universally applying international justice to all of Rwanda’s genocide criminals, opted to implement traditional Rwandan solutions to the problem. In doing so, he has successfully demonstrated that genocide perpetrators can be re-integrated back into society, and that society as a whole can be better for having done so.

Rwanda would not be where it is today without the leadership of President Kagame. Kagame began his rule as a liberator but, in the twenty-five years that have passed since the genocide, reaction towards his tenure in office has grown increasingly divided. Despite the unarguable genius of Kagame’s leadership, he is not without criticism. RPF and RPA forces committed heinous atrocities while under his command both during and after the genocide, most of the perpetrators have not been brought to justice, and Kagame has repeatedly played down the severity of their crimes. Deep divisions regarding processes of forgiveness, reconciliation, and perceived justice still exist within Rwanda, which have in turn enabled social resentment to simmer. For Rwanda to continue to progress, the culture of impunity surrounding the RPA must be eliminated and *all* genocide victims must be acknowledged.

Human rights organizations continue to express concern over Rwanda’s authoritarian policies and the government-imposed limitations upon freedom of speech and politics. In order to understand Kagame’s level of control over Rwandan society and why his more controversial decisions and methods may actually be appropriate, we need to remove our Western lenses and consider how different today’s Rwanda is from our society. Most Rwandans do not have

³³³ Clark, “Gacaca Courts,” 36.

electricity. Most do not own vehicles or use the Internet. Most continue to be subsistence farmers who plow their fields and tend to their crops without the assistance of machinery. We then need to consider how far Rwanda has come since 1994, and how unimaginable everyday Rwandan life would have been to the average Westerner in 1994. In addition, we must understand the culture of obedience to authority in which Rwandans lived in 1994.³³⁴ In such a society, the population is subconsciously conditioned to do what those in power tell them to do. Through the media and social groups, the Hutu power movement was able to persuade millions of people to simultaneously pick up machetes and kill anyone they associated with being Tutsi. They were not brainwashed, they were simply uneducated, impoverished and therefore, highly susceptible to influence. Many aspects of Rwandan society are different from the society to which Westerners are accustomed.

Kagame has sought to address these basic issues by providing and encouraging education for *all* Rwandans, by advancing women's rights, by instituting a focused approach towards combatting poverty, by establishing a viable economic path for Rwanda's future, and by controlling the media and social discourse in order to prevent voices promoting violence from re-emergence. He has successfully tackled corruption and ensures that money received by the government is invested into Rwanda rather than padding the bank accounts of high ranking officials. His attempts to remove ethnicity from Rwandan discourse have been targeted at eliminating the social divide that spawned the genocide. However, Kagame is also fully aware of the fact that you cannot simply order people to stop hatred. Eliminating prejudice may take generations and even then, re-emergence is not guaranteed, as we have seen from recent increased anti-Semitism in Europe. It is highly likely that one of the main reasons behind

³³⁴ Prunier, *Africa's World War*, 23. Prunier states that Rwandans belong "to a culture in which obedience to authority is a long national tradition."

Kagame's reluctance to relinquish political control is a fear that his successor will not be adequately dedicated to eliminating social tensions. Furthermore, suppressed inter-group hatreds and resentment regarding Kagame's unwillingness to address genocide-related Tutsi crimes could easily lead to the election of a leader who simply re-invigorates the Hutu power movement, which would destroy much of what Kagame has worked to achieve over the past twenty-five years. These are very real fears for Rwanda, making it difficult for Kagame to be able to accept that anyone other than himself will be willing to work towards uniting Rwandan society.

Despite the multitude of successes Rwanda has experienced under Kagame, the aftershock effects of Rwanda's involvement within the DRC cannot be ignored. Since the genocide, Rwanda has deposed a president and stolen hundreds of millions of dollars' worth of resources from the DRC. Violence as a result of RPA forces hunting alleged *génocidaires* within the DRC has led to the death of hundreds of thousands of civilians, and the end results forces one to question whether or not Rwanda's success can truly be celebrated when so much of it has been at the cost of its neighbour's own stability.

Under Kagame's rule, the country has stabilized and is undoubtedly on a path towards a much-improved future. Perhaps this is what most Rwandans care about, rather than the methods by which their President ensures that he remains in power or controls society. However, the time may have arrived where Rwandan society is finally ready to change and address underlying challenges such as who gets defined as victims and perpetrators. Twenty-five years after the genocide, Rwanda has made great progress towards achieving the goals of *Vision 2020*. As the population becomes more educated and more globally connected, more people will undoubtedly question the government's control over such foundational rights as freedom of expression. The

major issues related to Hutus not being recognized as victims and the RPF not being held accountable for atrocities it committed have not been forgotten and will need to be addressed. Canada has realized that ignoring the wrongs done to its native population has not caused the wrongs to be forgotten. Rather, they have remained open wounds that have caused dissent and distrust in indigenous Canadian populations for over a century and are only now being rectified in staged approaches of apologizing and making amends.

Regardless of whether or not Rwandans are permitted to refer to themselves as Hutu, Tutsi, or Twa, the realities associated with the histories of these identities cannot be erased. Properly appreciated, diversity strengthens societies and there is no reason why Rwanda's social identities need to be divisive. This fact needs to be recognized and developed by Kagame in order to build a truly strong and united society. To date, Kagame's main focus has been on development and the economy, and he has gotten away with ignoring the social divide that simmers below the surface of Rwandan society. This has worked so far, but Rwanda will eventually reach a point where its citizens demand an inclusive political system, and this needs to become one of Kagame's priorities. Furthermore, human life is finite. Kagame must be cognisant of the fact that, should he die suddenly, the lack of a strong successor will likely throw Rwanda back into a power struggle that could have hugely detrimental effects to Rwanda's stability. He has proven that security at the cost of freedom might be a necessary ingredient for African stability, but the time is near when the RPF will need to relinquish the state's autocratic control upon its people, to acknowledge *all* wrongs that have been done to *all* social groups, and to move forward into an even more promising future.

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