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**‘Resolved to Fight the Ideology of Genocide and all of its Manifestations’:  
The Rwandan Patriotic Front, Violence and Ethnic Marginalisation in  
Post-Genocide Rwanda and Eastern Congo**

Submitted for Examination

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I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature:.....

## Abstract

Using ethnographic data and James Scott's (1990) concepts of public and hidden transcripts, this thesis examines how the Rwandan Patriotic Front (RPF) government's public transcript has been institutionalised through the use of 'genocide ideology' laws. It is concerned with understanding how the RPF's use of 'genocide ideology' is a mechanism to facilitate a continuum of violence, which I argue has led to 'ethnic' marginalisation. 'Genocide ideology' is a legally abstract term that refers to discourses that contest – consciously or unconsciously – the government narrative regarding the 1994 genocide. As focusing strictly on the public transcript does not tell the whole story about power relations between the RPF government and Hutu, it also explores hidden transcript. This is necessary as the Rwandan government employs the category of 'genocide ideology' to silence dissent and to justify arbitrary arrest. For example, since taking power, the RPF government has strived to eliminate the Hutu/Tutsi identities, replacing the divisive identities with 'Rwandan.' Those who use Hutu/Tutsi identities outside the context of the genocide are considered *génocidaire* sympathisers and legally guilty of 'genocide ideology'. I argue that within the public RPF transcript on the genocide, the victim/perpetrator dichotomy has become intertwined with Tutsi/Hutu identities, creating a hierarchy of victimhood. I conclude by arguing that the violence, fear and marginalisation experienced by participants through the government's use of the public transcript in conjunction with 'genocide ideology' laws is causing resentment, which could lead to further conflict.

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## Chapter One: Introduction

The Rwandan government is 'Resolved to fight the ideology of genocide and all its manifestations and to eradicate ethnic, regional and any other form of divisions' (2005 Preamble, Rwandan Constitution; Fierens 2005: 903)'.

[Stewart looks directly at me and taps his finger violently on the desk] The RPF shows the people that it is better to live united. We teach them, to be unified is better than what separates them. We have a good programme of governance where people participate. We also promote equality for all Rwandans. The RPF is now the ruling government, before the previous government was bad. Everything was totally destroyed. The RPF rebuilt everything. Now the RPF have the vision to rule this country. That is good for us. Now RPF try to rebuild the country but every Rwandan must participate in all activities. That is why we emphasise reconciliation. The population must forget what opposes them. The process is not easy. It's why we have *gacaca*, it's unifying people'. (Stewart, Rwandan Patriotic Front (RPF) official).

Today, the RPF targets everyone from all populations who disagrees with them. When Hutu criticise the government, the RPF work hard to show that those people work with the *Interahamwe*. Since 1994, I have seen many acts committed by RPF that don't make sense. Many Hutu were killed and arrested for no apparent reason. I've tried to find reasons why they were and there are no reasons. Those men are innocent. The RPF only work with the RPF. There were Hutu who were involved with the RPF-President Bizimungu, Twagiramungu and Seth Sendashonga. But when they (the RPF) took power those Hutu who helped them were marginalised. All Hutu, who fought with the RPF were killed. Twagiramungu was forced into exile and Sendashonga was killed in Nairobi by the RPF. Many of these Hutu were founding members of the RPF and worked with them for a long time. But because they disagreed with the government, they were killed or disappeared. (Douglas, Hutu RPF member)

These three excerpts illustrate the contradictory nature of post-genocide Rwanda. In its resolve to fight the ideology of genocide, the RPF government have passed a number of laws concerning revisionism, divisionism, and genocide ideology<sup>1</sup> in the past decade. These laws have institutionalised the RPF's public transcript that is outlined by Stewart, while criminalising Douglas's narrative. The implementation of these laws and the restricted space in which Rwandans can safely contradict the

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<sup>1</sup> This will be discussed in detail in chapter three.

public transcript, made conducting socio-political ethnographic research difficult and sometimes a dangerous task. People would often agree to an interview, only to run away when they saw me approaching. Or simply say everything is fine to any and all questions asked. However, there were a few people like Douglas that wanted me to know about their experiences that are considered illegal under genocide ideology legislation. In presenting these hidden transcripts that have been forced into the shadows and their relationship with the public transcript, this thesis is an attempt to produce an 'ethnography of violence' (Sluka 2000: 14).

I have selected James Scott's book (1990) *Domination and the Arts of Resistance* as the overarching theoretical framework and its key concepts of public and hidden transcripts for my enquiry. I have done so because as Kay Warren (2000: 228) argues that 'For anthropology, the issue is how we represent the particularities of interpenetrating yet fragmenting social fields to reveal the interplay of existential dilemmas and power structures in chaotic situations'. Scott's concepts of public and hidden transcript, allows me explore this interplay. According to Scott, the public transcript is an open and complete record of what is said in public, but including non-speech actions such as gestures and expressions. While, the public transcript 'describes the open interactions between subordinates and those who dominate... (it) is unlikely to tell the whole story about power relations' (1990: 2). This is where the hidden transcript becomes important. The hidden transcript takes place out of the watchful eyes of the dominant and contains 'those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript'



(ibid: 4). Scott argues (1990: xii) that 'Every subordinate group creates, out of its ordeal, a "hidden transcript" that represents a critique of power spoken behind the back of the dominant'. By studying the public and hidden transcript and the gap that exists between them, 'we may begin to judge the impact of domination on public discourse' (ibid: 5).

At first, I struggled to find a suitable framework that would account for the contradictory nature of my data. Why did some participants state that the RPF were a good and democratic government, while others argued that the RPF fixed the elections and regularly used violence to silence the opposition? I considered using the framework of my Masters thesis that drew upon Liisa Malkki's (1995), idea of mythico-history to illustrate how in Rwanda, history and cultural myths have been constructed and used as a tool for socio-political manipulation. Mythico-history is not just a historical account or false narratives. It essentially refers to the 'invention' and explanation of displaced peoples' past based upon common beliefs and knowledge in their current space and time (Palmer 2004). Malkki (1995: 55) argues

The mythico-history worldmaking was an oppositional process, it was constructed in opposition to other versions of what was ostensibly the same world, or the same past. The oppositional process of construction also implied the creation of the collective past in distinction to other pasts....

In my Masters thesis, I expanded on the concept to make it more inclusive, using mythico-history to refer not only to how displaced peoples invent and create their past, but how those vying for political power engage in such processes. However, while mythico-history could explain why participants had a different understanding of 'history' and different

worldviews, it could not account for why a participant would support the RPF's discourse in one context and hate them in another. For myself and other Rwandan and Great Lake scholars (see Lemarchand 1996: 35, Zorbas 2009: 127, Reyntjens 2011: 31), Scott's use of public and hidden transcripts explained why and how participants would hold such contradictory views.

However, I believe that Malkki's mythico-history can be used to correct a major flaw within Scott's argument. In his discussion on hidden transcripts, I argue that Scott does not pay enough attention to how hidden transcripts emerge and evolve. Rather, Scott tends to treat the public and hidden transcripts as static. When, in fact, what is today's public transcript that consists of the mythico-history or worldview of the dominant can easily become the future hidden transcript. By the same token, when the dominated are able to gain power and become the dominant, their mythico-history is no longer restricted to the hidden transcript. Their hidden transcript becomes the public transcript. This is essentially what happened in Rwanda. Where, for example, the historical construction of the Hutu/Tutsi identity in Rwanda has changed drastically since the RPF took power in 1994. The mythico-history that saw the Hutu and Tutsi as separate races formed part of the regimes of Kayibanda and Habyarimana's public transcript. In contrast, the RPF argued that Hutu and Tutsi are one people, who share the same language and culture. However, when the RPF militarily invaded Rwanda and ultimately took political control of the country, they institutionalise their own mythico-history and it became the public transcript. The RPF sought to eliminate the previous regimes' mythico-history by making it illegal and 'genocide ideology' to suggest that Hutu and Tutsi are separate races, thus forcing this mythico-history into the hidden transcript.

The goal of this thesis is to study the public and hidden transcript and the relationship between them. However, at the same time I wish to expand on Scott's argument, by focusing on how the dominant institutionalise their domination. Scott does not elaborate on how the dominated 'learn' to wear masks and obey the public transcript in front of the dominant. For example, in his use of slave narratives from the American South, Scott does not explain the *de facto* or *de jure* legal underpinnings that gave white slave owners power over dehumanised slaves. Within the context of post-genocide Rwanda, I examine how the government's public transcript has been institutionalised through the use of 'genocide ideology' laws. In doing so, I hope to illustrate the mechanisms the dominant use to institutionalise its own domination. Furthermore, the public transcript in conjunction with these laws provides a mechanism for facilitating a continuum of violence<sup>2</sup>, because as a means of political control genocide ideology laws constitute a form of state terror (Sluka 2000: 15). Genocide ideology laws serve not only to 'punish acts of disobedience and resistance but also to sap the potential for disobedience in advance to break the power to resist' (Walter 1969:19).

Furthermore, in discussing the hidden transcript of Hutu participants, I do not mean to imply that *all* Hutu have a single hidden transcript or that *all* Hutu feel the same about post-genocide Rwanda. There were, however, similarities and patterns in the responses from

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<sup>2</sup> Refers to a range of overlapping types of violence, including political, structural and symbolic.

Hutu participants. When I examined these responses in conjunction with their whispers, the constant looking around and fear they expressed, I knew I was privy to something that was personal and not meant to be accessed by most outsiders. By focusing on Hutu hidden transcripts, I am not neglecting the possibility of Tutsi and Twa hidden transcripts. Tutsi and Twa experiences and perspectives that do not match the RPF's public transcript are also forced to seek shelter in the confines of a hidden transcript. However, I was not given the same opportunities in terms of access, time and trust that was needed to capture these other hidden transcripts.

## **Research**

My objective of collecting personal narratives that existed outside the public and official discourse was propelled by research conducted for my Masters' thesis in Rwanda in 2005. By focusing on memorial sites and genocide remembrance events, previous research sought to understand how the ideology of the RPF had become the publicly institutionalised discourse in the post-genocide era. Specifically, I wanted to explore how the RPF explained and promoted the position that Hutu, Tutsi and Twa were one people, with one common culture and language, by using the 'Rwandan' identity to reconcile the previous ethnic divisions. What became clear, (and interested me as a doctoral student) was the complete absence of oppositional viewpoints. The question that arose, that I wanted to address using ethnographic methods was, whether the government was correct when it says that there is no more Tutsi, Hutu or Twa: that is everyone considered Rwandan? If so, what does it mean to be 'Rwandan'?

The initial purpose of this project was to examine through a community-based ethnographic study in northwest Rwanda how Rwandans construct local identities in the context of other social processes and institutions. There was to be an additional focus on the extent to which those in a peripheral border region, where identity was previously defined in ethnic terms, have accepted an identity based on de-ethnicised nationalism. The main research questions were:

- i).* How have people in the northwest been included in or excluded from the institutionalised post-genocide nationalistic paradigm?
- ii)* How has the continuation of 'ethnic' violence in DRC impacted the acceptance or rejection of 'ethnic' and 'national' identities in the Rwanda/eastern Congo border region?
- iii).* How do people in northwest Rwanda narrate their post-genocide identity in comparison to those in other regions of Rwanda and Banyarwanda identity in eastern Congo?

By focusing on the northwest region, which is the predominately Hutu homeland of President Juvenal Habyarimana and most of the genocidal regime, I wanted to explore how people from the region accepted the RPF's institutionalised national identity and public discourse? From this I wanted to examine if in post-1994 Rwanda, the peripheral northwest, in terms of people and physical space, had become representations of the social divisions, collective guilt and continuing 'ethnic' conflict associated with the genocide, which threatens the perceived 'unity' and 'peace' of the 'new' Rwanda that is projected by the RPF government.

When I conducted research in Rwanda in 2005 for my Masters, I picked up on how different Gisenyi was. One of the more subtle differences can be seen while travelling

along the road. When driving between Kigali and Gitarama in the centre of the country, there are vivid reminders of the genocide. Crosses, mass graves and monuments litter the roadside. Entering into a town there are signs commemorating genocide remembrance and billboards for the *gacaca* (traditional) courts. However, the drive between the two largest and most densely populated cities of Gisenyi and Ruhengeri lacks visible mass graves, signs or monuments. It was only near the five-star resort in Gisenyi, near Lake Kivu, that there was a small sign promoting *gacaca*. Other than this, very little evidence of the impact of the genocide could be seen. At the same time, this region has been directly impacted by the continuation of violence and outbreaks of war between the ex-government soldiers (FAR), militias (*Interahamwe*), and the Rwandan government. The instability of the region has cost people their lives and livelihoods and created a large number of displaced persons<sup>3</sup>. I believed that because of these reasons Gisenyi was the most appropriate fieldwork site to address my doctoral research questions.

Cyangugu, in the southwest, became a focus of my research by accident. While staying at a hotel in Kigali during my first few nights in Rwanda in 2008, I met a Canadian who worked for the UNHCR in Cyangugu. After hearing about my research and through his experience working with Congolese Tutsi refugees in Cyangugu, he strongly recommended visiting. The first two months of fieldwork in Gisenyi, were spent recovering from malaria. After that I worked with a research assistant in Gisenyi, who

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<sup>3</sup> Between one and two million Hutu refugees fled to Congo after the genocide. According to a participant, who lived in Gisenyi in 1994, discussed how the town was largely deserted. As there were no shops, no one farming and the cost of food and everyday necessities was extremely expensive. For more on the problems of the northwest see African Rights (1998)

was a Ugandan-Rwandan from Byumba. With him I conducted interviews at a university, AVEGA and among a group of Twa. In May, I went to Cyangugu, where a friend assisted me in gaining research permission and participants. It was in Cyangugu that participants first allowed me access to their hidden transcript. I believe that there are two main reasons for this. First, the violence Gisenyi and its inhabitants have endured at the hands of the *Interahamwe*, but also by the RPF. As a Rwandan friend explained 'People in Gisenyi have learned through these experiences to accept the RPF and to keep quiet'. Secondly, various research assistants helped to legitimise my presence with those we interviewed. Participants were more willing to trust me, because they trusted my research assistants. Consequently, I chose to reframe my research into a multi-sited project looking at experiences of people in these two contentious border areas. Gisenyi and Cyangugu are located at opposite ends of Lake Kivu on the border with eastern Congo.

I have stressed the importance of the fieldsites' location on the border, as borders are essentially socio-political man-made agents, which simultaneously demarcate citizenship, national and cultural identities and are institutions of state policy (Donnan and Wilson 1999: 1, Tronvoll 1999: 1041). They are not neutral lines, but rather are crucial elements to the foundation and maintenance of the nation-state (Tronvoll 1999: 1041) and are places where the 'local' and the 'international' collide. Furthermore, borders play a pivotal role in the construction of identities and the negotiation of multiple identities. As a result of this complexity, border regions become 'sites and symbols of power' (Donnan and Wilson 1999: 1). It is within this

context that I sought to understand the socio-political realities of life along the Rwandan/eastern Congo border.

As Gisenyi borders Goma in DRC, and Cyangugu borders Bukavu in DRC, they have similar experiences regarding the movement of refugees and as the front line of the Congolese Wars in 1996, 1998, and 2008. Following the 1994 genocide, between one to two million-predominately Hutu refugees crossed from Rwanda into Congo. The situation was made worse when in 1996 and again in 1998, when Rwanda sent troops into Congo, destabilising the entire region. The invasions by Rwanda and Uganda have also led to anti-Tutsi violence causing Tutsi to seek shelter in Gisenyi and Cyangugu.

Lemarchand contends (2009: 253) that:

only by taking into account and the dramatic changes in the regional context can one begin to understand the sudden eruption of ethnic hatreds at specific historical moments, most prominently in the aftermath of the Rwandan genocide, and at the beginning of the 1998 civil war.

Studying issues of identity in this border region allowed me to explore these changes in a regional context. Furthermore, the events of August 2008 demonstrate not only the importance of the relationship of fieldwork sites with their Congolese counterparts and the impact that this had on the research process, but why these historical moments make good conditions for studying identity.

### ***On the Edge of War***



Fieldwork was originally to take place from March 2008 until December 2008. When I began my fieldwork in late March 2008, the Kivu region (eastern Democratic Republic of Congo and the western Rwanda border region) was relatively peaceful. Rwanda as a whole had enjoyed, at least on a superficial level, political stability and peace for a decade. I quickly learned that this 'peace' and 'political stability' was the result of strong military control and presence in the everyday lives of Rwandans. In late August 2008, the situation in eastern Congo deteriorated and the relationship between Rwanda and Congo became further strained. In retaliation against the actions of Congolese Tutsi rebel leader Laurent Nkunda, several Rwandan students were killed in Congo and Rwandans in Congo were beaten and accused of being spies for Nkunda (New Times 24/09/2008). All out war seemed inevitable. Rumours spread about Rwanda's reaction. Participants, both Congolese and Rwandan, speculated to no end about what Kagame was going to do. The main consensus was that he had to react and the result would be bad for Congolese and Hutu living in the Kivus. From their standpoint a third Congo war was inevitable. According to Mama, a Congolese Tutsi:

Rwanda is angry because of the situation and Rwanda is going to want revenge for those students. We are just waiting for the heavy conflict to begin. Rwanda must have revenge for those students.

This situation had a direct impact on my ability to conduct research in Rwanda. Due to the rising insecurity in eastern Congo, the Rwandan government started deploying more soldiers and spies to this border region. The impact was immediate. In mid-September 2008, I met with Malcolm for what would be the final time when he and Joseph promptly stopped their discussion about the local elections that were held

between the 15<sup>th</sup> and 18<sup>th</sup> of September. I was confused. There were people around, but no one was close enough to hear us, while the waiters (usually our biggest threat) were nowhere to be seen. Joseph leaned in and barely above a whisper, looking down at the ground, said ‘those three men who have just come in are from the Intelligence Service.’ ‘Why are there so many of them around here lately?’ I asked alarmed.

According to the International Crisis Group (2002: 9), the Directorate of Military Intelligence (DMI) <sup>4</sup> is the ‘overall umbrella for all security services, organises tight surveillance for possible connections between internal opposition and external threats and it systematically represses opponents. It has succeeded in infusing the idea of its omnipresence triggering self-censorship’. This was the second time that day we had encountered the DMI. Joseph explained that ‘It’s the situation in the Congo. They think that FDLR<sup>5</sup> has been attacking buses and robbing people. There’s going to be a lot more soldiers and spies around here.’ We decided that it was best to end our meeting before we raised too much suspicion. The situation became so dangerous that my presence was enough to put a person’s security at risk.

This episode demonstrates how the events in Congo impacted and influenced events on the other side of the border. The proximity of Gisenyi and Cyangugu to Goma and Bukavu in Congo makes them the front line for these types of conflicts. As a result the state has become more suspicious of these areas. Furthermore, this episode provides a brief glimpse of how the Rwandan government is enforcing self-censorship over

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<sup>4</sup> For more on the DMI and its repression see Dorsey 2002 and Amnesty International 2005.

<sup>5</sup> The Democratic Forces for the Liberation of Rwanda (FDLR) is the Rwandan Hutu militia made up of the *Interahamwe*, ex-government forces, *génocidaires* and those who grew up in exile since 1994.

critics and those whose experiences in post-genocide Rwanda do not match the dominant discourse.

The Rwandan government's campaign of silencing critics raised many safety concerns for my participants. As a result, I have been very cautious and purposefully not distinguished whether participants were from Gisenyi or Cyangugu. Rather, I have blended the two places together to create a narrative of this border region. I believe these steps are necessary as I received a call in late September 2008 from a friend, who informed me that government officials had interrogated some of my participants about our interviews. As a consequence, I have not only anonymised and given participants non-Rwandan names (as is the convention), but also removed their locality to protect their identity.

## **Chapter Outlines**

Using ethnographic data and James Scott's (1990) concepts of public and hidden transcripts, this thesis examines how the RPF government's public transcript has been institutionalised through the use of 'genocide ideology' laws. It is concerned with understanding how the RPF's use of 'genocide ideology' is a mechanism to facilitate a continuum of violence. I argue this has led to 'ethnic' marginalisation. 'Genocide ideology' is a legally abstract term that refers to discourses that contest – consciously or unconsciously - the government narrative regarding the 1994 genocide. As focusing strictly on the public transcript does not tell the whole story about power relations between the RPF government and Hutu, it also explores hidden transcript. This is

necessary as the Rwandan government employs the category of 'genocide ideology' to silence dissent and to justify arbitrary arrest. For example, since taking power, the RPF government has strived to eliminate the Hutu/Tutsi identities, replacing the divisive identities with 'Rwandan.' Those who use Hutu/Tutsi identities outside the context of the genocide are considered *génocidaire* sympathisers and legally guilty of 'genocide ideology'. I argue that within the public RPF transcript on the genocide, the victim/perpetrator dichotomy has become intertwined with Tutsi/Hutu identities, creating a hierarchy of victimhood.

Chapter two entitled 'Fear and Loathing in the Kivu Region' examines the implications of doing fieldwork in a violent social context. I have chosen a reflective and non-technical format for a 'methodology' chapter, as I believe that it is important to understand how the socio-political climate impacted the research process, by exploring the ethical and methodological challenges I faced. I will argue that conventional anthropological codes of ethics such, as those outlined by the AAA and the ASA are not designed to address the conditions that come with doing fieldwork in dangerous areas. As a result, there needs to be a methodological shift that is flexible and adaptable to local realities. Furthermore, within these circumstances, the anthropologist not only records the experiences of others, but also becomes a witness to violence in its many forms. I argue that we as anthropologists have the opportunity to play a fundamental role for speaking out for those who are victims of human rights abuses.

As mentioned earlier, conducting research in Rwanda is made more difficult because of the use of 'genocide ideology' accusations. Chapter three explores the various laws concerning divisionism, sectarianism, and genocide ideology. It also looks at how the imprecise definition of 'genocide ideology' is contributing to its use as a political tool to silence opponents and criticism. A focus on the debate between the government, the pro-government newspaper the New Times and Human Rights Watch, allows for an in-depth analysis of the situation. Lastly, within the context of the hidden transcript, the last section of the chapter, examines how Hutu participants perceive 'genocide ideology'.

Chapter four is concerned with understanding how the institutionalisation of the RPF's public transcript involves a continuum of violence. A continuum of violence refers to the presence of a full range of various and overlapping forms of violence, including structural, symbolic, physical and state/political. For example, when government officials and soldiers, acting on behalf of the state, employ direct physical violence in order to achieve a political end, it is hard to separate the physical violence from the political. But equally unpleasant is the symbolic and discursive forms that violence takes. To illustrate this argument I focus on two aspects of the RPF's public transcript concerning the governmental narrative on 'history,' and democracy.

Chapter five takes a closer look at the government's public transcript regarding the elimination of 'ethnic' identities and the reconciliation process. In this chapter I explore how through the process of 'reconciliation', in particular through the

traditional justice system *gacaca* used to try genocide crimes, the Hutu and Tutsi identities are imbued with collective guilt and victimisation respectively. I argue that within the public RPF transcript (Scott 1990) on the genocide, the victim/perpetrator dichotomy has become intertwined with Tutsi/Hutu identities, creating a hierarchy of victimhood.

The argument presented in chapter five, is expanded in chapter six. It explores how the hierarchy of victimhood and the collective guilt of the genocide are further linked with the Hutu identity by the RPF's insistence that all truly innocent Hutu refugees returned to Rwanda from Congo after the first month of the 1996 invasion, while the remaining refugees were genocide perpetrators. Secondly, this chapter examines how various actors in the region, including civilians and the governments of Rwanda and Congo and within the international media, perceive *Forces Démocratiques de Libération du Rwanda* (FDLR) members. FDLR is the predominately Hutu militia that has been responsible for attacks against Rwanda and against Congolese civilians. As some FDLR members were also *Interahamwe*/ex-FAR, the government discourse considers them to all be *génocidaires* operating solely on an anti-Tutsi genocide ideology. However, for Hutu participants FDLR is the only valid political opposition to the RPF, seeing them as freedom fighters, fighting against an oppressive dictator.

Chapter seven also explores the conflict in eastern Congo. It examines how increasing anti-Tutsi sentiments and the treatment of Tutsi as 'foreigners' in the Congo is in part the result of the RPF sponsoring and partaking in the 1996 and 1998 Congo Wars, the

presence of RPF and RPF officials in Laurent Kabila's regime and the actions of rebel leader and Congolese Tutsi Laurent Nkunda and his *Congrès National pour la Défense du Peuple* (CNDP). It does so, by exploring the historical grievances of land and identity. This research also addresses the next episode of conflict in eastern Congo that broke out in August 2008. This time placing 'renegade' Tutsi general Laurent Nkunda as the head of a movement, which sought to overthrow the Congolese government established under Joseph Kabila. This section will serve as the case study to the argument made in the preceding section.

I concluded by arguing that the violence, fear and marginalisation experienced by participants through the government's use of the public transcript in conjunction with 'genocide ideology' laws is causing resentment. This has serious consequences that could lead to further conflict. However, it is my hope that this thesis presents a more complex and holistic account of life in Rwanda, where narratives silenced under the RPF are acknowledged without being criminalised.

## Chapter Two: Fear and Loathing in the Kivu Region: Conducting Ethnographic Research in a Violent Social Context.

### *Excerpt from Field Diary 09/10/08*

*Today's the day, I'm leaving. I'm exhausted, yet absolutely ecstatic. I'm going home, but I'm terrified of the journey ahead. I should be starving, I haven't eaten anything for almost two days and the thought of food makes me sick. I have no idea what's going to happen when I get to the airport or if I will actually make it on the plane. I can't sleep. It's a mixture of wanting to return to my life and the overwhelming fear that has plagued me these last few weeks. However, today everything is focused on what happens at the airport. I just hope I make it through immigration without any problems. I'm so exhausted that I simply want to breakdown. And I haven't even left Gisenyi yet.*

*It's a three and half hour journey to Kigali. I'm reading Ishmael Beah's A Long Way Gone, an autobiography of a child soldier from Sierra Leone. Beah recounts running from rebels through the country, running and walking for days, with no food, and finally finding a "secure" place only to have it attacked the next day. As I read, Beah disappears and is replaced by Malcolm, who fled from Bukavu to Kisangani. It's him I see in my mind running, trying to find food, reaching safety only to have to flee again. He's not running from rebels, but the RPF. At this moment I realise that for the past six and half months, I've kept part of myself detached from the stories I heard as a coping mechanism. Not analysing them. It didn't always work, but how else could I stand to hear these accounts and not be able to say anything to anyone or do anything because of fear of the RPF? How else could I deal with my own fear?*

*The fear about what lies ahead at the airport deepens. I stop reading and imagine every possible scenario, the worst being that I'm taken into a room for interrogation with some big RPF commanding officer. I've never been an enemy of the state before and never been in trouble with the law. How did I get myself into this? How did I end up in Rwanda doing research that has potentially made me a public enemy? And not just Rwanda as in mountain gorillas or Kigali, I'm on the border with eastern Congo sitting on the edge of all out war. How do I get myself out?*

*The bus goes through three police checkpoints between Ruhengeri and Kigali. On this road there's not usually any. I'm more nervous. I know why they are there. It's the situation with the Congo. The newspapers reported today that Rwanda has soldiers embedded in Nkunda's army and have helped CNDP to take over a military base (BBC 09/10/2008). There's another article, Congo says Rwanda's attack on Goma is imminent (AFP Global Edition: 08/10/2008). I decided to leave because the stress of everything was too much and affecting me emotionally, mentally and physically. People said it was becoming too dangerous to continue and as I watched the situation unfold over the past week everything was verified. I had no way to communicate. The Rwandan government is known for spying on emails and telephone calls. I used to go to Goma to send sensitive*

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<sup>6</sup> Laurent Nkunda is a Congolese Tutsi from Masisi, he was the leader of Congrès National pour la Défense du Peuple (CNDP). Nkunda declared war against the Congolese government in August 2008. Nkunda will be further discussed in chapter seven.



*emails, but the heightened security at the border meant that this was no longer a safe option: I feared crossing the border and being questioned by Rwandan officials. The last two weeks have been about avoiding any and all Rwandan officials. I've become so paranoid. I didn't want to let the guy from Electrogaz in to check the meters, which led to an anxiety attack.*

*I gaze out the bus window and think back to the meeting I had two weeks ago with the RPF executive secretary. He asked me what my research was finding. I lied, and said that everyone told me reconciliation was working. I'm not entirely sure that I convinced him or myself. The situation that awaits me at the airport keeps coming back to me. I'm fighting back tears and trying to convince myself that nothing is going to happen. I will go through immigration like I was an American tourist with no problems.*

*Once in Kigali, I get a taxi to the airport. My heart is beating fast. My head hurts from everything. I have an hour and half to wait before check in. I finally make it through check-in with no problems. Next up immigration. The immigration official asks me a few questions. 'How long have you been here?' and 'Will you be back?' He wishes me a good flight. I made it through the last security point and I'm almost free. Every time a police officer or government official would come close to me, I panic. I've had too many close calls with authorities lately. As I sit, I try to figure out the amount of time in an interrogation that would be appropriate before asking for the embassy. Finally, we were able to board the plane. I have to stop myself from running to it. The plane took off and when the pilot announced we were in Uganda, I began to cry.*

*I was going home, safe and sound. No more worrying about government spies. I was free for the first time in six and half months. It was then I started to think about the thing I was most afraid to think of, the consequences for my participants. Yes, I was going back to freedom, escaping the RPF and their spies, but what about them? It's a question that will haunt me. I have to ask myself was it worth it? Was it worth putting people's lives, their livelihood and their family's security at stake for the sake of my thesis? What troubles me even more is that most of them thanked me for allowing them to tell their story. Will they still feel that way when they are in jail, go "missing" or cannot get a passport to escape themselves for that very reason?*

*I'm in Addis Ababa now, staying in a four star hotel. What I feel the most now is safe and relieved. How long is it going to take for me to recover from this? How long will it take for me to come to terms and realise what I've seen and heard? When will I stop looking over my shoulder to see if someone is following me or stop whispering? As I wait to board the plane to London, I talk with a Rwandan woman born and raised in Uganda, who moved to Rwanda following the genocide before settling in the UK. She surprises me. She's Tutsi and highly critical of Kagame and the RPF. "It's a one party state! Rwanda needs more political parties and needs criticisms to lead to better ideas". We talked about how the elections were fraudulent, the conflict in the Congo and the genocide. It was one of the best and most open conversations I've had with a Rwandan. The reason it could be so open was because we're not in Rwanda. She says that when she criticises the government in Rwanda she is treated as a Hutu. People will say "she looks Tutsi, but she comes from outside and is criticizing the government, maybe she is Hutu".*

*I'm astounded by the data I have. I became an anthropologist because I wanted the chance to hear marginalised peoples' experiences; to use their voice to capture the*

*realities they face. And I did. Whenever someone asked me what I could do for them, I said the only thing I can do was to promise to tell their story, exactly how they told me and that I wouldn't simplify it. That has become the major objective of my thesis, to tell their stories. But it's also more than their stories; it's also become mine.*

## **Introduction**

As anthropologists, we spend most of our academic lives learning about the 'field' as one of the most crucial aspects of anthropology. As anthropology is concerned with the interactions and relationships of people, we undertake fieldwork to understand the complexity of social life. Gupta and Ferguson (1997: 1) argue that all graduate students in social anthropology know it 'is fieldwork that makes one a "real anthropologist," and truly anthropological knowledge is widely understood to be "based" (as we say) on fieldwork'. This focus on long-term fieldwork is what separates anthropology from other disciplines and was a major factor in my decision to become an anthropologist. In order to maintain their position as the 'objective' and 'scientific' observer, anthropologists have tended to approach 'the study of conflict, war, and human aggression from a distance, ignoring the harsh realities of people's lives' (Green 1995: 107, Scheper-Hughes 1995: 410). However, when one conducts fieldwork in a region where war, fear and everyday violence is a fact of life, these realities become part of the anthropologist's life and the anthropologist's narrative merges with that of informants. As Carolyn Nordstrom (1995: 139) observes, 'On entering the field, we enter the domain of lived experiences'. Other anthropologists (see Taussig 1992, 2003, Bourgois 1996, Kovats-Bernat 2002, Sanford 2003) have embraced the inevitable way in which realities impinge on the anthropologists sense

of self and have approached the study of conflict and violence by focusing on the lived experiences of people within these areas, choosing to embed themselves within the realities of those they study, actively breaking down the distance between participant and observer.

Conducting research where everyday life is plagued with fear and suspicion does have a cost. As Linda Green (1994: 228) observes regarding her research among women in the Xe'caj area of Guatemala, 'Fear became the metanarrative of my research and experience'. As the above passage from my field diary highlights, this type of chronic fear had a similar impact on my research and myself. When I entered 'the domain of lived experiences' of my participants, fear and suspicion became very much a part of my everyday life, playing a dominant role in how I constructed and pursued the research process. Fear was the greatest limitation and barrier as well as the deciding factor for leaving the field early.

Jeffrey Sluka (1990: 14) argues that, within literature on research methods and experiences of anthropological fieldwork, 'One area which has been neglected is the methodological and subjective issue of the dangers anthropologists face while in the field'. Furthermore, conventional, generic anthropological methods and ethical standards assume 'ideal field circumstances' that simply do not exist in all the places anthropological research is carried out (Kovats-Bernat 2002: 210). This becomes especially evident when fieldwork is being carried out in dangerous places. Kovats-Bernat (ibid: 208) contends there is an urgent need for relevant strategies that

address the unique and volatile circumstances that result from doing fieldwork in dangerous conditions. He maintains that, if research is to be conducted in these areas, there has to be a methodological shift that is flexible and adaptable to the local socio-political context.

Emerson, Fretz, and Shaw (1995: 11) argue that it is 'Critical for the ethnographer to document her own activities, circumstances, and emotional responses as these factors shape the process of observing and recording others' lives'. In dangerous contexts, the stakes are even high regarding methodological choices and the need for the ethnographer to record those choices is accentuated (Kovats-Bernat 2002: 217). Self-reflexivity is especially important in a dangerous field site, since 'Anthropologists cannot escape physically, ethically, and emotionally the suffering or the brutality of their research subjects and the historical epoch in which they live' (Bourgois 2008: xxii). It is within these circumstances that the anthropologist serves not only to record the experiences of others, but becomes a witness to violence in its many forms. Asale Angel-Anjani argues that the 'figure of witness becomes a powerful space in which to authorize and legitimate the painful and often devastating histories that we anthropologists are allowed to listen to and sometimes see with our own eyes' (2008: 79).

I have structured this chapter to address the above concerns. What follows is a discussion of my own journey of witnessing as well as the adaptation, rejection and modification of conventional anthropological methodologies in the process of

conducting ethnographic research in the dangerous field site of the Kivu border region. In tracing my own methodological journey, I hope to contribute practical and useful strategies to the existing literature<sup>7</sup> on conducting research in conflict-zones and other violent social contexts.

For this reason, the discussion below is more reflective than technical. I have done this to emphasise, Linda Green's (1994: 230) call for the anthropologist to be a 'scribe, faithfully documenting what people themselves narrate as their own histories, that which they have seen, smelled, touched interpreted and thought'. According to Nancy Scheper-Hughes (1992: 28) not to do so is an 'act of indifference, a hostile act'. She believes that monographs themselves can become 'sites of resistance', 'acts of solidarity', or a way to 'write against terror', and where anthropology itself can be 'employed as an agent of social change' (ibid). I am not arguing in favour for an entire discipline of political activism. However, if one heeds Scheper-Hughes' moral imperative the anthropologist cannot avoid taking a political position. I am keenly aware those I interviewed told me their story as 'an act of resistance', as a way of speaking out against their oppression. These acts of resistance came from Hutu who faced the daily oppression by the RPF and Congolese Tutsi, who have been targets of violence in their homeland. This became a defining theme throughout my time in the field and will remain a key concern throughout this thesis.

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<sup>7</sup> See Sluka 1990, Bourgois 1992, 1996, Scheper-Hughes 1992, Taussig 1992, Nordstrom and Robben 1995, Green 1995, Nordstrom 1997, Kovats-Bernat 2002.

It is not only my respondent's stories that require me to adopt a position, but my own *personal* experiences during fieldwork. The RPF instilled in me a sense of fear and terror. I lived under constant surveillance, being indirectly and directly threatened regularly by RPF representatives and soldiers for over half a year. Participants and translators were also threatened for assisting or for being seen with me.

Taking this political position also requires moments of duplicity and evasion, which are equally distressing. Within situations of ongoing terror and conflict, Sluka argues (2000: 27):

it is particularly difficult and dangerous for anthropologists who have done research on victims and resistance to try to shift or expand their research to interviewing state terrorists...the risks of doing so are frequently dramatic or extraordinary.

During interviews with RPF officials and pro-RPF supporters, I sought to appear neutral or even in favour of their arguments. A heavy emotional strain resulted from having to wear this mask of compliance and staging a convincing performance of support and agreement with the government's authoritarian practices. Scott (1990: 28) argues 'A convincing performance may require both the suppression or control of feelings that would spoil the performance of emotion that are necessary to the performance'. When I wore this mask in the presence of government officials or soldiers, I could not completely challenge their dominant public ideology, but merely had to appear to accept what they told me as the absolute and only 'truth'. For example, at the end of one interview with Paul, a government official, I had asked if there was anything else that he would like to discuss that I did not mention. His response represents such a case, in which I felt that I had to mask my own reactions:

Yes. You go back and you tell the correct history of Rwanda! You tell how Rwanda is a democracy. He was almost angry and pointing his finger in my direction. [What is the correct version of history?] That all the division that happened were because of the Europeans. I decided to push this man a bit further. [What about the traditional systems that were very oppressive?] That is a lie! It is just another European creation. It never existed in such a way!

Afraid to push the discussion further, I ended the interview by telling Paul that I would do my best to ensure the 'truth' was told. I feared that saying the wrong thing or portraying the wrong emotion would destroy not only the mask I was wearing, but that it would undermine my entire performance, jeopardising my personal safety and that of my participants. This performance was necessary as my participants' criticism of the RPF stands in marked contrast to those writers who see the RPF as heroes for stopping the genocide (see Gourevitch 2000, Kinzer 2008, Caplan 2010) and resonates with other writers who see the RPF as authoritative and abusive, invoking the 'genocide credit' to get away with committing massive human rights violations (see Dorsey 2000, Reyntjens 2004 and 2009, Lemarchand 2009, Prunier 2009). The next section will examine how the Rwandan government uses political violence to silence the opposition. In doing so, I will explore how Hutu participants use public and well-known cases of political silencing to justify their hidden transcript.

## **Research Context**

### ***Political Violence and Enforcing Silence***

Much has been written about the tight political control and human rights abuses that the RPF as the ruling party of Rwanda is asserting over the country and region (see Dorsey 2000: 311-348, Pottier 2002: 76-83, Eltringham 2004: 103-110, 144-145,

Reyntjens 2009: 21-32, Lemarchand 2009: 89-98). This will be addressed in more detail throughout this thesis. However, to understand the methodological processes involved, it is necessary to understand the socio-political context. Since the 1994 genocide, the RPF has used every possible means to eliminate dissent and opposition. An editorial in *The Economist* in 2008 described President Kagame and the current state of Rwanda in the following terms:

Although he (Kagame) vigorously pursues his admirers in Western democracies, he allows less political space and press freedom at home than Robert Mugabe does in Zimbabwe.... Anyone who poses the slightest political threat to the regime is dealt with ruthlessly' (Economist: 2008)

According to Reyntjens (2009: 27) people from various NGOs who have witnessed the atrocities committed by the RPF have been forced to remain silent or faced the risk of expulsion. Scholars such as Gerard Prunier, Alison Des Forges, and Filip Reyntjens, to name a few, who have openly criticised the RPF, are now considered to be 'revisionists' and no better than *génocidaires* in the eyes of the Rwandan government (ibid: 201). Alison Des Forges was the Human Rights Watch (HRW) Rwanda expert, who wrote one of the most comprehensive accounts of the genocide and served as an expert witness for the prosecution at the ICTR<sup>8</sup> (Waldorf 2009: 112). However in recent years, HRW and Des Forges have become more critical of the government's policies. For example, they have argued that the government's claim of needing security from attacks by armed groups could not be used to justify abuses against its own citizens (BBC 26/04/2000). In addition, in March 2008, HRW announced its opposition to the transferring of genocide suspects from the ICTR to Rwanda, arguing

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<sup>8</sup> The UN established International Court Tribunal for Rwanda in November 1994 to try those who planned and organised the Rwandan genocide.



that the genocide ideology laws made it unclear if prisoners would be able to present defence witnesses and receive a fair trial (Waldorf 2009: 112). As a result of her position, the government accused Des Forges of taking ‘the side of our executioners’, and of trivialising the genocide (ibid), and in June 2008, ‘The Minister of Justice publicly accused Des Forges of becoming “a spokesperson for genocide ideology’ (ibid). Later that year, Des Forges was banned from entering Rwanda on two different occasions.

The situation is much worse for Rwandans who speak out against these atrocities, as they are essentially putting themselves and their families in danger (Reyntjens 2004: 197-198). Participants often invoked very public examples of the oppressive practices of the RPF to explain their own fears of the consequences they faced if they were found to be in opposition. For example, Hutu participants often spoke of the government accusing anybody who disagreed with the government of having ‘genocide ideology’, and the social isolation and imprisonment that those accused faced. Similarly, HRW (2008a: 39) found that individuals accused of ‘genocide ideology’, did indeed suffer from ‘no presumption of innocence; some suffered loss of employment, expulsion from school, and social isolation’.

Furthermore, politicians and public figures who have spoken out against the government have also been arrested or accused of crimes ranging from fraud to ‘genocide ideology’, such as former Prime Minister Twagiramungu, former President Bizimungu, and Hotel Rwanda hero Paul Rusesabagina. Twagiramungu was forced

into exile in 1995, after growing more concerned with the authoritarian nature of the RPF regime (Reyntjens 2004: 203, Prunier 2009: 44-49). Huey, a Hutu participant, explained what happened to Twagiramungu:

He was the Prime Minister; he lost thirty-six members of his family in the genocide and now he's all alone. He said (in a speech) that all Rwandans were survivors, that anyone who lived in Rwanda during the genocide, apart from those that committed genocide was a survivor. It's for that reason he had to go to live in exile. The RPF considered him to be a traitor and *Interahamwe*. Before he was an ally to the RPF, now he's *Interahamwe* who has genocide ideology.

In 2001, Pasteur Bizimungu was arrested on charges of 'attacking state security, fostering ethnic division, and engaging in banned political activities' (Human Rights Watch 2002). His arrest came nine months after resigning as President and forming an oppositional party. In 2004, he was sentenced to fifteen years in prison, but was pardoned by Kagame in 2007 (Associated Press: 6/04/2007).

One of the most prominent cases of government persecution against those who speak out is the case of Paul Rusesabagina, the Hutu manager of Hotel Mille Collines whose story was the focus of the film *Hotel Rwanda* (2004). Initially, Rusesabagina was well received and considered a hero by the government (Waldorf 2009: 102). However, in recent years he has been demonised by the RPF regime for making statements that criticise the government and accusing them of ethnic favouritism and even genocide.

In 2006, I attended a lecture given by Rusesabagina at Iowa State University.

Rusesabagina stated that there was another genocide occurring in the Congo by the RPF against Hutu. It is Statements like this that have caused government officials to label Rusesabagina a *génocidaire*. Rusesabagina has also raised the concern that '[I]n Rwanda each and every Hutu who doesn't necessarily agree with the government

is...qualified as a revisionist, a negationist' (as cited in Waldorf 2009: 102). Douglas, a Hutu, and long time member of the RPF had similar feelings, stating:

There were Hutu who were involved with the RPF such as Bizimungu. But when the RPF took power those Hutu who helped them were marginalised. All Hutu who fought with the RPF were killed. Twagiramungu was forced into exile and Sendashonga<sup>9</sup> was killed in Nairobi. And they were founding members of the RPF and worked for along time with the RPF. Since 1994, I have seen acts done by RPF that don't make sense. Many Hutu were killed and arrested. These Hutu were arrested for no apparent reason. I've tried to find a reason why they were and there was no reason. Those men were innocent. RPF only work with RPF.

These public cases were used by participants in a way that was very different from the telling of personal accounts and experiences. I argue that these public cases serve as 'The first open statement of a hidden transcript, a declaration that breaches the etiquette of power relations, that breaks an apparently calm surface of silence and consent, carries the force of a symbolic declaration of war' (Scott 1990: 8). These particular cases served to first 'prove' to me that participants were telling the 'truth' with facts that I could verify. Many felt that this was important because they believed that the public transcript of the RPF was so strong, that I would not believe their personal experiences alone. As Huey reiterated to me 'You can research and read about these men! And you will see that I am telling the truth'. Once 'verified', these public cases served as a gateway in which participants could begin to discuss their own experiences. After telling me about other political persecutions, Huey stated that:

I have to keep this stuff to myself, because if they (the government) find out that I am opposed to the government they will kill me. Look what they did to these big men. These important men! I am nobody! Can you imagine what they would do to me?

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<sup>9</sup> Seth Sendashonga was the Minister of the Interior and a member of the RPF under the Unity government. In 1995, Sendashonga grew highly critical of the RPF and Kagame, and resigned on August 28<sup>th</sup> 1995. After being placed under house arrest, he managed to flee to Nairobi, where he was the victim of two assassination attempts. The second attempt was fatal and he died on May 16<sup>th</sup> 1998. Both are believed to be the work of the RPF, but have never been proven. For a more in-depth discussion see (Prunier 2009: 365-368).

Another illustration happened during an interview with Douglas. I had asked him if he considered Fred Rwigyema<sup>10</sup> a national hero. He told me:

I consider Fred Rwigyema to be a hero. He decided to attack Rwanda because he was looking for freedom. Not everyone considers him a hero. But we must fight for freedom that's why I consider him a hero. But even this man, who is a hero of the nation, was killed by the RPF. He was a great leader and he was killed by the RPF. [Really?] Yes, it's true! [Douglas's voice drops to an almost whisper, Joseph leans in a bit to hear him and leans closer to me to translate]. Rwigyema wanted to take a small region and then hold negotiations with the government. In my opinion this was why he was killed, why his friends killed him. He was killed by a man called Banyingana and another one called Bunyenezi. Museveni was very upset when he heard about his death. You see Rwigyema and Museveni were very good friends. Museveni called those men to Kampala, and they were killed for what they did.

I remained sceptical regarding Douglas's claim about Rwigyema and passed it off as a conspiracy theory. Prunier (1995: 94) originally argued that Rwigyema was killed by Habyarimana's forces and disproved the rumour of RPF involvement in his death. However, in Prunier's recent book (2009: 13 ft 51, 355), Prunier apologises and explains how he misunderstood the circumstances surrounding Rwigyema's death. According to Prunier, Douglas was correct; members of the RPF had killed Rwigyema. Douglas used the discussion of Rwigyema and the killing of former Interior Minister Seth Sendashonga to move into a discussion about his own experiences as a Hutu member of the RPF and the fears he had for his own security if his opposition was widely known.

Michael Taussig (1992) emphasises that the Dirty War in Colombia in the 1990s was a war of silencing. I argue this is the case in Rwanda where, like Colombia, 'There is no

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<sup>10</sup> Rwigyema was the first commander of the RPF but was killed soon after the RPF invaded Rwanda in October 1990.

officially declared war. No prisoners. No torture. No disappearing. Just silence consuming terror's talk for the main part, scaring people into saying nothing in public that could be construed as critical' (ibid. 26). People, who revealed sensitive information, would often give statements such as Huey's. Al, another Hutu participant, stated that he was at risk because, 'Everything is controlled by the RPF. They could arrest me for talking with you. They make life very very difficult for those who disagree with them'. Al has received threats and has been harassed by soldiers and government officials since voting for Twagiramungu in the 2003 elections. Such statements served as a warning of the danger that they and myself were in for not remaining silent. The fear that forces many Rwandans to remain silent comes as a result of government-led persecution and prosecution of any person that openly criticises the government or Tutsi.

One way that this has been carried out most effectively is through the use of 'genocide ideology'. In 2008, the Rwandan government passed Law No. 18/2008, that defined genocide ideology as:

an aggregate of thoughts characterized by conduct, speeches, document and other acts aiming at exterminating or inciting others to exterminate people basing on ethnic group, origin, nationality, region, colour, physical appearance, sex, language, religion or political opinion, committed in normal periods or during war' (Law No 18/2008: Article 2<sup>11</sup>).

However, prior to this law, the term was still used and people were arrested on charges of 'genocide ideology' (Waldorf 2009: 109). The 2008 law increased the prison sentence from one to five years, as stated in the previous Law No 47/2001

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<sup>11</sup> [http://www.primature.gov.rw/index2.php?option=com\\_docman&task=doc\\_view&gid=154&Itemid=95](http://www.primature.gov.rw/index2.php?option=com_docman&task=doc_view&gid=154&Itemid=95)

*relating to the offense of discrimination and sectarianism* to ten to twenty-five years.

This law will be examined in more detail later in this chapter with the case of Robert and as a recurrent theme throughout this thesis. At this stage, it is important to note that many of those I talked to risk going to prison for ‘genocide ideology’ for what they revealed. The extent of the situation is well illustrated in a Human Rights Watch report (2007b)<sup>12</sup>, where it states that the Rwandan government:

In a continuing campaign against ‘divisionism’ and ‘genocidal ideology’, authorities compiled a list of hundreds of persons suspected of such ideas. Banned by the constitution, ‘divisionism’ is vaguely and broadly defined in a 2001 law. A priest was sentenced to 12 years’ imprisonment in September 2006 for minimizing the genocide. In a sermon he had suggested it was wrong to call persons who participated in genocide ‘dogs’. During the trial, the prosecutor allegedly said that those convicted of genocide were not human and should properly be called ‘dogs’.

Scott (1990: 14) argues that ‘Eventually we will want to know how the *hidden* transcripts of various actors are formed, the conditions under which they do or do not find public expression, and what relation they bear to the public transcript’. The intention of this section was to provide a broad overview of how the Rwandan government is enforcing a state of silence over critics and those whose experiences in post-genocide Rwanda do not match the dominate discourse. I have done so to contextualise the conditions from which the hidden transcripts emerges as a response to the public transcript. Furthermore, I also wish to draw attention to the risks that participants took for breaking with the official transcript. For participants, research assistants, and myself, every interview was an individual decision where we

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<sup>12</sup> See also Human Rights Watch (2008a) *Law and Reality: Progress in Judicial Reform in Rwanda* New York: Human Rights Watch. <http://www.hrw.org/en/reports/2008/07/24/law-and-reality?print>

essentially weighed the risks between obeying the public transcript and the desire to resist oppressive practices and share experiences.

Many researchers who study Rwanda experience few problems. The government is more than willing to allow researchers to study the 'genocide', mountain gorillas, or successful government initiatives. One woman, who researched media propaganda and rape during the genocide told me she did not experience problems conducting research. Government officials were very helpful, providing her with useful materials and documents. Another researcher, discussed with me, how she also experienced few problems researching reconciliation and re-education camps. I believe that the difference was between who was actually being interviewed. The other researchers, I believe focused more attention on interviews with government officials. Whereas, I rarely interviewed officials and when I did it was only as strategy to avoid suspicion and to understand the public discourse than becoming a focal point of my research. For example, I interviewed Stewart, the RPF official mentioned at the beginning of the Introduction chapter, only after Joseph and Douglas had informed me that government officials were suspicious of my research. I used this interview to demonstrate that I was not a threat to the public discourse and that I was trying to understand what made reconciliation in Rwanda so successful. However, I was not the only one to have problems with the RPF. After publishing an article in *Anthropology Matters* about the difficulties of doing fieldwork in Rwanda, a German researcher, who was conducting research from 2006 until 2008 in the same region, wrote explaining how he had experienced similar problems with spies and the DMI.

His laptop was even stolen from his hotel in Gisenyi by the Intelligence Service. In addition, Susan Thomson's experience (2011: 331) is an excellent illustration of what can happen when the Rwandan government believes a researcher is stepping over the boundaries of what is 'acceptable' research. During her fieldwork, the Rwandan government confiscated Thomson's passport and was told it would only be given back once she completed a 're-education' program, where she was re-indoctrinated to the 'truth' or the RPF's public transcript.

Would I have faced the same problems if I had conducted research outside of this volatile border region? In light of Thomson's (2011: 332) experience conducting research in southern Rwanda in conjunction with my own experience, I believe that I would have. According to participants, these problems existed everywhere, especially in Kigali. Joseph and Simon warned me never to even speak of my research in the city because as Simon said 'If you have two people, one of them will be a spy. You cannot trust anyone in Kigali'. I believe that most problems begin once the researcher raises questions that are outside these well-defined boundaries and begins to question the government's policies and methods. Part of my fear of the authorities and the RPF was related to the fact that I was guilty. I had collected information that went against government policies and stances on reconciliation, history, the elections and the Congo. I would have been considered to be a *génocidaire* or spreading 'lies' if I was found to have this information.



To give a full depiction of the severity of the situation, it was easier for me to gain access to well-known militia leaders in Congo (including Nkunda) than it was to interview anyone in Rwanda. While I waited for a reliable translator to come back to Gisenyi, I met a Congolese man who agreed to help me do some research in Goma Congo. My research was cut short, but, in contrast to Rwanda, I had no problems gaining access to these militia leaders and talked freely with them. I was able to interview several leaders from various Congolese militias including Mayi-Mayi<sup>13</sup>, PARECO<sup>14</sup>, and a militia belonging to ethnic Bembe<sup>15</sup> at the headquarters for the Amani Program<sup>16</sup>. Furthermore, they were some of the most open and enlightened interviews I conducted. Each person openly talked about their prejudices, grievances and the history of the current political situation, all of which would be considered reason for arrest in Rwanda. For example, a general from a faction of Mayi-Mayi discussed the alliance that they had with FDLR. I asked if it was possible to meet someone from FDLR. He said that it was because the UN<sup>17</sup> would not allow it, but he was happy to arrange a satellite phone call with the FDLR leader. I decided that it was too risky for my own safety to proceed with the plan and what the response of the Rwandan government would be if they found out. The dissonance of this experience in Congo further impressed upon me the pervasive silencing in Rwanda. Conducting research in such an environment resulted in feelings of fear and suspicion. The next

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<sup>13</sup> Mayi-Mayi is a large umbrella militia. Some Mayi-Mayi groups have a clear political agenda, while others are ‘loose gangs of social bandits’ (Vlassenroot and Van Acker 2001: 60)

<sup>14</sup> PARECO is the largest Mayi-Mayi group that was created in March of 2007. It is mainly comprised of Congolese Hutu, Hunde and Nande and has joined an alliance with FDLR (HRW 2010: 4).

<sup>15</sup> See chapter seven

<sup>16</sup> The Amani Program was setup to bring together all Congolese militias in order to work out the details of the Goma peace agreement that was signed in January 2008 (see chapter seven for more information).

<sup>17</sup> However, the UN would escort people quite regularly to interview Nkunda.

section examines how fear has become an embedded feature through the everyday realities for Rwandans.

## **Fear and Suspicion**

Among many Tutsi, pro-RPF, and Congolese there is the common belief that Rwanda is stable and secure. However, my own experiences and that of some participants suggest that this is not the entire picture and there is a fine line between 'security' and 'government control'. Experiences I had interviewing participants provided a deeper insight into the everyday realities of fear with which Rwandans must cope.

This fear required me to adopt *similar* strategies Rwandans employ to avoid and dissipate suspicion, as the following extract from my fieldnotes illustrates:

### *A Lesson in Fear: Field-notes 29/07/2008*

*I was having breakfast at a restaurant that I usually went to. I met Joseph and we left to go meet an Imam. There are plenty of street kids around, nothing unusual. We arrive and begin the interview. The Imam destroys every stereotypical image of what an Imam is portrayed to look like. He's wearing sunglasses, despite the complete lack of light in the house. He has a plain blue t-shirt on and baggy cloth pants. His demeanour is relaxed. The Imam is discussing how Muslims have contributed to the reconciliation process in post-genocide Rwanda. The purple and green lights from his phone begin to flash. He answers it and at first remains sitting on the sofa, then leaves out the front door. He returns after a few minutes and the interview continues. As soon as we are away from the Imam, Joseph informs me "We are being watched". [I ask how he knows]. "I overheard the Imam's conversation on the phone. The person on the phone was the District Chairman of the RPF. He says that there is a white person at your house. What does she want? What is she doing there?" [What did the Imam say? I asked almost desperately.] 'He said that you were here doing research on Islam and that you were on "our side"'. [Somehow those words do not ease the wave of panic that has come over me.]*

*One of my informants told Joseph that he watched the waiter from the restaurant hire a couple of street kids to follow us. The street kids reported to another man on the street who then contacted the Chairman of the RPF. It was not just one, but five different men who have been following our movements.*

To those who do not understand the current situation in Rwanda, these events might sound a bit troubling but nothing serious. Linda Green (1994: 230), however, best describes what pervasive fear is like:

Fear is elusive as a concept; yet you know it when it has you in its grips. Fear, like pain, is overwhelmingly present to the person experiencing it, but it may be barely perceptible to anyone else and almost defies objectification. Subjectively, the mundane experience of chronic fear wears down one's sensibility to it. The routinization of fear undermines one's confidence in interpreting the world.

Furthermore, according to Scheper-Hughes (1992: 233) 'the intolerableness of the situation is increased by [its] ambiguity'. The ambiguity of not knowing who is a spy and who could be watching made it even more difficult to cope with the situation. This experience with Imam left me emotionally drained and physically ill, undermining my ability to conduct research. While this section addressed the impact that fear has, it is equally as important to explore the ways in which fear is produced.

### ***Rumours***

Taussig (1992: 2) argues that what is important about fear and terror is 'how it was passed from mouth to mouth across a nation, from page to page, from image to body'. Fear in Rwanda is most commonly spread through rumours. Rumours in politically volatile areas are more than just gossip, in that within the speculation resides kernels of knowledge (Simon 1995: 43). This 'knowledge' is embedded in the socio-cultural and political fabric of daily life. There are many rumours that spread fear and suspicion in Rwanda (such as the many that describe the misdeeds of the RPF), which corresponds to Feldman's (1995: 232) observation that 'The social production of

rumour is the social production of collective experience in the absence of wide-scale social credibility'. There are few if any, formal means in Rwanda where people are allowed to be openly critical of the RPF. Most of the newspapers that were critical of the administration were shutdown and accused of spreading 'divisionism' and 'genocide ideology'<sup>18</sup>. As a result of this absence, rumours are treated as the truth. The effectiveness of the rumours in spreading fear thrives on ambiguity. Since it would be grounds for imprisonment to openly discuss most rumours, there is no way to verify or disprove them.

One of the most prevalent rumours is that the Rwandan government is Big Brother, tapping phones and emails, always being aware through their network of spies of what is being said. There are many accounts that give these rumours legitimacy. I have no concrete evidence to suggest the government actually did tap my emails or phone calls. However, the warnings from my supervisors before I left and my translators while in the field forced me to work under the assumption that the government would actually do so. There was one incident where I received an email from a Rwandan living in exile, he stated that I had never met him but he was sending me documents on behalf of a Rwandan official. The email contained documents about

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<sup>18</sup> 'In December 2001, the police detained the editor of *Le Partisan* for three days for publishing articles criticizing the government' (Human Rights Watch World Report 2005). In January 2002, police arrested three members of the paper *Ubuntu* and charged them with attacking the security of the state (ibid). In March 2004 the editor in chief and a journalist from *Umuseco*, were forced to flee the country after receiving death threats from government officials (Human Rights Watch 2005). In April 2010 the Media High Council gave a six month suspension to *Umuseco* and *Umuwugizi* for inciting public disorder, divisionism, and accused of mixing news with opinions that shows unprofessionalism, which could harm foreign investment (New Times 14/04/2010). On June 25<sup>th</sup> 2010, Jean Leonard Rugambage, acting editor of *Umuwugizi* was assassinated. The previous editor Jean Bosco Gasasira, who fled to Uganda in April, believes that the government is behind his death (Kron: 25/06/2010).

the atrocities committed by the RPF during the civil war, genocide and afterwards. I emailed this person after my return to the UK to know why? And who told him to send me those documents. His reply revealed that the intelligence services in Kigali knew what I was doing in a different and more isolated part of the country. His response further validated that many of the rumours that had plagued my research and my time in the field were not just gossip. He stated:

We learnt from Kigali officials that a young and naive young woman was making research on the Rwanda tragedy. We were asked to provide you with “good” information. That means, we were asked to repeat Kagame and his fellows’ speech on what happened and what is happening in Rwanda and in the Great Lakes area. We consider Kagame and his sponsors (USA, UK, some West companies) as the main actors of Central Africa tragedy (received 05/11/2008).

These fears added to the increasing feelings of frustration, constant mistrust, feelings of always being watched, and having no one who understands the situation to offer advice or support. The rumours essentially imprisoned me, leaving no secure way to communicate anything to anyone.

### ***Louis***

The reality of this culture of fear that existed as a consequence of rumours became evident during interviews. It was more than participants’ stories that alluded to this fear, but also their reactions. For example, as soon as a waiter would approach, the conversation would come to an abrupt stop until after the waiter left. People were scared to be seen with me too often in the same location or allow me to go to their

home. It was during an interview I had with Louis that I realise just how real this fear was.

During a conversation with one of my participants, Malcolm suggested that we contact his friend Louis. While Malcolm was fleeing the advances of the RPF in Congo in 1996, he had an unintended meeting with Louis in the forests just outside Tingi-Tingi. My research assistants, arranged to meet Louis at a restaurant near Lake Kivu, where we had done a number of interviews. The tables were arranged around the lakeshore that was far from the main restaurant sitting on the hill above us. This helped to ensure we had some degree of privacy.

Before an interview I always had my research assistant explain who I was, the project, and confidentiality. I specifically wanted him to tell all participants two things: their name would never appear in notes or in any written work and secondly that they did not have to answer any question with which they were uncomfortable. After my research assistant told Louis these things, I asked him where he was born and whether he was married in order to break the ice. In some interviews these were the only questions I could get people to answer. Louis looked at me 'I am here to tell you about what happened in the Congo. That is all. Why do you want to know this information'? I quickly apologised and my research assistant reassured him that I was not a spy for the government and that I was on 'their side'.

During the interview Louis refused to provide the date when he returned to Rwanda from the Congo or anything that could lead to identifying him, stating 'if I give you this information, they will find me and kill me'. He would regularly get out of his chair and check to see if anyone was listening to us. At one point during the interview, I was sitting with my notebook in my lap, keeping it under the table so as not raise suspicion from the waiters. I enquired about his willingness to return to Rwanda after being in the Congo. My research assistant was translating the question and I was writing it down in my notebook, when Louis jumped up from across the table, pulled the table away from me and looked on my lap. I immediately showed him my notebook. He explained that he thought I was using a tape recorder to record him. I took out the tape recorder, which I always had with me but never used and gave him the battery to it. 'I'm sorry. I'm not angry but you can't trust anybody. My security is at risk', he said. I told him I understood and asked if he wanted to stop the interview, but he said we could continue. Towards the end of the interview I asked if I could talk to him again sometime. He responded in a voice that was not loud, but more like the eerie calm before an impending storm:

I agreed to do this one interview because Malcolm said you were all right. He [meaning Malcolm] can continue to put himself at risk, but if I catch problems because they find out I talked to you and what we discussed, you and me are going to have problems. I'll come after you.

There was no mistaking the seriousness of the threat. Green (1994: 23) argues that part of the difficulty of 'writing on fear' is the difficulty of putting the sensation into words. It is hard to describe the fear I felt at that moment about the consequences my research may have. It was not the first time that I thought about what might happen

to my participants should the government or their associates find out what people had told me, but it was being directly threatened that reminded me of this reality.

### ***Reliving the Fear***

The hardest lesson I learned from the field was that the field does not leave just because you leave the field. In fact, I have found that returning home has been just as difficult as fieldwork. For the first few months after my return it was extremely difficult for me to read my field notes or to discuss my experiences. Writing a paper that dealt with many of these issues was extremely taxing because I did not want to relive my own fear. It was an extremely frustrating process, because you think (as well as those around you) that you should return to your normal self, but those experiences follow you. I have found that my experiences are similar to Green's (1995:109) observations:

While it is true that with repetitiveness and familiarity people learn to accommodate themselves to terror and fear, low-intensity panic remains in the shadow of waking consciousness. One cannot live in a constant state of alertness, and so the chaos one feels becomes infused throughout the body. It surfaces frequently in dreams and chronic illness.

The following extract from my post-return fieldnotes indicates Green's argument,

#### ***Fieldnotes 13/10/08***

*I've been back in the UK for three days. I can't sleep and when I do I'm having nightmares. The first night, I dreamt that I was in Gisenyi, when Rwandan and Ugandan soldiers attacked Goma. I was trying to jump a fence but I was trapped. Even in my dream I could sense the impending war. Even then I was still more terrified of the Rwandan soldiers than anything else. Last night I was plagued with two nightmares, but I forgot the second one. My friend who visited me while I was doing my fieldwork had come back and we went to Cyangugu. I had forgotten that I wasn't supposed to go back there. I remembered when we approached a roadblock. A soldier pointed his gun to my head and shot me. After each nightmare, when I wake up, I feel the familiar weight of pressure, stress, and panic. It takes me awhile to realise that I'm safe. Yesterday, I went*



*for a walk, I panicked when a man came running passed me. My entire body tensed and I moved out of his way clinging to my bag. I kept looking around, still feeling nervous and anxious.*

*I looked at FDLR's website and it's strange. I still feel like someone is watching me, that at any moment the RPF soldiers are going to show up and arrest me for looking at this website. Every time someone walks through the door, I shut my laptop. I finally have broken myself from the habit of whispering when I say Hutu or Tutsi and constantly looking around to see who is listening to my conversation. It had almost become a natural reaction.*

My fieldwork experience is a textbook example of Green's argument. While in the field, the stress caused the chronic pain condition I suffer from to become so intolerable I couldn't get out of bed for days. Fieldwork continues to take its toll. I am still feeling the effects of this stress, where I'm suffering from anxiety attacks, migraines, nightmares, chronic fatigue, sleeplessness, and overall pain.

It has come to my attention that many PhD anthropology students have similar feelings and experiences regarding the field. Once home, they still feel isolated, frustrated, and disillusioned by their experiences. In the field, I was never able to engage in the everyday activities of my participants due to the suspicion this would cause. I could not therefore, be a 'true' participating and observing anthropologist, which left me with the feeling that I had somehow failed.

### **Local Ethics and Research Strategies**

One of the first problems to arise was the limitation of the questions I could ask. The government places legal and *de facto* restrictions on how the genocide and 'ethnic' identities can be discussed. It is illegal to use or refer to someone's 'ethnic' identity

outside the context of the genocide. Furthermore, based on rumours, I feared that if the Rwandan government found out the true content of my research I would have been harassed, imprisoned, expelled or even worse. This situation would have been much worse for my participants. As a result, I had to find different ways to address the stated research questions. This led to a complete change in the research focus. The initial questions I would ask participants were broad and general. It was intended that these general questions would allow the participant to have control over what information they wanted to provide without perceiving my research as a threat to the ruling hegemony. For example, I would often begin by asking how they viewed the reconciliation process. Based on their answer I had an idea of what questions I could or could not ask about socially and politically taboo subjects.

One such illustration occurred during my first interview with Malcolm, I asked how he felt about reconciliation. He stated that it didn't involve everyone, 'because I didn't get to go to school'. This statement led into a wider discussion about discrimination and inequalities between Hutu and Tutsi. Fearing the retaliation of the RPF, Malcolm was forced to flee to Congo after the genocide and was not able to attend school. Back in Rwanda, Malcolm felt that many Tutsi were given advantages, such as funding for education because they were considered genocide survivors, while Hutu were purposefully excluded as survivors and thus denied the same opportunities<sup>19</sup>.

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<sup>19</sup> This will be further discussed in the chapter five.

This raises important ethical concerns that must be addressed. This project was planned in accordance with American Anthropological Association (AAA) and the Association of Social Anthropologists (ASA) ethical guidelines. However, once in the field these guidelines were inadequate for the socio-political context of the fieldwork site. Pat Caplan (2003: 3) contends that adhering to a professional guidelines have never been easy, because the formation and agreement about the interpretation of the codes themselves remain problematic. She raises the question, of whether anthropological ethics 'need to be rethought each generation, as the discipline's conditions of existence change?' Based on my experiences, I firmly believe that they should.

Firstly, the ethical guidelines are particularly problematic because they assume ideal circumstances where each society has just laws, democratically elected leaders who adhere to democratic values, and where participants are free from coercion. However, this is not reflected in the realities of all the places fieldwork is conducted, particularly for those who research areas of terror and conflict, because 'Anthropologists who write against terror step outside the boundaries of standard anthropological practice' (Sluka 2000:13). Bourgois (1992: 45) adds that for those who wish to research marginalised or oppressed peoples, it becomes almost impossible to live by strictly defined ethical guidelines. It was due to these inadequacies in relation to the socio-political realities of Rwanda and for the marginalised people I wished to study, that I found it necessary to vary from the letter, while honouring their spirit.

For example, to ensure the safety of participants and myself, I could not be completely open and transparent with the host country and participants as both associations require. Most problematic for my research was that both ethical guidelines state that a researcher must adhere to the host country's national laws<sup>20</sup>. In order to gain research permission I emphasised that my research was focusing on what makes the reconciliation process in Rwanda so successful. The government would never have let me in the field had they been aware that my research was questioning this very position. My research involved participants who directly challenged the government's discourse, by stating that they believed that Rwanda was not reconciled and 'ethnic' identities were still used for discriminatory practices. As a result of collecting these narratives, under the genocide ideology laws, my research would have been considered illegal<sup>21</sup>. At the start of each interview, I obtained verbal informed consent, letting the participant know that they were under no obligation to answer any question and could walk away at anytime. I could not make it seem like I was questioning the RPF's discourse out of fear that a participant may be a spy or feel threatened by it. However, people only answered questions they felt comfortable with and I never raised issues that could jeopardise them until they did. When people did raise controversial topics, it was very clear that they were well aware of the risks.

As an anthropologist, I wanted to collect people's stories about their experiences within a region that has experienced the brute force of retaliation from the RPF and

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<sup>20</sup> For AAA (2009) see section 3A, paragraph 4 and for ASA (1999) see section IV.

<sup>21</sup> The genocide ideology laws and the impact they are having in Rwanda will be discussed in much more detail in the next chapter.

the *Interahamwe*. If I followed anthropological guidelines, I would be forced to follow the rigid and narrow boundaries dictated by the host country, which would not allow any form of criticism or questioning of the RPF. Without the other side's point of view, the result would be the production of yet another simplistic government sanctioned image of Rwanda as peaceful and reconciled. The question that became important to ask (as it was for Bourgois) (1992: 51), is 'Does one abandon urgent research simply because a dictatorial host nation government does not want its repressive political system to be documented?' Or do I emphasise a different aspect of my research to appease the government to gain research permission and then see how people really feel? It was a choice between the government dictating the results of the research or the marginalised people I chose to study having an opportunity to tell their side. I chose the latter.

Since the anthropological associations' ethical guidelines were inadequate on many fronts, I abided by the spirit of the code, employing a different kind of strategy, referred to as a 'localized ethic' (Kovats-Bernat 2002: 214). A localised ethic is essentially being responsive to and aware of the dangers and demands of the field by listening to the advice and recommendations from those in the field. The main principal of a localised ethic argues that it is more reliable to utilise the knowledge of participants who are better informed and better equipped at recognising possible dangers than the outsider. Since it is based on local factors that are occurring within a specific field site, it allows for more adaptation and flexibility than the AAA and ASA codes.

While in the field, I interviewed over eighty people, including members of the genocide widow association AVEGA, a Twa community, university students and Congolese militia leaders. I gained access to most participants through a network of friends and contacts. This was necessary, because as a well-educated white woman, it was suspicious for me to be seen talking to peasants and those who were less educated than myself. Furthermore, contacts, like Simon and Joseph, legitimised my presence with possible participants. People knew that they could trust them, so they were more willing to trust me. Their advice and guidance made it possible to collect this type of data. Not to rely on this knowledge as the guiding force in the field would have been arrogant and foolish.

### ***Data Collection and Fieldnotes***

The safety of informants is a serious ethical problem of which anthropologists must be constantly aware. There was the fear that no matter how hard I tried and all the precautions I took to protect my participants including, but not limited to (pseudonyms, changing locations of the interviews, coding field-notes), there was always a risk, such as a participant being arrested for genocide ideology. What was even more difficult is that I was not the one choosing to take the risk. They were. By asking them a few questions, I was essentially asking them to put their security and the security of their family at risk. This was the reason for Louis' anger and suspicion. I tried to calm Louis' anxiety, by reassuring Louis that my notes were written in a code that no one but I could understand. Using characters from Lord of the Rings, Doctor

Who, Harry Potter and other fictional pieces of popular culture, I developed a code that was uniquely my own. I had given a Rwandan friend an excerpt to see if he could break it and if he could see the association. This was excerpt I gave him:

The influx of Daleks from Earth into the Gallifrey region upset the e-TARDIS. Men of Middle Earth joined with the Daleks of earth to attack Elves-C. The worst was when Daleks with the help of Grindlewald, instigated a Timey-Wimey based on their TARDIS, this led to the emptying of Elves-C from Gallifrey. Most fled to Earth and said that it was very good.

Roughly de-coded:

The influx of *Interahamwe* from Rwanda into eastern Congo upset the ethnic balance in the region. Congolese Hutu joined with the *Interahamwe* of Rwanda to attack Congolese Tutsi. The worse was when the *Interahamwe* with the help of Mobutu instigated a conflict based on their identities, this lead to Congolese Tutsi of Eastern Congo fleeing to Rwanda, where the situation was said to be very good.

My friend laughed and told me it was very good and he couldn't understand any of it. However, Louis remained sceptical. He enquired about the key I had, warning me if the government got a hold of that, they would know everything. I reassured him that even the key was highly coded using abbreviations or words without vowels (Lord Voldemort =KG to stand for Kagame). After so much use most words didn't even require this much and the abbreviations were deleted. In most cases, my interview notes sounded more like a science fiction story than personal accounts of the atrocities committed by the RPF in the Congo. This involved another translation where meaning could be lost. However, I had to work under the assumption that the government officials, soldiers or who ever may confiscate my notes at any time. This also required me to vigorously try to remember as much as possible about conversations in the absence of unedited notebooks or tape recordings. In order to protect participants' identities, no other forms of data collecting devices were used. I also never learned the names of those I interviewed. This may run counter to

everything taught in anthropology, however, it served as an additional layer of protection.

The problem of fieldnotes was one of the most pressing issues during fieldwork. It is also one of the best examples of the panic and paranoia that had built up as a result of the chronic fear and suspicion I was constantly under. During an interview I would write as much in code as possible, but it was difficult to do this while keeping up with the conversation. I would then type up the interviews using my code. When I would have to walk around town or once back at home I would hide my notebooks in various places. On the twelve-hour bus ride back to Gisenyi from Cyangugu, I hid my interview notes under the insoles of my shoes. Once in my house, I zipped them up in a pillow and put them in a flower vase filled with fake flowers. In hindsight none of these measures would have been effective had the RPF chosen to raid my house or search me. However, the absolute paranoia I felt forced me to do something even if it was ineffective.

I tried to type up all my notes up regularly, but with electricity being unreliable and the stress of the field, some went without being typed up. These were primarily ones where people repeated the government discourse or where people didn't say anything. The last few weeks I was in Rwanda I had a number of close calls with the RPF authorities, one time being where a high-ranking official from the DMI



unknowingly listened in on a conversation<sup>22</sup> I had with Joseph about how fraudulent the local elections were. The next day, I called off all interviews and I was instructed by a friend to go back to my room at the guesthouse and not to leave until it was time for me to leave the next day. Following the localised ethic, I didn't dare disobey. I was dead certain that the government was coming after me. The passage at the beginning of the chapter describes the sheer terror I felt as I made my way to the airport. It was going through immigration and customs at the airport where I felt I would be most vulnerable. In order to avoid the government getting a chance to look at my field-notes, I was forced to have a Congolese friend send my notebooks through DHL in Goma and I have not seen them since. Therefore, for this thesis, I am relying on those notes that were typed.

When fieldwork is carried out in dangerous contexts normal ethnographic methods are inadequate and do not go far enough in protecting participants' identity.

Furthermore, this section illustrates how fear penetrates the research process and as a result it is crucial to have a more responsive methodology and ethics. At the heart of this call for change is that participants have a real need to tell their stories and to be heard. The next section will explore the debate between needing to be heard and informed consent.

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<sup>22</sup> Joseph and I were at a restaurant, where the main part was located on top of a steep hill. We walked down to the tables that were located at the bottom of the hill on the shore of Lake Kivu. We were talking and stopped when a man in a black uniform walked by and smiled at us. We waited to continue our conversation until he disappeared around the corner and thought he was far enough away from us. After we finished, we walked in the same direction as the man, going around the curve of the hill. We discovered that the man was sitting at the table closest to us that had been blocked from our sight by the natural curve of the hill. After we reached the top of the hill Joseph informed me that the man was a high-ranking official in the DMI.

### ***The Need to be Heard Versus Informed Consent***

Given all these risks and the consequences that those I talked to were well aware of, it was surprising that some people were willing to discuss topics considered taboo in Rwandan society. Furthermore, they thanked me for giving them an opportunity to tell their story. Das's (1990) research in India and Nordstrom's (1997) in Mozambique found that victims had a real need and desire to communicate their experiences. Nordstrom (1997: 79) observed, 'Words serve to give voice to the unspeakable...Words serve to mourn the dead and create meaning in a new and brittle world'. Additionally, people share their experiences to challenge the political and social institutions that have constructed a 'reality' that does not fit into and misrepresents their lived experiences. Suarez-Orozco (1992: 367) has noted 'testimony is a ritual of both healing and condemnation of injustice- the concept of testimony contains both connotations of something subjective and private and something objective, judicial and political'. The story of Robert's arrest best illustrates the contradiction between the need to have a testimony be heard and the consequences.

### ***Robert***

Robert was in the military with Juvenal Habyarimana before Habyarimana became president in 1973. According to Robert, his neighbour's brother blamed him for the death of the neighbour. During the genocide, the *Interahamwe* detained the neighbour

at a roadblock. Robert went to the district office, where he was able to obtain an identity card that stated the neighbour was Hutu. When the neighbour was released he fled to Congo, but at the border, the Interahamwe killed him. The neighbour's brother believed that Robert purposefully sent his brother to be killed.

Fearing the retribution of the RPF after the genocide, Robert fled to Congo like one million other Rwandans. He returned to Rwanda, only to be arrested two days after his return on genocide charges. He spent five years in prison without a trial before being found innocent by both the formal courts and then *gacaca*. While in Congo, his neighbour's brother occupied Robert's house. When the neighbour's family was forced to vacate the house, they took all the doors and windows from it, leaving Robert with nothing. During our interviews, Robert spoke at great length about his time in prison where he was beaten. He also praised Habyarimana, and spoke of his discontent with his neighbours and the RPF government. As a result of the past, the current situation with Robert and his neighbours is very tense. Surrounded by Tutsi, Robert often feels that they are trying to push him out of his house and off his property because he is Hutu.

Taussig's (2003:12) statement that in contexts of violence 'Knowing what not to know becomes not only an art of survival but the basis of social reality' also applies to knowing what can and cannot be said or done. This is particularly true in the case of Robert, where his statements are the equivalent of 'genocide ideology' in the context of Rwandan politics. After an interview with Robert, Joseph commented 'Anything can

be considered genocide ideology. When Robert called the genocide, a “war”, that is enough to get him arrested’.

I had been away for about three weeks when I returned and met with some friends, who told me that they had seen Robert go by in a police car and after enquiring. All they could tell me was that Robert had been arrested for ‘genocide ideology’. There is no way to describe the absolute panic I felt. I didn’t sleep at all for several nights. I was reminded of the responsibility that I have to my participants and I realised that there was nothing that I could do. I had done everything in my power to protect him, but it was not enough. I debated stopping the research then, but after discussing it with my research assistants we decided to continue.

In the end, Robert’s arrest had nothing to do with our interviews. He had had a disagreement with his neighbours about the location of his granary. The police were called because his neighbour’s brother stated that Robert had ‘insulted’ them. This is a common way of inferring that Robert made a reference to a person’s ethnic identity, all of which Robert denied. Robert had been imprisoned for three days, when his brother in-law arrived to help him. The police commissioner told him to pay the fee, go home, destroy the granary and keep quiet or he would be in trouble. Robert did as he was instructed, but was angry over the situation. Three of his neighbours also had granaries identical to his and in relatively the same location. However, they were allowed to keep theirs. In his opinion, the only difference between the granaries was that the others belonged to Tutsi. Once again stating that he was being discriminated

against because he was Hutu was enough to put him back in prison for 'genocide ideology'.

My biggest problem was the guilt and fear for what could happen to my participants and translators. How do we cope with these types of consequences of our research?

How much are we responsible for? According to AAA, it is:

understood that the degree and breadth of informed consent will depend on the nature of the project and may be affected by the requirements of other codes, laws, and ethics of the country or community in which the research is pursued...Researchers are responsible for identifying and complying with various informed consent codes, laws and regulations (AAA 2009: 3, section 3A paragraph 4)<sup>23</sup>.

Kovats-Bernat (2002: 214) argues that the language and ideological framework of the AAA ethical guidelines are based on colonial assumptions that fail to recognise the volatile situations in which data is collected in dangerous fieldwork sites. For example, he quotes the AAA 'Principles of Professional Responsibility', which states that 'Anthropologists must do everything in their power to protect the physical, social, and the psychological welfare and to honor the dignity and privacy of those studied... It is axiomatic that the rights, interests, and sensitivities of those studied must be safe guarded' (AAA 2009: 1). Kovats-Bernat (ibid) argues this belief results from the colonial legacy of unequal power relations, 'one in which the anthropologist is assumed to be able to control or at least mediate or negotiate danger away from those with whom she or he is working' (ibid). Instead, he argues that there should be a mutual responsibility between the ethnographer and participant, where all of those

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<sup>23</sup> In regards to informed consent, the ASA (1999: 3, section 4, paragraph A), statement is very similar to the AAA (2009: 3, section 3A, paragraph 4).

involved in the project understand the risks. I believe this type of mutual responsibility does more to address the real need that people have to give their testimonies while addressing the serious risks involved in doing just that. After his arrest, Robert wanted to continue to talk with me. Having been arrested and accused of 'genocide ideology', he was well aware of the risks involved. I had my research assistant explain to him when arrangements for the interview were made and again before the interview began, that he did not have to talk to me or answer any questions he did not want to. Robert's reply says it all 'No, I want to tell someone. Someone needs to know what is going on here'.

## **Conclusion**

The aim of this chapter was to illustrate how the socio-political context of the fieldwork site can impact not only participants, but also plays an important role in the construction and carrying out of the research project. Presenting a methodology chapter in the form of a more personal narrative was done in order to give the reader concrete examples of the ethical and moral complexities that anthropologists and other social scientists must respond too. In doing so, it is my hope that this chapter contributes useful and adaptable strategies for conducting anthropological and ethnographic fieldwork.

While this chapter highlights the muddy grey areas of the research process when conducted in dangerous fieldwork sites, it does not diminish the need and importance

of conducting anthropological and ethnographic fieldwork in these places. In discussing the tendency to boil down the 1994 Rwanda genocide into a simple equation, Eltringham (2003: 97), contends that:

Reductionism and essentialism are to be expected, but the apparent order they generate does not correspond to the fragmented, partial experience of those who witnessed the genocide or the multi-casual morass from which it emerged. We are faced with a bewildering enigma, the answer to which can never be in the singular, but must be multiple, stretching across disciplines and our conceptual categories, and, above all, stretching our patience for complexity.

The RPF government is contributing to this reductionism through the use of 'genocide ideology'. 'Genocide ideology' instils fear and enforces silence on those who challenge the RPF discourse. However, this chapter argues that participants such as Robert demonstrate that people have a need to share and explain the realities of their lives. People share their experiences to challenge the political and social institutions that have constructed a 'reality' that does not correspond to and misrepresents their lived experiences. The experience of Hutu participants, who told me their stories, did so because their experiences did not reflect the image of Rwanda as reconciled, united and democratic. As researchers it is essential that we do not contribute to this simplistic equation and that we focus on understanding and portraying the full complexity of the political circumstances. This type of research requires a practical shift away from ethical guidelines that assume that fieldwork is conducted under ideal conditions that do not take into account the need that many have to share their experiences. Bourgois (1992: 45) maintains that:

The problem with contemporary anthropological ethics is not merely that the boundaries of what is well defined as ethical are too narrowly drawn, but more importantly, that ethics can be subject to rigid, righteous interpretations which place them at loggerheads with overarching human right concerns.

Understanding this is crucial, as the study of violence within anthropology is one of the most important, yet often one of the most neglected areas within the discipline. As Kovats-Bernat argues, violence constitutes a distinctive culture (2002: 217) and it is through the commitment to long-term fieldwork and ethnography that anthropologists have an opportunity to understand the daily realities of those suffering from oppression and marginalisation. Many people are seeking ways to be heard and for an opportunity to speak out against their oppression. In this regard, anthropologists can serve as a powerful outlet as a voice to speak out against human rights violations and concerns. If anthropologists are willing to accept the risks involved, we should not be forced to adhere to a host government's authoritative policies because of the demands of our codes of ethics. Rather, there needs to be a code of ethics that prevents the exploitation of human subjects, but one that takes into account the various places and conditions in which anthropological research is carried out.



## **Chapter Three: Understanding ‘Genocide Ideology’ within the Public and Hidden Transcripts.**

### **Introduction**

‘Genocide ideology’ was first brought to my attention in Rwanda during a group interview session with twelve students and four members of faculty at a university. It was my intention to conduct interviews separately and privately, hoping to encourage more open conversations. However, the Vice-Chancellor of the university and a sociology professor named John set the interviews up as one large group discussion. Based on a discussion I had with another student from the university, I have no doubt that the students were selected by the university to ensure I received the ‘correct information’. Most students were of Congolese-Rwandese origin, whose Rwandan parents had fled to Congo during the Hutu Revolution in 1959<sup>24</sup>.

The interview took place in a large classroom with the students sitting at tables arranged in a circle. It was an informal set up, where students freely came and left. When I asked what some of the obstacles to reconciliation were, most respondents brought up ‘genocide ideology’. For example, Alfred, a Congolese-Rwandan, responded:

After the genocide, there is a feeling more and more that reconciliation is working. There is intermarriage now, where this did not happen before. Genocide ideology exists in small villages and not often heard about in the media. It has been some time since the genocide. There are some who can understand and change, but for others it will take longer. There are Rwandans that are abroad, who express that what President Kagame and his government are saying is not true. Outside Rwanda, Tutsi students are not friends with Hutu students. People are living in fear- even when we

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<sup>24</sup> The 1959 Hutu Revolution was a movement by mainly Hutu that sought to overthrow the Tutsi monarchy, this will be further explained in chapter three.

are trying to reconcile, for example there was the incident at the site in Genocide Memorial Centre in Kigali<sup>25</sup>.

John, a professor, added that 'reconciliation may not be able to eradicate genocide ideology because of how passionately genocide ideology exists in the mind'. A female student responded to John:

This is true. From my personal experience, I can tell you that genocide ideology is becoming more and more dominant. Students from different backgrounds were not treated the same and were treated badly. Last year, I lived in Byumba. I belonged to a genocide survivors' organisation and students from there were not treated well and we were targeted. The government is doing their best, but not attaining its agenda.

Struck by the repetition of the phrase 'genocide ideology', and its apparently self-evident meaning, I asked the group what they understood by this? Claire was first to speak up:

Genocide ideology is the bad ideas inside the person, which is given to children. It would be better if everybody understood and did what the government wants, to forget the past and look forward to the future. Before genocide ideology had the support of the government. Even if it exists in some people today, the genocide cannot happen again because this government does not support it.

Jacques, a Rwandan student, believed that 'genocide ideology' originates from 'those who want to commit acts of conflict. It exists because they were put in prison'.

According to another student, 'The government established the National Unity and Reconciliation Committee, they are against genocide ideology. They tell us to be fearless but careful'. These responses were just some of the ways in which Rwandans understood 'genocide ideology' within the public transcript.

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<sup>25</sup> During the genocide remembrance week in April 2008, an individual launched a grenade into the Genocide Memorial Centre in Kigali. Several other attacks against the genocide centre have occurred.

I realised the potential danger of 'genocide ideology', during a separate interview with a local leader of the non-government organisation, Never Again Rwanda. The leader explained the role the organisation played in eradicating 'genocide ideology':

Teaching makes sure that students understand that this kind of ideology is wrong and discrimination is wrong. Students get this ideology from their families. Three or four months ago genocide ideology was found in different schools and they were shut down. The government stopped it. [What do you tell students whose parents may demonstrate genocide ideology?] We tell them that they should go home and tell their parents that this kind of thinking is wrong! It is discrimination and it's illegal. We also tell them that they should tell us when their parents say those things. When a student comes to us with this type of ideology, we tell the authorities. [What happens then?] They may go to jail or go to the re-education programs run by the government.

This non-government organisation was, apparently encouraging children to become spies for the government in their own homes, where most children will have a very limited understanding of the consequences they and their parents face for such accusations. Parents are now forced to censor themselves in their own homes and indoctrinate their children in the government's ideology or face possible imprisonment.

The phrase itself originates with the government and is a constant aspect of government speeches. When asked, however, during a conference to define 'genocide ideology', President Paul Kagame responded by describing the 'ideology of genocide as an indistinct belief in people that still needs to be subjected to thorough research' (New Times: 26/04/2007). I asked a government minister what the government meant by the phrase 'genocide ideology', to which he responded:

Genocide ideology is a system of ideas with a certain objective. This objective is to eliminate a group of people, through practices or words. For example, someone in a compound may overhear a person say that they are going to kill a genocide survivor or

try to destroy memorial sites. The government has tried to change this ideology and it has been taught, but some people don't like to change. They want to eliminate those they consider their enemy.

In contrast to the self-evident use of the term by those at the university, the Minister's definition displays more precision. And yet, there is broad recognition that this is a term that is decidedly flexible in its meanings. When I asked Tom, a participant, what the phrase meant, he responded:

It is a situation that is in the hearts. It is a process not an action that comes about in one minute or a second. Politicians and the mechanisms they have established take care of the situation, but it is still there. They have started villages, where Hutu and Tutsi live together. One of the problems is defining it! To say I'm a Hutu, that's genocide ideology.

Tom's response points to a key quality of the term as it has been defined and deployed by the government. There is a 'hidden' quality that must be revealed: any reference to the prior social distinctions which formed part of the genocide, but which did not determine it, can be classed as 'genocide ideology'. On one hand, Tom accepts that there is 'genocide ideology' that must be combated, while also critiquing what, to him, appear to be absurd effects of the concept as currently deployed. Tom illustrates the tension between the construction and dissemination of the term by the government and its institutions and how such concepts are repeated as self-evident or critiqued in a nuanced manner by Rwandans outside the government. While many respondents used the term in a self-evident manner, replicating its use by the government in the 'public transcript', others privately critiqued it in a hidden transcript. The rest of this chapter explores this debate over 'genocide ideology', and its different presence in public and hidden transcripts.

## Definitions and Laws

It is important to recognise the process by which the government's use and definition of the term 'genocide ideology' has evolved and ossified over the last ten years. Article One in the 2001 *Law N 47/2001 Instituting punishment for the offences of discrimination and sectarianism* states that discrimination is:

any speech, writing, or actions based on ethnicity, region or country origin, the colour of the skin, physical features, sex, language, religion or ideas aimed at depriving a person or group of persons of their rights as provided by Rwandan law and by International Conventions to which Rwanda is party.

The law defines sectarianism as 'the use of any speech, written statement or action that divides people, that is likely to spark conflicts among people, or that causes an uprising which might degenerate into strife among people based on discrimination mentioned in article one' (Rwandan Senate 2001: Article 3, *Law N 47/2001*). The law makes a vague distinction between 'the crime of sectarianism' and 'the crime of discrimination', arguing that sectarianism occurs 'when the author makes use of any speech, written statement or action that causes conflict that causes an uprising that may degenerate into strife among people' (ibid). Whereas, 'the crime of discrimination occurs when there are aims 'of denying one or a group of persons their human rights by Rwandan Law and International Convention' (ibid). 'Genocide ideology' was only defined in the 2008 (Rwanda Government 2008: N 18/2008) as:

An aggregate of thoughts characterized by conduct, speeches, documents and other acts aiming at exterminating or inciting others to exterminate people basing on ethnic group, origin, nationality, region, colour, physical appearance, sex, language, religion or political opinion, committed in normal periods or during war.

The law goes on to develop a set of behavioural characteristics of 'genocide ideology'

crimes, which in the first degree includes: 'threatening, intimidating, degrading through defamatory speeches, documents or actions which aim at propounding wickedness or inciting hatred'. 'Genocide ideology' in the second degree includes:

marginalising, laughing at ones misfortune, mocking, boasting, despising, degrading creating confusion aiming at negating the genocide which occurred, stirring up ill feelings, taking revenge, altering testimony or evidence for the genocide which occurred.

Finally in the third degree include: the planning, attempt at or killing someone 'for purposes of furthering genocide ideology' (ibid).

The definitions and characterisation of 'genocide ideology' and 'revisionism' crimes are vague and open to different interpretation. According to the government, revisionism 'constitutes an anti-history made up of lies and falsifications' (Rwanda Senate 2006: 138). The concept is directly connected to the genocide as it is considered to be '*in the heart of the genocide machine... the machine which was not only used to kill massively and entirely a whole community, but also to simultaneously deny the destruction*' (Nichanian 1995: 153 cited in Rwanda Senate 2006: 138; emphasis in original). According to this view, 'revisionism' is a form of 'genocide ideology' as it denies or minimises the genocide 'by vaguely acknowledging the genocide but, in the same breath, trying to justify it through counter accusation' (ibid: 17). History is, therefore, revised to undermine the truth of the genocide:

The revisionism of the Genocide which took place in Rwanda is entrenched in the manipulation of very old myths about the settlement of the country added to those of power seeking, of taking and holding on to political power. Crimes committed in the name of this *struggle for life* seemed to be forgiven in advance. More pragmatically, the revisionism of the Tutsi genocide is an attempt to conceal various interests that switched on the killing machine: colonialists, missionaries, and neo-colonialists, Rwandan elites involved in a deadly struggle for power. ... This is the reason why all

these forces are involved in a crusade to deny the Tutsi genocide putting forward a number of hypotheses (ibid: 54).

A key characteristic of laws and reports emanating from the current government is the indirect and ambiguous language such as ‘those seeking power’; the content of the ‘old myths’ used by revisionists or what is meant by ‘crimes committed in the name of this *struggle for life* ...forgiven in advance’. Others have demonstrated (Waldorf 2009: 112), that the imprecision of the language corresponds with the flexibility with which the law has been applied. Human rights organisations have been concerned with the imprisonment of Rwandans on vague accusations of ‘revisionism’, ‘genocide ideology’, or ‘divisionism’ (see HRW World Report 2005, 2009; Amnesty International 2003, 2010; US State Department 2009). Furthermore, as will be demonstrated in the section ‘Human Rights Watch versus *the New Times*’, government reports and articles in the pro-government newspaper *the New Times* that respond to accusations from human rights agencies provide no detailed explanations or exculpatory evidence. This suggests an awareness among the government that imprecision (in both defining the offences and responding to critique) is a way to maintain a flexible latitude which will best serve socio-political objectives by providing an adaptable means to silence all forms of opposition.

In stating that the government is using these concepts as a form of political silencing, I am not implying that there is no such thing as ‘genocide ideology’ or revisionism. Nor am I arguing that those who genuinely harbour such motives should not be punished. Instead, I am advocating for the recognition that the government frequently charges

‘genocide ideology’ when people are outspoken and critical of the RPF, rather than when they explicitly advocate violence against Tutsi. As a result, the political application of ‘genocide ideology’ takes on the appearance of the boy who cried wolf. The more the government cries ‘genocide ideology’ the harder it becomes to distinguish the true instances that could lead to further violence.

The government asserts that, ‘We should not be paying much attention to revisionists because they even deny statements backed by factual data, by undeniable evidence’ (Rwanda Senate 2006: 138). However, it should also be recognised that the current Rwandan government also engages in similar behaviour, by denying statements that are backed up factual data and undeniable evidence. For example, as will be discussed in chapter six, the human rights reports that document the massacres of Hutu refugees by the RPF in 1996-1997 are treated as being ‘revisionist’, and amounting to genocide denial (see Rwandan Government 2010). Yet, the reports on the 1994 Rwandan genocide produced by the same organisations are readily accepted as long as they do not attribute guilt to the RPF. This creates a certain irony, that while the government is appealing to ‘fact’, it is simultaneously dismissing any ‘fact’ that contradicts the RPF’s discourse.

### **Genocide Ideology in the Public Transcript**

There are legitimate concerns about ‘ethnic’ and social tensions in Rwanda that may take the form of ‘genocide ideology’. However, the problem is with the interpretation of what is considered to be ‘genocide ideology’ or revisionism. Manifestations of



'genocide ideology' are described in two government-sponsored reports entitled *Genocide Ideology and Strategies for its Eradication* (2006) and *Community Conflicts in Rwanda: Major Causes and ways to Solutions* (NURC 2007). The first type of 'genocide ideology' discussed in these documents is referred to as 'traditional' forms of 'genocide ideology'. This 'traditional' 'genocide ideology' attempts to prevent reconciliation by trying to demonise and exclude Tutsi.

HRW (2008a: 47) provides an illustration of how these abstract definitions and characterisations of 'traditional genocide ideology' can be used to manipulate situations for political purposes. The Rwandan Prosecutor General issued an international arrest warrant for former MP Brigitte Tuyishime. While, the warrant did not list the charges against her, the HRW researchers who spoke with a police officer about Tuyishime, stated that she was wanted for 'divisionism<sup>26</sup>'. In November 2005, Tuyishime was upset when a genocide survivor, who was accused of raping a child, used political influence to get released from prison. She remarked that 'such people should be excluded from society' (ibid). At that time, the interpretation was taken to mean child rapists should be excluded. However, a month later, Tuyishime was accused of 'divisionism', and 'genocide ideology'. Her remarks were taken to mean that 'Tutsi survivors should be excluded, or indeed, eliminated' (ibid). Tuyishime having had prior disagreements with RPF leaders and now charged with 'divisionism' fled the country, seeking asylum abroad. The case of Tuyishime illustrates how the

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<sup>26</sup> According to Amnesty (2010: 15), Rwanda does not have a specific law defining 'divisionism'. Amnesty sites a 2009 report by the Ministry of Justice to the African Commission on Human Rights and Peoples' Rights, where divisionism is 'generally understood as the use of any speech, written statement or action that is likely to divide people or spark conflicts among people, or cause an uprising which might degenerate into strife among people based on discrimination.

vague definitions and open-ended interpretations of the genocide ideology laws make it easy for the government to prosecute those who challenge or disagree with them.

The second form or 'contemporary genocide ideology' is the denial or revision of the 1994 genocide and the killing of genocide survivors and witnesses that attempts to sweep 'away tracks and responsibilities in the genocide' (NUCR 2007: 34). Elements of contemporary 'genocide ideology' include: systematically sabotaging *gacaca* courts (persecuting witnesses and bribing judges); eliminating 'signs and evidence of genocide'; encouraging divisive practices within national and regional administrations, political parties, NGOs, religious groups, in education and the media; opposing or destroying genocide commemorations and memorial sites (Rwanda Senate 2006: 54).

HRW (2008a: 36) contends that debates over 'ethnicity' and the history of the genocide lay at the heart of genocide ideology/divisionism laws. One such example happened during a scholarly debate in 2004, when 'one academic expert remarked on the value of discussing different "truths." A high-ranking official in the audience immediately demanded the floor to insist, "there is one truth and we know it." (ibid, Reyntjens 2011: 29). HRW lists three central 'truths' that form the core values of the RPF public transcript and thus the genocide ideology laws. For the purposes of this discussion, I will focus on two. The first 'truth', argues that while some RPF soldiers may have committed crimes against civilians, 'these crimes were the unfortunate result of wartime or were occasional acts of revenge and have been punished' (ibid).

Furthermore, the government maintains that it is 'genocide ideology' to suggest that the RPF (who are considered to be the innocent party by the 2006 report's logic) is primarily responsible for the genocide because of the October 1990 invasion and ensuing civil war (Rwanda Senate 2006: 17 ft 6). Other 'genocide ideology' beliefs that are concerned with this first truth and are relevant for the overall discussion of this thesis include: that 'Hutus have been detained on the basis of simple accusation; civil or interethnic wars; or that Hutus defended themselves because they have been attacked' (ibid: 17ft 5). This statement provides an example of how the report is on one hand *responsive* (that 'genocide ideology' is defined according to actual accusations made against the government arbitrarily detaining Hutu). Yet it remains ambiguous by not quoting in detail where such accusations have been made or providing a detailed counter explanation. This points to a key strength of the government's discourse, that 'genocide ideology' is a flexible, *empty* concept which can absorb any accusations made against the government. The report provides an illustration of this argument:

Appearing before the ICTR in 1997, Professor Reyntjens took advantage of that forum to advertise one of his many revisionist theses, namely the *responsibility* of the RPF in Genocide. According to him, the Rwandan Patriotic Front (RPF) "*was politically co-responsible for the 1994 Genocide of the Tutsi. If there had been no war, genocide would not have taken place,*" (LE SOIR, 15/10/1997) as cited in (Rwanda Senate 2006: 67).

The government does not provide a counter argument explaining how the RPF are not responsible, only that it is revisionist to consider them responsible. Since many of the justifications for the genocide were based on the RPF's invasion (see Alan Kuperman

2004), such as the *Inkotanyi*<sup>27</sup> were coming to re-enslave the Hutu, it is not unreasonable to raise the question that if the RPF had not invaded, would the genocide have happened? Moreover, Reyntjens did not argue that the RPF are solely or even primarily responsible for the genocide, only they were *co-responsible*. The Senate report, however, lacks recognition of any middle ground, finding no difference between accepting some responsibility towards the events of 1994 versus laying all the blame for the genocide at the feet of the RPF. Reyntjens was not the only Rwandan expert to make this argument. Kuperman (2004: 62) argues that the literature concerning the RPF's relative responsibility is incomplete as it 'reports as fact what actually is misinformation or disinformation put out by the rebels or their enemies during the conflict in their respective attempts to garner international support'.

Lemarchand (2009: 116) argues that:

It is with reason that a retrospective homage is sometimes paid to the RPF for stopping the killings, but this does not detract from the fact that it bears much of the onus of responsibility for the carnage, for without the RPF invasion, there would have been no genocide.

Furthermore, he states that it is equally plausible that the genocide would not have happened if the extremists had not chosen 'the path of violence' (ibid: 117).

Lemarchand's comments are extremely important within this context. First the extremists are guilty of carrying out horrific killings that should not be ignored.

However, due to the 'genocide ideology' laws analyses that criticise and attribute even partial responsibility to the RPF are considered illegal. One of the 'truths' of the RPF

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<sup>27</sup> Name that the RPF soldiers gave to themselves, also has monarchical connotation.

according to HRW (2008a: 36) argues that ‘Hutu political leaders organized a genocide of the Tutsi minority and the Hutu population- perhaps all of it was misled into following their evil plan’ (ibid). This aspect of the RPF discourse is central to the overall argument of this thesis. It will be fully explored in chapter five, which examines how the public transcript has led to the criminalisation of the Hutu identity. The context of the denial of any and all responsibility of the genocide by the RPF implicitly places blame for the genocide solely on Hutu.

The 2006 and 2007 reports also list forms of ‘genocide ideology’ and revisionism that have nothing to do with the 1994 genocide, but rather are tied up with the presence of the RPF in the Congo between 1996 and 2003. According to the government the ‘revisionist mentality’, also contends that the Rwandan government waged war in the Congo to annex territories and to loot Congo’s mineral and economic wealth (Rwanda Senate 2006: 17ft 5). However, these are not empty accusations. A report by a UN Panel of Experts (2001) accused the Rwandan army of massive looting (paragraph 42) and systematically exploiting Congolese resources (paragraph 60). Yet again, the government does not specifically address any of the report’s accusations or argue against them nor does it explain how something that has nothing to with the genocide can be considered ‘genocide ideology’. From the government’s point of view, these beliefs that are classified as ‘genocide ideology’ is self-evident and does not need explaining. However, it demonstrates how the concept is essentially empty and can be extended to silence any form of criticism.

Another illustration can be seen in the way that statements that blame Tutsi for the violence in the Congo (Rwanda Senate 2006: 17 ft. 7) are treated as ‘divisionist’. While the events of 1994 acted as a catalyst for the eruption of violence in eastern Congo, (because there were some *Interahamwe* and ex-FAR among the one to two million Hutu refugees that fled there), this does not mean that the violence in Congo against Tutsi was the same as in the 1994 genocide. Calling such claims ‘genocide ideology’ minimises local and nuanced differences between the social realities of the two countries, while also attempting to shut down accusations against the RPF in eastern Congo<sup>28</sup>.

It is also considered ‘genocide ideology’, to suggest that the government needs to hold talks with the Hutu refugees in Congo (Rwanda Senate 2006: 17, ft. 5). This suggests that these concepts do more than just respond to explicit denial of the genocide. This manifestation implies that all refugees living in exile are *génocidaires*, members of FDLR<sup>29</sup> or other anti-RPF militias and therefore, ‘terrorists’ with whom the state will not negotiate. According to a Reuters article (28/07/2009), President Kagame responded to recommendations that he should talk to FDLR, by stating that ‘They say “talk to the FDLR’, but which one? Moderates? If they were moderates they would have returned home’ (ibid). In November 2002, the Rwandan government argued to the UN that FDLR must be considered a ‘terrorist organization’. Foreign Affairs

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<sup>28</sup> This will be discussed more in-depth in chapter six and seven, including how fears of territorial expansion into the Kivu region by the RPF have increased anti-Tutsi sentiments.

<sup>29</sup> FDLR is a militia group in eastern Congo that was formed by Hutu refugees, some of whom were involved in the 1994 genocide. For more on FDRL see chapter seven

Minister Rosemary Museminali stated that ‘What we are asking is that these FDLR should not be taken as armed combatants but terrorists...When they are considered as terrorists, decisions to combat them may be taken much faster’<sup>30</sup>. The argument becomes that if FDLR are not moderates, because they did not return home, they are *genocidaires* and terrorists. Thus, any call for negotiation is denounced as ‘genocide ideology’.

Amnesty International (2010: 23) maintains that the government is going to extreme lengths to prosecute ‘genocide ideology’ crimes, including arresting individuals who were unsuccessful in seeking asylum abroad. One way in which individuals are charged is if they have claimed on their application that they have been victims of the RPF. In October 2009, after being deported from Germany, Innocent Irankunda was arrested in Kigali on ‘genocide ideology’ and forgery charges. Upon his arrest the government officials told him ‘there was a lot of “genocide ideology” in his file’ (ibid). In his asylum request, Irankunda claimed that the ‘RPF had killed his family and that only one side had been judged before *gacaca*’. The prosecution argued Irankunda should be found guilty and sent to prison for twenty years for ‘genocide ideology’. However, the court ruling argued his statements could be interpreted as defamation rather than ‘genocide ideology’. Yet few are as lucky as Irankunda.

The belief that the RPF remains unpunished for crimes that they allegedly committed during and after the genocide and afterwards is a form of ‘genocide ideology’ (Rwanda

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<sup>30</sup> RNA reporter accessed on <http://hungryoftruth.blogspot.com/2009/11/rwanda-wants-fdlr-declared-terrorist.html>

Senate 2006: 17ft 6, AI 2010: 21) that has critical implications for this research project and is central to the overarching argument. (Rwandan Government 2010: 27). From the discussions with participants, many felt that this particular form of 'genocide ideology' was the hardest to cope with as it denied and criminalised their need to have their cases heard and the denial of justice in a context saturated with calls for justice.

For participants, Amnesty's 2010 report entitled *Safer to Stay Silent: The Chilling Effect of Rwanda's Genocide Laws on 'Genocide Ideology' and 'Sectarianism'*, adequately sums up the out-come of these laws. Amnesty (2010: 26) emphasises this point, stating

Rwanda's raft of repressive legislation – "genocide ideology", "sectarianism" and "insulting the President" laws – exerts a chilling effect on numerous aspects of daily life in Rwanda, curtailing Rwandans' ability to fulfil other human rights. This chilling effect, the cumulative result of the laws and the way that they are applied in practice, causes people who have yet to have any action taken against them fear to exercise their rights to freedom of expression and refrain from expressing views which may be legal.

Since their experiences do not agree with the 'one truth', claimed by the official at the debate, their experiences are restricted to the hidden transcript. Part of the awareness of the need for self-censorship among participants comes from how accusations by human rights organisations are handled by the government.

Every year since the genocide, Human Rights Watch has reported on the ongoing state sponsored violence being carried out by the RPF. According to the government's rationale, in stating these facts human rights organisations are all guilty and are deflecting their own guilt by accusing the innocent. In a clear attempt to label all



critics as guilty of possessing ‘genocide ideology’, the final form that ‘genocide ideology’ takes is:

the form of a political broadside, more often than not biased and unjust. This political broadside is often the work of foreigners who have been associated with Hutu political regimes or political figures for a long time and are now hostile to a regime which they identify with the Tutsi. They often feel guilty for their past alliances and responsibilities.... This is racism pure and simple (Rwanda Senate 2006: 17-18).

The report argues that this unjust propaganda can take many forms, which includes beliefs that the RPF is a ‘totalitarian regime muzzling the opposition, the press, freedom of association and of speech; accusation of divisionism against political opponents and civil society associations’ (ibid: 17ft 8). From my experience in Rwanda, these criticisms are not unfounded accusations or opinions against the Rwandan government, but reality. The aim of this section was to highlight key examples of what the Rwandan government consider as ‘genocide ideology’ in the public transcript. Most importantly this section sought to illustrate how ‘genocide ideology’ is an empty concept, which can absorb any accusations made against the government. Furthermore, many of examples of ‘genocide ideology’ have nothing to do with the genocide itself, such as the belief that the RPF invaded Congo to annex territories. The remaining chapters will further examine many of these examples, by focusing on how the Rwandan government uses ‘genocide ideology’ as a form of state terror to maintain their public transcript. As a result the RPF have managed to silence political opponents, dominate election and *gacaca* results. The next section will explore in more detail how international organisations have responded to the emergence of ‘genocide ideology’ as a central component of the Rwandan government’s discourse.

### **Human Rights Organisations and Genocide Ideology**

The Rwandan government and many human rights organisations, specifically Human Rights Watch have been at loggerheads over the use and definitions of 'genocide ideology', 'divisionism', and revisionism. HRW contends that the definitions outlined in the laws criminalising sectarianism are broad and vague (2008a: 34). Des Forges observed that 'Under such a broad interpretation, any opposition to the government can be labelled 'genocide ideology and its proponents can be severely punished' (HRW 2004). Furthermore, 'When asked to define "divisionism," not one judge interviewed by Human Rights Watch researchers were able to do so, despite each having adjudicated and convicted defendants on divisionism charges. Judicial decisions have thus far failed to settle the meaning and scope of this crime' (2008a: 34). Similarly, Amnesty (2010: 17-18) found that judges themselves believed that the laws were too vague, which made it hard for them to be useful.

However, not every human rights organisation is opposed to these governmental definitions. The International Crisis Group's (ICG) provides an example of what they and the government claim to be a 'revisionist editorial', which was originally published in the newspaper Rwandan Le Partisan in December 2000:

Mea culpa for you who have governed the country like a dictator for 21 years and ...opposed the return of refugees...Mea Culpa, as this brought an armed return to destroy the goods and hearts of Rwandans... Mea culpa for you who went to war believing that you would save the inhabitants but caused the death of over a million inside, three million in Congo, the detention of over 100,000 peasants and intellectuals awaiting the Gacaca...let it be known that the Gacaca only concerns crimes committed between 1990 and 1994, purposely forgetting that Rwandans have been killed throughout the ages even after the genocide. Mea culpa for you who after taking power basked in the celebrations and rested on your laurels while other conflicts

were taking place between parties inside and outside the country. Mea culpa for you who during the genocide massacred innocent people, their only crime being their ethnic group, on the pretext of keeping you in power. Mea culpa for you who shot at refugees in Kibeho<sup>31</sup> and Mahoko<sup>32</sup>, on whom you took revenge out of anger because your own had just been decimated, who took innocent citizens and threw them in open graves, or had them thrown in...Mea culpa for you who multiplied these graves instead of replacing them by building more schools for the children of survivors on both sides. Mea culpa for you, on your knees, who appropriated the goods of citizens and refused to hand them back on the pretext that they belonged to the Interahamwe, while those who did not even kill a fly find themselves homeless and look on resignedly at their parents' property. Mea culpa for you who are the root of so much trauma caused by unemployment despite their qualifications, of people who must resort to exile in order to flee famine; for you who give loans to build buildings but give nothing to fight against poverty. Mea culpa for you who forbid those who return and choose to progress in a democracy based on a multi- party system (ICG 2002: 27).

On the one hand, the ICG acknowledges that the RPF should not be able to use 'genocide ideology' and revisionism as a pretext to suppress all forms criticisms and to silence opposition (2002: 16). It does on the other, accept the government's view of the various manifestations and broad definitions of revisionism and 'genocide ideology'<sup>33</sup>. Consequently, this editorial is viewed by ICG as an example of how 'revisionism and genocide denial are realities in contemporary Rwanda that can appear in the print media and must be opposed' (ICG 2002:16). According to the ICG, this editorial is revisionist and borders on genocide denial in two respects. First, it lays much of the blame for the genocide on the RPF (Mea culpa for you who went to war believing that you would save the inhabitants but caused the death of over a million inside). Secondly,

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<sup>31</sup> In April 1995, the RPA attempted to close the camp for internally displaced people near Kibeho and began to open fire on the refugees. For a full recount and debate over the massacres at Kibeho see (Pottier 2002: 76-81, 160-170, and Prunier 2009: 38-42).

<sup>32</sup> In August 1997, following an attack by ex-FAR/Interahamwe in Mohoko, 'soldiers sought out and killed suspects believed to have worked with the killers' (African Rights 1998).

<sup>33</sup> For example, both consider the beliefs that the RPF contributed some in capacity to the genocide and the double genocide theory constitutes 'revisionism' and 'genocide denial' (ICG 2002: 17, Rwanda Senate 2006: 17 ft. 5).

it only touches very superficially on the genocide in its rapid presentation of the country's history. This, compared to accusations made against the RPF, tends to deny the genocide. The speech can therefore be interpreted as genocide denial (2002: 27).

ICG fails to address why it is always necessary to explain and focus completely on the genocide? The crimes committed during the genocide are well documented, why does focusing on the neglected crimes of post-genocide Rwanda equate with genocide denial?

The author of the editorial does not make any indirect or direct statements denying the events of the genocide or that it was simply a civil war. Rather, the author calls attention to the fact that there was indeed a genocide, but there were also mass 'revenge' killings. The author is critical of the RPF and at the same time also blaming the previous regime for killing innocent people in order to maintain their political power. While not directly naming the previous regime, it is implied. The first line refers to those who have 'governed the country like a dictator for 21 years'. When the article was written in 2000, the RPF had been in power for six years, while Habyarimana ruled for the previous fifteen equalling twenty-one years of non-democratic rule. Habyarimana's regime is further implicated, in the line 'Mea culpa for you who during the genocide massacred innocent people, their only crime being their ethnic group, on the pretext of keeping you in power'. The RPF were not in power during the genocide nor were they trying to maintain their power, they were fighting to take control of power. This statement can only refer to Habyarimana and the regime that was in power during the genocide. Throughout the editorial the author clearly refers to atrocities committed by Habyarimana while also focusing much of the attention on those committed by the RPF. The ICG do heavily criticise the

RPF throughout the report for various human rights violations such the disappearance and silencing of the RPF's political opponents. However, in this particular analysis, the ICG accepts and invokes the government's broad definitions and in doing so, legitimises the government's claim that criticisms of the RPF are in fact 'genocide ideology'. Where ICG appears to go back and forth, condemning the RPF on certain respects, while accepting their definitions and use of 'genocide ideology', Human Rights Watch has remained highly outspoken against the misuses and abuses of the RPF. The next section will clearly demonstrate how the Rwandan government responds to Human Rights Watch's criticisms by invoking revisionism and 'genocide ideology'.

### ***Human Rights Watch versus the New Times***

During the fifteenth commemoration of the genocide in 2009, Kenneth Roth (11/04/2009), director of Human Rights Watch published a letter entitled *The Power of Horror in Rwanda*. In addition, in two separate letters, Roth on behalf of HRW (26/05/2009)<sup>34</sup> and a group of scholars and researchers on Rwanda<sup>35</sup> petitioned the ICTR, President Barak Obama, Prime Minister Gordon Brown, and UN Secretary General Ban Ki-Moon, to investigate and prosecute crimes committed during the civil war, genocide and after by the RPF. In response to these criticisms, the New Times published several editorial responses all of which equate these letters to 'genocide ideology' and revisionism. I argue that the responses in the New Times, represents the

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<sup>34</sup> <http://www.hrw.org/node/83536>

<sup>35</sup> Myself included.

government's typical response to such criticisms and thus clearly demonstrates how the use of 'genocide ideology' is an attempt at political silencing.

In his letter *Power of Horror in Rwanda*, Roth acknowledges the successful achievements of the Rwandan government, while also criticising the government for using the genocide to provide a 'cover for repression' (Roth 11/04/2009). Arguing:

Despite the façade of occasional elections, the government essentially runs a one-party state. And ironically, it is the genocide that has provided the government with a cover for repression. Under the guise of preventing another genocide, the government displays a marked intolerance of the most basic forms of dissent .... the government has another tool of control—the crime of "genocide ideology". Formally adopted last year, the law outlawing "genocide ideology" is written so broadly that it can encompass even the most innocuous comments. As many Rwandans have discovered, disagreeing with the government or making unpopular statements can easily be portrayed as genocide ideology, punishable by sentences of 10 to 25 years. That leaves little political space for dissent.

Roth concedes the government's need for sensitivity to situations that could allow for ethnic based conflict to remerge. However, for Roth, the government has used this legitimate need to reject any political criticism as 'fomenting genocide' (ibid).

Furthermore, Roth, argues that:

Kagame's strategy is short sighted and dangerous. He claims to be building a society in which citizens are only Rwandans ...but his repression of civil society means that avenues to forge alternative bonds among people are limited. That makes it more likely that in moments of tension Rwandans will resort to their ethnic identity ... The best way to prevent another genocide is to insist that Kagame stop manipulating the last one (ibid).

The New Times' responses inadvertently strengthen Roth's underlying argument by turning Roth and HRW's criticism of the RPF into a discourse of spreading 'revisionism' and 'genocide ideology'. A response from a New Times editorial

contributor Grace Kwinjeh (8/05/2009) begins by playing on the emotionality of the genocide, referring to the story of genocide survivor Alice Ishimwe. Whereas above, government reports eschew details of who and what they are referring to when they discuss 'genocide ideology' and 'revisionism', here Kwinjeh chooses to personalise a story, but one that is *set in the past*. Kwinjeh places Alice's experiences of being born and orphaned during the genocide within the context of the thousands of other genocide survivors who have shared their harrowing experiences. The author moves on to question how Alice's story fits the 'human rights agenda', arguing:

The month of April is a sombre one in Rwanda. Rightfully so this is the month that Rwandans commemorate the Genocide, keeping the memory of those who perished alive. Every word written or spoken during this period has certain meaning attached to it... Director of Human Rights Watch, Kenneth Roth, published a rather mocking if not provocative article given the timing of publication and the title, "The Power of Horror in Rwanda." Giving a very pedestrian view of politics in Rwanda, Roth comes out as someone who enjoys bar gossip than actually looking at facts on the ground, in his postulation of the situation prevailing in Rwanda today...This is why I will dwell on a particular article published during the mourning period [referring to Roth's article], as it gives contextual basis in the articulation of some of the problematic positions advanced by Genocide revisionist/negationist (Kwinjen: 8/05/2009).

According to Kwinjeh (ibid) the timing of the article 'exposes sinister attempts aimed at undermining the present Rwandan Government', which is considered genocide ideology (AI 2010: 26). She argues that HRW criticisms (without mentioning specifically which criticisms) legitimise and support claims made by people 'who should be behind bars' for crimes committed during the genocide. From this perspective Roth's letter amounts to 'genocide ideology', because HRW published the letter during the genocide remembrance month and because it lays 'credence to revisionism' (ibid).

Roth, (26/05/2009) and the group of scholars drew further criticism from the New

Times and the Rwandan government when they wrote a collective letter strongly urging the ICTR to indict senior officers of the RPF for crimes committed in 1994. The group of scholars argued that whereas the International Tribunal Court for the former Yugoslavia and Nuremberg prosecuted people from all sides of the conflict, the ICTR has only focused on one side. Both letters cite well-documented crimes that found that the RPF ‘perpetrated serious breaches of international and “humanitarian law” and “crimes against humanity” in 1994 (HRW: 01/06/2009). According to the letters’ authors, a failure to address the crimes committed by the RPF could suggest that the court ‘is delivering only victor’s justices, that’s a poor legacy for this historic effort at international justice’ (ibid).

The New Times and the government came out with numerous editorials and articles attempting to discredit the authors of the collective letter, referring to them as a ‘Coalition of known Genocide deniers, and brick-back of so-called “Rwandan experts” (some just graduate from their diapers the other day, other nostalgic former mentors of the pre 1994 Genocidal regime)’ (New Times 2009a). While a series of articles took aim at HRW for their support of indicting RPF soldiers<sup>36</sup>. In the article *‘HRW when will this end?’* (New Times 2009c), the author consistently plays Rwanda off as the ‘silent victim’ of Western arrogance:

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<sup>36</sup> New Times articles: *‘Surely the final say cannot be in New York.’* (21/05/2009), *‘HRW when will this end?’* 03/06/2009), *‘Dancing to the revisionist tune in the name of promoting “rights”.*’ (03/06/2009), *‘HRW- glamour of hope to genocide suspects.’* (04/06/2009), *‘“Group of academics” or have HRW Genocide negationist come out clean?’* (05/06/2009), *‘2<sup>nd</sup> Open Letter to Kenneth Roth: Rwanda will not be a political play field’*, (Oluoch-Ojiwah: 05/06/2009), *‘HRW and Co., wake up, let the truth set you free.’* (05/06/2009).



The subject of torment Rwanda remains the same; however excruciatingly she tries to absolve herself of the 'misdemeanours' she remains guilty. HRW is the prosecutor, the judge, the witness in all cases, in this court, Rwanda the silent victim has to just shut up and put up with the abuse. She has already been sentenced with no need for trial or room to hear her side of the story.

Another article (Kamana: 03/06/2009), reinforces the message that these 'criticisms' of the RPF are 'revisionist':

Just like revisionists, HRW is using illegitimate distortion of the historical records to make events appear in a more or less favourable light that indeed favours their new school of thought. Recall that revisionism appeals to the intellect, using a number of illegitimate techniques to advance such a view as the "tens of thousands" allegedly killed by the RPF as cited by HRW. And recall that revisionist invent "ingenious but implausible" reasons for distrusting genuine documents such as the ICTR prosecutors instruments placing the onus of trying RPA cases on the government of Rwanda, which HRW is quashing.

These responses demonstrate the circular nature of 'genocide ideology', where any accusation against the government is equated with revisionism or 'genocide ideology' and its constituent elements of 'revisionism'. Since the government designed the laws for this exact reason, that the very breadth of the law means that it is essentially contentless and can, therefore, absorb anything the government deems fit.

Georgette Gagnon, HRW director of the Africa Division responded to Kwinjeh's accusations by questioning why Kwinjeh's article omits any description of Roth's actual criticisms before arguing against them (Gagnon 2009). Gagnon's response is directed at Kwinjeh's article, however, I believe that this argument can be applied to all of the New Times articles and government responses and documents, which demonstrate an equal vagueness and lack of specificity. For example, the Rwandan Senate report (2006) that outlines what the government considered to be 'genocide ideology' or 'revisionism' is equally vague. They provide examples of what is

‘genocide ideology’ or ‘revisionist’, such as the belief that Rwanda invaded Congo to annex Congolese territories, but never explaining why this is ‘genocide ideology’. While HRW provided the reader with access to Kwinjeh’s response as well as their own, the New Times never published any of the HRW reports or the letters to the Chief Prosecutor of the ICTR. In fact, there is never any discussion on the specific crimes of which the RPF is accused by HRW. The New Times only refers to it with words like ‘allege’ or ‘supposed’ crimes, while labelling the report and the agency as ‘revisionist’, ‘malicious’ and ‘arrogant’.

There are two main points that are emphasised in the New Times articles, HRW is persecuting those who stopped the genocide and that these accusations amount to revisionism. Gagnon argues that this was the exact point Roth was criticising, the government’s: ‘censorship of alternative views and its intolerance of any form of dissent’ (Gagnon 2009). Arguing against the ‘revisionist’ claim imposed on HRW, Gagnon states:

Human Rights Watch has never espoused the notion of a double genocide or claimed that the genocide did not happen. To the contrary. So Ms. Kwinjeh’s attempt to paint HRW as genocide revisionist/negationist’ is just plain wrong. Being a critic of Rwanda government policies when those policies violate basic rights does not make one a proponent of so-called genocide ideology. It just makes one a proponent of Human Rights (ibid).

The discussions above indicate that the inherent contentless quality makes genocide ideology a powerful tool to respond to external criticism from the Rwandan diaspora (usually referred to without any precision) and international human rights organisations. But how present is the notion of ‘genocide ideology’ in everyday

relations and, if it is, to what uses is it put?

***Genocide Ideology: Hidden Transcript***

Discussing 'genocide ideology' with participants presented an inherent problem, in that by discussing it critically we were often committing acts of 'genocide ideology'. Michael, an elderly Hutu was the first person I interviewed, who challenged the public transcript considered above. He instructed my assistants to bring me to his home, as he did not feel safe meeting in public. I began the interview with a general question 'How do you find Rwanda today?' Michael was seated in an armchair, with his face almost expressionless 'There are more things such as development, but also there are a lot less freedoms'. I hadn't expect this answer. 'Can you give me an example?' I asked. 'We are not free to criticise the government. It is impossible and we cannot do it. It causes people to have a good life and good standards of living but no freedoms'. After this response, I asked him about 'genocide ideology':

It is a creation of the government. It was created with an objective. The government uses it to keep people quiet. [Why do they want to keep people quiet?] Because people don't like the RPF, they needed to create something that would stop people from speaking out against them. [Why is genocide ideology spoken of more now than in past years?] It's more now, because before the government were fearful, now they don't have fear. [So they can do what they want?] Yes. You see, those who attacked Gisenyi and Ruhengeri<sup>37</sup> have been accused and the situation has been resolved. The RPF had to create something else to use against their opponents, so they created genocide ideology.

Michael believed that in the past the RPF maintained a façade of unity to appease Rwandans and the international community because they were afraid of challenges to their power, such as the insurgency attacks in the northwest and loss of support from

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<sup>37</sup> Refers to the attacks by *Interahamwe* from Congo between 1994-1996, which served as justification for the Rwandan government to invade Congo in 1996.

the international community. However, today the RPF have legitimised their rule through 'democratic' elections, eliminated the insurgency threat and used the 'genocide credit' to develop an effective silencing campaign of all opposition and potential opponents without lasting consequences. Michael feels that the RPF is no longer afraid of losing power, so the RPF can do what they want. Thus, 'genocide ideology' becomes another tool to punish critics on a much wider and local scale.

Many participants and human rights agencies strongly believe that how and when the government invokes 'genocide ideology' are based on socio-political factors (HRW 2009: 1). According to one participant, Douglas, 'Genocide ideology is difficult to define. You are accused when you oppose the government even if it's a misunderstanding'. Douglas is a prominent Hutu, who has been a long-time member of the RPF. Over the last ten years, he has grown more disillusioned with the party due to its increasingly authoritarian rule and marginalisation of Hutu members. Robert and Michael had similar opinions to Douglas, both separately adding that genocide ideology did not really exist. Huey, a Hutu, described that 'genocide ideology' was often used for personal gain or to 'shut people up'. Robert emphasised that the concept existed primarily to scare people, particularly Hutu into maintaining their silence:

The government created genocide ideology to make all Hutu keep quiet. They analyse it to stop Hutu who want to get higher in society. The government neglects what is happening. Those in Congo want to come back, but the RPF refuses to let them. Those who have seen all the conflict are in Congo. The government doesn't want to consider them. The government doesn't want reconciliation.

Robert believed that in connection with *gacaca*, 'genocide ideology' becomes a weapon that is used to discriminate and imprison innocent Hutu:

*Gacaca* is used for stopping those Hutu who are rising up in society. It allows Tutsi to take their property. It helps to promote young Tutsi to occupy jobs. A Tutsi can claim genocide ideology as a way of forcing a Hutu out of their post. It is like a business, anyone who gets into an argument at work can be accused of genocide ideology. Then they get put into prison. Just ask why charges of genocide ideology only exist against Hutu, but Tutsi have genocide ideology as well.

On another occasion, George, an elderly Hutu man, alluded to this socio-economic use of 'genocide ideology':

An employer will give a job to a Hutu, but when they want to give that job to someone else or someone else wants it, they will accuse him of "genocide ideology." These guys are intelligent, everything is done in secret, when Hutu want to talk or have any criticism that's "genocide ideology."

These comments made by participants demonstrate how the use of the phrase 'genocide ideology' is not restricted to the top levels of governmental institutions and international human rights organisations. Rather, 'genocide ideology' has become embedded in the everyday relations of Rwandans, determining access to education, jobs and other socio-economic resources. Furthermore, the use of 'genocide ideology' by the government has created a fear of speaking out against the government or about experiences that do not match the government's public transcript.

The government report on *Community Conflict* (NURC 2007: 34) provides a prominent illustration of how excessively the government is applying concepts such as 'genocide ideology' and 'trivialising the genocide' at the micro-level. According to the report:

During the 13<sup>th</sup> commemoration of genocide in Remera sector, Gasabo district, a man has dressed his dog with a mauve kerchief in memory of his former dog killed in the genocide. The case constitutes a mean and vile act of revisionism and sheer disrespect to the genocide victims and their families.

According to the government a man, who could have been simply remembering a beloved pet that was also a victim, is deserving of a prison sentence of up to twenty-five years. In this case the application of 'genocide ideology' is simply absurd and demonstrates the relentlessness of the government to classify even innocent acts as 'genocide ideology' or revisionist. I will use Robert's case to illustrate the use of 'genocide ideology' at the local level. I argue that the vagueness of the 'genocide ideology' laws themselves create a context where the government, local authorities and Rwandans are allowed to use 'genocide ideology' for their own purposes.

### ***A Person Cannot Feed their Family with Flowers: 'Genocide Ideology' versus Land Competition***

Before discussing Robert's story, there is a need to contextualise the issue of land scarcity in Rwanda. In a 2005 survey on reconciliation and land reform, NURC argued that the 'fear of not having arable land has fuelled "ethnic hostility" which culminated in the 1994 genocide' (NURC 2005: 9). According to the government's 2020 vision:

As Rwanda is characterized by acute land shortage .... Rwanda will pursue a harmonious policy of grouped settlements based on economic activity. Rural settlements organized into active development centres...Land will be reorganised and consolidated so as to create adequate space for modern and viable farming' (Vision 2020 2009:15-16).

Rwanda is highly and densely populated with almost ten and half million people, who are competing for land in a country smaller than Belgium (CIA World Factbook 2009).

This creates a context of scarcity where government enforced redistribution programmes are going to be problematic (see Pottier 2006: 515-525, Musahara and Huggins: 2005: 283-285, Andre 1998: 2-3). Furthermore, since the government did not include the public in the decision making process, it is difficult to gauge how Rwandans actually felt about these policies (HRW 2001b: 6). Respondents participating in the government-sponsored survey recognised the potential risk for conflict:

According to three quarters (74%) of the respondents, the new land management rules will disrupt family unity and, in the opinion of two thirds of the polled (68%), they will have a negative impact on the social cohesion of communities (NURC 2005: 44).

My respondents also believed that land reform would have a negative impact on the social cohesion of communities. George, who was forced to give up large pieces of his land for the government programme stated:

Life now is difficult. I had my land and the government took it. Before the land was distributed among small houses. I had a lot of land. The government took it and gave it to many people. [How did they inform you?] I was with friends who also had a lot of land. A government official came and said that they were going to divide up the land to returnees- those who had came back from Uganda [meaning Tutsi returnees]. They gave me nothing, just told me to leave the area. I was very angry. They took my life.

George's anger is directed at the government and he denied any problems or issues with those who moved onto his land. The issue becomes even more serious because the government is further dictating what people can grow. According to George, 'The government tells us what we have to grow! They force us to grow flowers and grass for cows, rather than food crops. A person cannot feed their family with flowers'.

Jackie, a Twa<sup>38</sup> woman in her late thirties also told me about the government's role in agricultural production:

We [Twa women] used to work in the gardens of others to carry or help with the harvest of yields. We were given small amounts of money or part of the yield. The people's whose gardens we worked in grew Irish potatoes, however, the government stopped them from growing Irish potatoes and replaced them with peas. Peas are not heavy and do not produce as much or as often as Irish potatoes. So now there is less work.

The issue of land was a serious problem for Twa respondents. Due to conservation projects in the 1970s and 80s, the Twa were forcibly removed from Gishwati forest, Volcanoes National Park and Nyungwe forest (D Jackson 2003: 4). The group of Twa I spoke with, were first moved to an area located near a major road between Ruhengeri and Gisenyi. Recently, they were forced to relocate again to another more isolated sector of land. The government had promised to build homes for the Twa, however, six months later, this had not yet occurred. Ed was sitting on a rock within the unfinished structure of a school, when he said:

Life is hard for us now. We used to have land and farmed, but now we have no land of our own and no food. Before we used to farm now we do nothing. Some do small jobs like digging, in other people's gardens. But since moving here, away from the main roads, there are fewer jobs. We often go hungry.

Ed was not alone in stating this. Many other Twa participants talked of sending their children to school without food and had no way to pay for their school fees, while others discussed the daily routine of going around neighbouring villages and begging for small scraps of food. 'What could the government do to help your situation?' I

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<sup>38</sup> Traditionally hunters and gatherers, Twa make up roughly one percent of Rwanda's population, but are some of the poorest (Lewis 2000: 6). Twa are often subjected to many negative stereotypes and are often treated as drunks and beggars (based on observations and interviews conducted with Twa).



asked Jackie and Ed, Ed replied 'If the government wants to truly help us, they can give us land to farm'. 'So we can produce our own food without begging others for it' added Jackie. During another discussion, I asked a small group, if their standards of living were better under the previous regime or under the RPF. One old man replied 'We were poor under Habyarimana, and we remain poor under Kagame, neither of them gave us land'.

These disputes are common in the Western province, because people are losing their family lands and livelihood, resulting in increased hostilities within communities and towards the government. However, this situation can be exacerbated through the vague definition of 'genocide ideology', which allows people to accuse individuals when there is little evidence to support such a charge. According to some participants, many genocide crimes and 'genocide ideology' charges that are filed against Hutu are attempts to gain wealth and property from Hutu. As a result, the legal system is perceived as being used against Hutu to exploit their resources. For example, according to a *gacaca* official Douglas, guilt and innocence in *gacaca* are determined by the military and government forces, and 'For those Hutu who are rich, the decision is always made before he is charged, before the judges reach a decision'. The government and military then require judges to enforce and carryout these prearranged decisions. The arrest of Robert provides such an example. In the previous chapter, I discussed Robert's arrest on charges of 'genocide ideology' within the context of ethical considerations and responsibilities. Although, officially he was arrested for genocide crimes and for 'genocide ideology' in 2008, Robert believes the

underlining cause for both arrests centred on property disputes. Below is an extract from my conversation with Robert, who was accused of killing his neighbour:

[In March of 1997], I was accused of killing my neighbour by his brother. During the genocide, my neighbour was caught at a roadblock. I explained to the men there that this man was my brother, but he didn't have his identity card to prove it. They told me they wouldn't kill him, but to find some way to prove his identity. I went to the district office and paid for an identity card that said my neighbour was Hutu and my brother. I paid two thousand francs, [which is now worth about 50,000 francs]. It was a lot of money. They released my neighbour, who fled to Congo. When he arrived at the border, the *Interahamwe* killed him. I fled with my family to Congo after the genocide. When I returned, I was arrested on genocide crimes for this man's death. I had spent years in prison when the formal courts found me innocent. I told them everything and they found that my neighbour's brother had lied. Next the brother brought me in front of *gacaca* for the same crimes [killing the man's brother]. The *gacaca* judges were confused as to why this case was in front of them. They agreed with the previous ruling and I was released. [Why was your neighbour's brother going to all these lengths to charge you? - Robert looked extremely worn and tired] Because, while I was in Congo, my neighbours had moved into my house and did not want to give it back. When I returned, I reclaimed my house, but it was stripped of all windows and doors. Two days later I was arrested for the death of his brother.

#### *Robert's arrest in 2008*

[Robert plays with his prayer beads as people walk by and he says nothing until they are out of earshot. I wait not so patiently for them to leave. 'Why were you arrested?'] Even myself, I don't really understand why. I decided to rebuild a granary, after a few days the community leader came to me and told me that I must destroy the granary, because it was in the road. I told him he didn't have the authority to make me destroy it. He went to the local authority and told them that I insulted him [this is a way of saying that a racial or ethnic term was used]. My neighbours sent that official, the same ones who had me arrested before. It was those genocide survivors that accused me before. They called the police and told them I had insulted them. It was planned! The leader had told them that I had beaten him. I am an old man; the leader is a young man. I cannot beat him! When I got to prison, they charged me with crimes of genocide ideology and opposition to the government's programmes. The Police Commissioner told me that they wanted me to return to the main prison. My wife's brother came to intervene on my behalf. He told me that I must be quiet; because they have many things they could charge me with. The Police Commissioner also told me to go home and keep quiet. Now I'm quiet. In the end, they told me to pay 10,000 francs and destroy my granary. Later, a committee of local leaders came and destroyed the granary. That granary had been there since before the genocide. And it wasn't only me, there were three others who have them, but they didn't force the others to tear theirs down. [Why did they make you tear yours down but not others?] Those Tutsi were looking for any reason to condemn me to prison. I didn't do anything. If I say anything, they will get me again and put me in prison.

The two main actors in this incident were the man who accused Robert of killing his brother and another neighbour who had a boundary dispute with Robert. Robert had recently taken a loan out from a bank. According to Robert, these neighbours thought that if Robert returned to prison because of 'genocide ideology', he wouldn't be able to pay the loan back and the bank would repossess his house. This would make making his land available, solving both the problem of the neighbour's brother's and the dispute over the boundary of the property. This is not uncommon, as according to Amnesty (2010: 8) individuals are also using 'genocide ideology' laws for personal gain. Despite, the financial motives of his neighbours, Robert interpreted their actions as having ethnic connotations:

There are many Tutsi in my neighbourhood. I'm in the middle of them, surrounded by them. Hutu, who live there had a good relationships with the Tutsi before the presidential elections when they voted for Twagiramungu. This caused many problems for them, so they joined the RPF. Now they collaborate with Tutsi. Those Hutu are poor. They see me and I seem rich to them, because I bought a TV. They don't care about me. They are meaningless because they don't have anything. Everyday they accuse me. Their (genocide survivors) agenda is like revenge there was no reason for them to do what they did. They see me and their hearts accuse themselves. When I was released (the first time) they were not happy to see me among them. Then they made me return to prison. The first time in 2002, after I was released I had electricity and water and my neighbours didn't. They came to me asking me for water. They say, "This Hutu has TV, water, we have nothing". They think of me as being rich compared to others. "They say, this Hutu, who has all these things, how can he get these things"? It's a major reason to why they want to punish me. I put myself in Allah's hands. I thank Allah that he showed me my enemies and protected me against them. Tutsi and the government have escaped what they have done in Rwanda and Congo. I have a family I cannot leave. Those that took power accused me of genocide ideology. If government changes, Tutsi would be charged with genocide ideology. The best thing for all Rwandans would be to share power and forget. To work for the nation, forget about the divisions or favouritism and use the same Arusha Accords as a power sharing agreement. Only then can Rwanda be one house with one parent, to care for all children.

During a conversation I had with George about 'genocide ideology', he stated that 'Anything bad that happens to a genocide survivor is believed to be 'genocide

ideology' even if it has nothing to do with them being a survivor'. It is possible that the same is true about Robert's situation, who uses a 'ethnic' understanding of social relations to interpret events that could be a consequence of other motives. However, Amnesty (2010: 24) argues that 'genocide ideology' legislation 'is compounded by the reality and perception that most accused come from one ethnic group'. In fact, Amnesty (ibid: 25) was only able to find one case where a Hutu attempted to bring 'genocide ideology' charges against a Tutsi, after being offended that the Tutsi neighbour had called him a Hutu. 'After attempting to press charges, the file was investigated by the police, but dropped by the prosecution' (ibid). In Robert's case, the community leader went to the authorities and accused Robert of using an ethnic epithet. Robert was arrested for 'genocide ideology', which can really only be used to accuse Hutu of crimes against Tutsi.

According to Hutu participants, Hutu have very little recourse in pursuing matters through the legal system when they feel that Tutsi have unjustly treated them. For example, Malcolm was having difficulties getting a Rwandan-Ugandan Tutsi to pay for materials and labour for a job the man had hired Malcolm to do:

Let me tell you the case with a Tutsi guy from Uganda who works as mechanic. He had a job for the airport and asked me to help with the job. That man sent me to go get spare parts like tyres in Congo; I had to put the material on credit. And now the man refuses to pay and I have to pay for it! He got paid for the job, but refuses to pay for the credit and he didn't pay me for work I did. I went to the police, but the police officer said that they were out of the documents to charge the man. That police officer then called the man and told him I was there. The man called me and asked me why did I go to the police? I told him it was my right to charge him, but I know only god will pay me. And I'm slowly paying the credit off. At that time the police could have helped me. Because he was a Tutsi from Uganda, it was a big reason they didn't.

While this episode does not specifically involve ‘genocide ideology’ claims, it does illustrate a deep mistrust many Hutu have of the legal system that results from ‘ethnic’ and even regional favouritism. Malcolm explained that he was slowly paying off the debt and would not pursue the matter because in his view there’s no way he would win against a Ugandan Tutsi.

One of the main goals of this thesis is to understand ‘how the process of domination generates the social evidence that apparently confirms notions of hegemony’ (Scott 1990: 77). While at the same time exploring the ways in which those who are subjugated by the dominant actively resist within a controlled and restricted space. In both Robert’s and Malcolm’s case, there is a sense of injustice that is a consequence of the way in which the legal system is being used to institutionalise the marginalisation of Hutu. Furthermore, being accused of ‘genocide ideology’, has ‘taught’ Robert to remain quiet and not to speak out about his feelings of injustice, thus conforming to the RPF transcript. Robert did not remain quiet, but rather he concealed his feelings and vented them within the safety of the hidden transcript. By allowing an outsider access to his experiences he actively, if covertly, resisted the RPF.

## **Conclusion**

The debate surrounding ‘genocide ideology’ is critical to any discussion on post-genocide Rwanda. As the government attempts to restrict and censor not just people’s actions but also their thoughts, it becomes a gateway for further oppression and terror. The goal of this chapter was to examine the various definitions and laws

concerning 'genocide ideology', 'revisionism', and 'sectarianism', focusing on how these terms are conceptualised in the public and hidden transcript. Furthermore, it sought to set up a framework for understanding how symbolic and discursive violence through the use of 'genocide ideology' interacts with public and hidden transcripts.

According to a report cited by a Rwandan Deputy Prosecutor, on 2007-2008 judicial activity, the 'Rwandan courts initiated 1,304 cases involving genocide ideology, some including acts of violence...In addition 243 persons were charged with negationism and revisionism' (HRW 2008a: 40). However, I believe that the fear that has encouraged self-censorship results more from the frequent mentioning of these types of arrests by the media and government, rather than actual numbers of arrests. This results in the situation described by Sluka (2000:23) that 'When fear becomes a way of life...a culture of terror has emerged' and this 'collective fear' represents an additional form of social control'. 'Genocide ideology' has become a pervasive presence in my participants' lives, resulting in self-censorship and a recognition regarding the prospects of being able to demand, let alone receive justice.

In her critique of 'cultures of fear' or 'terror' Margold (1999: 66) contends it is more constructive to 'view political violence as a set of practices that manipulate cultural understandings through performed displays of threat' becoming 'a mechanism for creating punishable categories of people'. Critics of the government whether Hutu or Tutsi have become one such category; enemies of the state (HRW 2000).

Furthermore, Sluka (2000:31) maintains that state terror is symptomatic of a strong

state. That is to say, state terror is a viable option because the state is strong enough to get away with it. I argue that the emergence of state terror in Rwanda is a direct result of what Sluka (2000: 30) describes as:

Strong states unafraid of the consequences of the direct application of force to achieve their ends are the result of the concentration and application of unchecked power. Terror states do not emerge because violence is necessary, but rather because elites choose to rely on it, believing that it is a rational and cost-effective means to achieve their politicoeconomic ends.

The following chapters will create what Sluka (2000: 14) calls an 'ethnography of state terror', focusing on how the imprecise empty definition of 'genocide ideology' is contributing to its use as a political tool used to silence opponents and criticism. The next chapter will explore various and overlapping forms of violence that result from the genocide ideology laws and the institutionalisation of the RPF discourse, by focusing on the RPF narratives on 'history', and claims about democracy.

## Chapter Four: The Continuum of Violence: Institutionalisation of the Public Transcript

### Introduction

Violence is a slippery concept- nonlinear, productive, destructive, *and* reproductive. It is mimetic, like imitative magic or homeopathy. “Like produces like”, that much we know. Violence gives birth to itself. So we can rightfully speak of chains, spirals, and mirrors of violence- or, as we prefer- a continuum of violence (Scheper-Hughes and Bourgois 2004: 1).

The aim of this chapter is to understand how the institutionalisation of the RPF’s public transcript constitutes a continuum of violence. A continuum of violence refers to the presence of a full range of various overlapping and nonlinear forms of violence, including structural, symbolic, physical and state/political. It is important to contextualise violence as a continuum in order to account for its slippery complexity. The theoretical framework of this chapter is heavily based around the ideas outlined in Philippe Bourgois’ (2004) article, *The Continuum of Violence in War and Peace: Post-Cold War Lessons from El Salvador*. Bourgois (2004: 428) discusses how he had previously dichotomised ‘good’ violence (revolutionary El Salvador) from ‘bad’ violence (interpersonal violence in Harlem), arguing:

My concern with differentiating all good from all-bad violence, and for separating out politically progressive from self-destructive and irresponsible violence, prevented me from understanding how violence operates along multiple, overlapping planes along a continuum that ranges from interpersonal and delinquent to the self-consciously political and purposeful. It also encompasses structural, institutional, and historical forms as well as symbolic, cultural, and ideological ones. Specifically, I failed to see how political repression and resistance in wartime reverberate in a dynamic of everyday violence akin to that produced by the fusing of structural and symbolic violence during peacetime.



It was easy for Bourgois to 'see' the structural and symbolic violence in inner city Harlem. However, when it came time to examine politically based violence and its aftermath in El Salvador:

I oversimplified and understated the ramifications of terror in a repressive society torn by civil war. By failing to recognize the continuum of violence in war and peace I was unprepared in the case of El Salvador for the rapidity and ease of the transition from political violence to delinquent and interpersonal violence during peacetime in the neoliberal context of ongoing structural and symbolic violence. I had failed to recognize the ongoing everyday violence that had operated at the height of the civil war camouflaged in political violence that was mimetic of state repression (ibid).

I will explore the continuum of violence within the context of the genocide ideology laws that govern and legitimise the RPF's public transcript, specifically focusing on the governmental narratives on 'history', and democracy. It is easy to see how the physical threats, intimidations and politically motivated arrests are forms of state violence. However, I wish to examine the less obvious side of the continuum, focusing more on structural, symbolic and everyday forms of violence. First, drawing on the words of Pierre Bourdieu, this chapter will argue that the RPF public transcript, which sets out to create an 'official' history is a form of symbolic violence that eliminates Hutu grievances against the Tutsi monarchy, while installing the RPF's worldview. This view attributes the violence in 1959 and early 60s to being the first 'genocide' against Tutsi. Furthermore, when the RPF transcript is coupled with genocide ideology laws, it implicitly assigns collective Hutu guilt and Tutsi victimisation throughout the past.

Secondly, this chapter examines how the elections in Rwanda represent a form of symbolic and structural violence. I argue that the role of the elections serves to

legitimise the rule of the RPF. Tactics such as the labelling of Hutu regimes as responsible for the divisions in Rwanda and as 'bad' serves to naturalise the RPF's claim to power. However, by exploring the hidden transcript of Hutu participants, it becomes clear that state violence is also at work. It is again through the language of the genocide ideology laws and the RPF's public transcript that governs what people can say that takes this symbolic violence into the realm of state violence.

### **Layers of Symbolic Violence and the RPF Public Transcript**

This section explores how the RPF's historical narrative is an attempt to present a homogenous discourse that essentially denies and eliminates all Tutsi misdeeds from 'history', and denies Hutu recognition of the violence they endured at the hands of the pre-independence Tutsi elite. I argue that this is a form of symbolic violence.

Bourdieu defines symbolic violence as 'the internalized humiliations and legitimations of inequality and hierarchy ranging from sexism and racism to intimate expressions of class power' (2004: 272). In his study on the Indonesian occupation of East Timor, George Aditjondro (2000: 176-177) argues that between 1975 and 1999, the Indonesian government inflicted a two-layer system of symbolic violence on East Timorese. The first layer resulted from the psychological 'torture' of the occupation, while the 'second is all the forms of symbolic violence carried out by the occupation troops to consolidate their power over the people in their occupied territory'. I will employ Aditjondro's two-layer approach to explain how the Rwandan government is conducting similar practices in the post-genocide era.

Bourdieu (1987: 13) argues that when a state has the ability to implement its 'legitimate vision of the social world and of its divisions', the state is exercising symbolic violence. However, before the state can implement its own vision, it must destroy the previous elites' vision. Aditjondro (2000: 177), believes that this type of symbolic violence is a form of psychological torture that included, in the case of East Timor, included the erasing of:

the history of their own people from their mind, including the history of their independence movement with all its heroes and heroines, and had to learn the history of the colonial power (Indonesia), while being convinced about the greatness and glory of the new colonialist, and to be grateful to them for 'liberating' them from the Portuguese colonialists and the Fretilin 'communist'.

Similarly, the RPF has made the 'rewriting' of Rwanda's history a central component to state-building and their public transcript. This new historical narrative erases the atrocities of the Tutsi monarchy such as the forced system of Hutu labour known as *ubureetwa* and denies the legitimacy of the 1959 Hutu revolution. At the same time the public transcript treats the RPF as 'liberators' of the country, while demonising old national 'heroes' and elevating their own. For example, the RPF have given the former-RPF leader Fred Rwigema, who died during the first few days of the 1990 invasion, the status of national hero. Amongst my participants, Douglas believed that Rwigema was a hero for fighting for the right to return home, others like George felt that Rwigema was not a hero, stating:

Some of them [heroes] I can accept, like the school children that were killed at the school in Kibuye, for refusing to separate into Hutu and Tutsi, those I accept. They are heroes. But not Fred Rwigema. How can I consider someone who attacked my country a hero?

What makes the rewriting of history by the RPF so problematic is not only that Hutu grievances and experiences are being eliminated, but that the RPF is perceiving 'alternative historical interpretations as political challenges to its legitimacy which need to be condemned as negationism or even genocide ideology' (Waldorf 2009: 104). As a result, statements like George's are considered to be 'genocide ideology' and thus punishable by the legal system. Lemarchand (2009: 103) argues that the ruling RPF elite has manipulated memory in order to erase their responsibility in the events that led to the 1994 genocide. This type of symbolic violence cannot be done without some sort of misrecognition. Bourdieu (2002: 273) defines misrecognition as 'the fact of recognizing a violence which is wielded precisely inasmuch as one does not perceive it as such'. I believe that the use of 'genocide ideology' serves as misrecognition, as it 'legitimizes these practices and thereby contributes to the reproduction of the social order in which they are embedded' (Bourdieu 1987: 13).

### ***Rewriting History: Ubureetwa***

Brauman, Vidal et al. (2000: 151) argues that while the RPF have legitimised itself by eliminating 'ethnic' identities as the basis of reconciliation and state-building, they have also created a 'founding discourse which only works to cover-up the predominance of Tutsi in all domains of society' (ibid, Buckley-Zistel 2006a: 112). To illustrate this point, I will focus on *ubureetwa*, a system of mandatory labour that developed in the nineteenth century under the rule of *Mwami* Rwabugiri. Under the partnership of the Belgian colonialist and the Tutsi monarchy, the system became

much more oppressive. I have chosen to focus on *ubureetwa*, as it was one the most despised and humiliating practices for Hutu (Pottier 2002: 114). Pottier (ibid) argues that the RPF and its supporters focus on *ubuhake*, a more benign clientship system of exchanging cattle for socio-economic obligations, while ignoring 'other contractual forms' that were coercive or that resulted in the loss of land to the royal court.

According to the RPF transcript, pre-colonial Rwanda was harmonious 'because its chief social institution-*ubuhake* cattle clientship<sup>39</sup> had facilitated social mobility across the fluid occupational categories. Status was a fact of life, but negotiable'

(Pottier 2002: 110). However, Pottier (ibid: 111) points out that:

By focusing on the "easy terms" of cattle *ubuhake* at the expense of promoting an understanding of the conditions created by different forms of land clientship, but especially *uburetwa corvée* labour, the pro-RPF discourse resuscitated an idealized representation of Rwandan society and history. This history glossed over significant social complexities not only to mask the *pre-colonial origins of ethnicity in Rwanda*, but also to intellectually justify a system of leadership by Tutsi minority rule.

Prior to the arrival of Europeans, social relations became ethnicised under *ubureetwa* and the Tutsi monarchy (ibid: 13). *Ubureetwa* 'symbolized the servitude of the Hutu vis-à-vis the dominant minority' (C Newbury 1988: 141), while also undermining 'the livelihood security of Hutu commoners and made survival more difficult' (Pottier 2002: 13). Unlike *ubuhake*, there was no reciprocal exchange, special status, or escape. To fulfil the social and cultural obligations of *ubureetwa*, Hutu were forced to perform mandatory labour and services. This forced system of labour was placed solely on the shoulders of Hutu, where they were expected to collect water, firewood, serve as

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<sup>39</sup> Cattle clientship is the exchange of a patron's cattle for a client's services, such as physical labour.

guards and cultivate the chief's fields without reimbursement for their services (C Newbury 1988: 144).

However, the government argues that *ubureetwa* did not exist prior to colonialism and the social divisions resulted from colonial policies<sup>40</sup>, stating that 'Forced labour was hard labour without remuneration, which was introduced by the White People's administration' (Rwandan Government 1999: 21). An RPF official Paul, provided the same sentiment at the end of an interview:

You go back and you tell the correct history of Rwanda! You tell how Rwanda is a democracy. He was angry and pointing his finger threateningly at me. [What is the correct version of history?] That all the division that happened were because of the Europeans. [What about the traditional systems, *ubuhake* and *ubureetwa*, they were very oppressive?] That is a lie! It is just another European creation. It never existed in such a way. That history was written by white people who have no understanding of it'. [Really? But Catharine Newbury spent years in Rwanda and she wrote about them.] It is a lie, Europeans created these lies. [Later, I discussed with Joseph and Simon the interview, Joseph said 'You are right, that man is lying, those systems were very oppressive'.]

Based on extensive interviews collected in the early 1970s, Catharine Newbury's work (1988: 51) in Kinyaga<sup>41</sup>, explores how class formations and identity were shaped by the expanding monarchy and colonial agencies. She argues that under *Mwami* Rwabugiri (1853-1895) Hutu/Tutsi 'ethnicities' became political and began 'determining a person's life chances and relations with authorities'. Under European colonialism the 'ethnic categories came to be even more rigidly defined, while the disadvantages of being Hutu and the advantages of being Tuutsi increased

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<sup>40</sup> Germany was the first colonial power and ruled Rwanda between 1897 and 1916. After World War I, the Belgians took control of the country in 1916 under a League of Nations mandate and ruled until independence in 1960 (Prunier 1997: 25).

<sup>41</sup> Now Cyangugu

significantly' (C Newbury 1988: 52, Pottier 2002: 13). However, it was Rwabugiri's centralisation of power, ambitious state-building and military campaigns that incorporated autonomous lands at the periphery of his kingdom that:

heightened awareness of ethnic differences in Kinyaga. With the arrival of Ndugan [Tutsi monarchy] authorities, lines of distinction were altered and sharpened, as the categories of Hutu and Tuutsi assumed new hierarchical overtones associated with proximity to the central court-proximity to power. Later when the political arena widened and the intensity of political activity increased, these classifications became increasingly stratified and rigidified. More than simply conveying the connotation of cultural differences from Tuutsi, Hutu identity came to be associated with and eventually defined by inferior status (C Newbury 1988: 51).

The instillation of *ubureetwa* under Rwabugiri, which previously did not exist in Kinyaga, led to massive land reform that took control away from Hutu and placed it directly and solely into the hands of the *Mwami*. This pushed Hutu further into an inferior social position (ibid: 82). While *ubureetwa* was not the brainchild of the European colonisers, it became more rigid and oppressive through the alliance of the European colonialist with Tutsi monarchy. This is because the colonialists used the monarchy as the institution to facilitate its colonial policies, while for the monarchy the Europeans had the power to conquer and exert its influence in regions that had previously been outside the court's influence. For example, Prunier (1997: 27) states that whereas prior to colonialism:

the royal chief had dealt with whole lineages on a hill, the white administration now considered it an *individual* responsibility, meaning that a family could no longer delegate a strong young good-for-nothing to sweat for all its members but that every single male (and even at times when needed, women and children too) had to go and perform.

It was this type of abuse and the treatment of Hutu under *ubureetwa* that led to the Hutu elite to call for a Hutu 'revolution' in 1959 to demand the removal of the Tutsi

monarchy. Habyarimana and the genocidal regime also incited fear that the RPF invaded in 1990 in order to enslave Hutu (Vianney-Higiro 2007: 74) under *ubureetwa*.

Robert explained to me how he felt that this was a legitimate fear:

When the RPF attacked, there were no negotiations, they just attacked. When they attacked, I believed that the RPF were coming to restore *ubureetwa*. At that period there had been no problems. There was a chief that was a Tutsi where I worked and in immigration there were many Tutsi. Many worked in the hospitals, prisons and attended university. Only in the military there were few. When the RPF attacked, they killed all the Hutu. First they helped Museveni to conquer Uganda then turned to Rwanda to make us slaves under *ubureetwa*.

Despite its use in genocide propaganda, Robert believes that there was a legitimate resentment and fear of *ubureetwa*. Ethnographic data collected during fieldwork as well as from the autobiography of a Rwandan Hutu, Beatrice Umutesi (2004), illustrates how Hutu perceive the elimination of *ubureetwa* from the historical narrative as an attempt to erase Hutu grievances. It is the denial of these grievances by the state for political purposes that I argue is a form of symbolic violence.

Beatrice Umutesi (2004: 7-8) provides an illustration of how *ubureetwa* became a representation of Tutsi hegemony and superiority over Hutu. Umutesi's account also describes how people were not just passive actors within the exploitative system, but risked punishment and beatings to protest their treatment. She states:

One of my aunts rebelled against this system (*ubureetwa*). At sixteen while performing these obligatory services, she had to accompany a young Tutsi woman back to her family. Once there, she refused to eat for three days because she was forced to eat alone after the members of the family had finished their meal. She was not allowed to look at the mouth of her "masters" while they were eating. She did not understand how such poor Tutsi could treat her with so much contempt when her own family was quite well off. On the way back she refused to help her "mistress" carry the gifts that she had received from her family. At this time an attitude like this was punished by a public beating called *umunai*. My aunt knew perfectly well that by



rebellious she ran the risk of being beaten, but she preferred a beating to being treated with contempt. This time she was not punished for her rebelliousness.

The utilisation of *ubureetwa* by colonial authorities along with the implementation of the *Hamitic myth*<sup>42</sup>, reified the existence of a 'primordial' Tutsi hegemony. *Ubureetwa* further conceptualised the difference between Tutsi and Hutu. 'Petite' Tutsi<sup>43</sup> were exempted from participating in *ubureetwa*, because they were Tutsi (Lemarchand 1970: 130). Locally and economically there may have been little difference between 'petite' Tutsi and Hutu, but *ubureetwa* demonstrated that being considered a 'Tutsi' no matter how poor still meant they were superior to Hutu. George was at first reluctant to discuss *ubureetwa*. I told him about the conversation I had with Paul (above) who argued that the Europeans created it. George responded:

It was very oppressive! We did everything without getting paid and at a certain period we could be released at anytime. It was like colonisation. I participated in it. I had to work for a chief. It was very bad. I worked without getting anything in return. I took care of the chief's baby, had to prepare food for meals, and cultivated potatoes and beans. My family was poor, I helped out here because of the struggle of my family. Everyone had to participate, it was an order that everybody had to work for the Tutsi chief. Everything was controlled. There were no chiefs to go to complain and there was no one to go to.

In his discussion on *ubureetwa*, Robert illustrates how this hierarchy was translated into everyday relationships:

*Ubureetwa* was a job, we, Hutu were forced to do without pay. If you didn't do it, you'd be punished or were forced to flee the country. Some were even killed for not participating. A lot of Rwandans went to Congo and Uganda [during colonial times], because of *ubureetwa*. No one could refuse to work at this time. There was no independence. If a man refused, the chief would go to the king and he would be killed or forced to leave the kingdom. By refusing to work, you put your family in danger, or your family would be harassed. If a person didn't go, he would have to send his son instead.

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<sup>42</sup> The *Hamitic myth* refers to the European belief that Tutsi were part of the Hamitic race, a mix of African and European ancestry and therefore more superior than Hutu.

<sup>43</sup> Petite Tutsi is a poor Tutsi.

We worked so much during the *Ubureetwa* that we didn't have time to produce many children. We could not leave! If we wanted to leave, one of our children had to come and replace us. *Ubureetwa* destroyed families. Hutu were not allowed to participate in wedding ceremonies of Tutsi, but were allowed to sit only after Tutsi finished. Wives were all alone when husbands had to go work. Hutu were not happy with Tutsi neighbours. Us, Hutu, would say "Look at those Tutsi! They are able to have families, to be there for them, to help feed them, when, my wife is home alone while I was working for the chief or the King.

Everything belonged to the Tutsi King, who got the best of everything. The King could even sleep with a man's wife in their house. Regarding *Ubureetwa* [looks around to see if anyone was around] under this system, chief/king would leave his palace, many porters would be forced to carry beer on their heads. The king would drink from it, but not give any for those people for many kilometres. They would have to carry the chief from Cyangugu to Nyanza with no food. They would have to build houses for Tutsi, but didn't have a good house for themselves. And if a Hutu owned cattle, they would have to choose the best one to give to the king. They could not say no. King was the supreme chief and everything belonged to him.

Buckley-Zistel (2009: 40) argues that the Rwandan government believes that if historical narratives were used to create the social divisions that culminated in the 1994 genocide, then that history can also be deconstructed and rewritten to promote unity. However, refusing to acknowledge atrocities such as *ubureetwa* 'can risk insulting the victimized and leaving rage to fester' (Minow 2000: 118). When asked why he thought the government was rewriting the history of *ubureetwa* Robert responded by stating:

The government likes to hide things from that time, because it shows the bad things that were committed by Tutsi. They want to remove it from younger generations and it will disappear. History will show that all the bad things that have been done here, will have been done by Hutu.

Robert's insight is crucial to understanding the implications of the rewriting of Rwanda's history is having. Furthermore, Goulding and Domic (2008: 91) argue that 'the representation of the past in the present inevitably involves the imposition of current values and ideology... As such, history and the manner in which it is presented

becomes a weapon of power and control in the battle for ideological reinforcement’.

The next section will explore the ways in which RPF’s re-written historical discourse has been institutionalised through the building of national museums and memorials.

***The Revolution will not be Televised: Violence and the Institutionalisation of the RPF Transcript***

Part of the state’s ability to use symbolic violence, according to Bourdieu (1994: 3-4):

is because it incarnates itself simultaneously in objectivity, in the form of specific organizational structures and mechanisms, and in subjectivity in the form of mental structures and categories of perception and thought.

He maintains that we tend to forget that this happens as the result of a ‘series of acts of institution (in the active sense) and hence has all the appearances of the natural (ibid)’.

The RPF have succeeded in institutionalising their discourse through a number of mediums including the legal system (genocide ideology laws and *gacaca*), the media (government censorship of those that do not abide by the official transcript), the education system (re-education *ingando*<sup>44</sup> camps), and national museums and memorials (Freedman et al. 2008: 674). Aditjondro (2000: 178) argues that the second layer of symbolic violence in East Timor included ‘intimidating semantics, the building of “pro-integration” monuments, the prohibition of the Portuguese language, and the destruction and desecration of Catholic icons’ (Aditjondro 2000: 178). In this section I focus on how the building of genocide memorials and museums institutionalises the RPF’s pro-integration discourse, while assigning historical guilt to Hutu.

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<sup>44</sup> *Ingando* are government re-education/solidarity camps used as part of the reconciliation process. For an in-depth discussion see Thomson (2011).

According to Joseph, every student who wishes to go to university has to attend one month of a state-sponsored re-education programme. During this programme students are fully indoctrinated into the RPF public discourse, by learning history and conducting military training exercises. One history lesson involved the events of 1959, according to Joseph:

We were taught that the 1959 revolution was not a revolution, but a genocide. They said that if it was a revolution, it should have come from Rwandans and from inside their consciousness, not from Europeans. It was the inspiration of the Belgians. They told us that a Belgian bishop took in Kayibanda and they became friends. The Belgian Bishop then sent Kayibanda to commit genocide. Kayibanda was only able to take power, because he received help from the Belgians, and because the Belgians killed the Tutsi king. [Did they explain why the Belgians wanted to kill the king?] They said it was because the Tutsi no longer accepted Belgian rule, that they wanted independence. The RPF didn't accept that local people inspired the revolution. It was just the plan of the Belgians who used Hutu like Kayibanda to incite a genocide because Tutsi wanted independence.

This narrative erases all the underlying causes for the outbreaks of violence that occurred in 1959 and in the early 1960s. The Hutu elite is seen as mere puppets of colonial rule and solely responsible for the violence, while Tutsi are treated as their victims. Eltringham (2004: 178) argues that a tentative-meta narrative for such a discourse suggests that:

Tutsi are victims: of Belgian indirect rule; of Belgian opposition to independence; and of violence orchestrated by a Hutu elite. Thus, the contemporary globalization of victimhood to "the Tutsi" is *legitimate*.

If Tutsi are the victims and the Hutu revolution is recast as the first genocide, the RPF transcript essentially assigns collective guilt to Hutu throughout the past. However, such an absolutist version of history does not correspond with the understanding of my participants. For example, Robert attributed the violence against Tutsi in

1959/60s as the consequence of Hutu resentment of *ubureetwa* and the Tutsi

monarchy's abuse of power, he stated:

The 1959 revolution took place because of *ubureetwa*. You see, the Tutsi chief used to beat people forty times a day with the stick that is used to herd cattle. Tutsi chiefs ruled the country, people had nothing, that's why they went to the Belgian Congo to work. Ninety percent of *ubureetwa* were Hutu, even if a Tutsi participated in the system, they didn't have to do the hard or demeaning labour.

[Do you think that it was a revolution?] Yes of course. It took place because of *ubureetwa*. Hutu were treated badly. During the 1959 revolution I was studying in Congo. The United Nations organised an election, to ask if we wanted independence. We voted that we wanted independence. Hutu voted that they wanted independence from the Tutsi.

Robert argues that the events of 1959 were not genocide, but started as a reaction against the killing of a Hutu chief by a Tutsi in Gitarama<sup>45</sup>:

During the revolution, no one was killed, only Tutsi homes were destroyed and their cattle were killed. Their houses were destroyed. During the revolution, Tutsi were not killed, those deaths were few, only their houses were destroyed and only in one region.

When asked if he agreed with the government's analysis of the events of 1959, Joseph emphasised that it was a not a genocide or a revolution, but a Hutu revolution:

Hutu were being treated very badly by the Tutsi and Hutu were sick of it. [What about the role of the Belgians?] It was still a Hutu movement, even if the Belgians helped. It was a Hutu revolution. The RPF say that the 1990 invasion was the RPF revolution, but they call the Hutu revolution, massacres. You see it changes with who has power. Habyarimana's government considered it a revolution. For me it was a Hutu revolution.

After hearing this, I asked Joseph about how the RPF taught the 1990 invasion and events leading up to the 1994 genocide at the *ingando*:

The 1990 RPF invasion and subsequent civil war is considered to be a revolution, which has its origins in Uganda, where Paul Kagame and Fred Rwigema of the Rwandan refugees helped Museveni. They left the Ugandan army to set up the RPF.

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<sup>45</sup> The events are described in Eltringham (2004: 39).

Kagame and Rwigema asked Habyarimana to allow the Tutsi refugees living in exile to come back to Rwanda, Habyarimana said that “Rwanda was like a glass full of water, there was no room for them and they needed to stay out’. According to them, Habyarimana was persecuting Tutsi. They taught us that Tutsi in Rwanda supported the invasion, by sending their children to them to fight.

They describe Habyarimana’s rule as full of injustice, exclusion, nepotism and that they were planning the genocide. They bought weapons and used forged documents to support their claims against Tutsi. They talked a great deal about how Habyarimana prepared death lists and how Habyarimana’s regime was storing weapons.

This is how Rwanda’s history is described at the Kigali Memorial Centre, which I will consider in more detail in a moment. So not only is the RPF transcript being institutionalised through the re-education programmes, but also through national memorials and museums. On any given day there are often a number of groups of Rwandan school children at the Kigali Memorial. While Rwandan history is thought of being too dangerous to be taught in schools (Freedman et al. 2008: 674), through these school fieldtrips, Rwandan children are still being acculturated into a particular history. This history does not address the precolonial origins of each group, the full experience of colonialism, such as *ubureetwa*, nor does it address the atrocities committed by RPF soldiers, or the massive humanitarian crisis occurring in border regions of DRC and Rwanda. Rather, this national narrative is attempting to institutionalise unity among all Rwandans under a single mould of experience and history. In not allowing other perspectives and experiences to be told, the present history appears to be absolute. The state has tried to embed its version of history into the social and mental structures through the erection of memorials, museums and monuments, which Rwandans see and experience everyday (Zorbas 2004: 39).

One example of how the state institutionalises its discourse happened during my fieldwork in Rwanda in 2005 at the Kigali Genocide Memorial. Those who I encountered at the museum and memorial sites as tour-guides were most often Tutsi genocide victims. They recited the RPF public transcript to international tourists and to visiting Rwandan school groups. The Kigali Memorial Centre is divided into three parts: 'before the genocide', 'during the genocide', and 'after the genocide'. The first display in the Kigali Memorial Centre poetically summarises the important elements of the RPF narrative that are always stressed:

This has been our home for centuries. We are one people. We speak one language. We have one history. This is about our past and our future. Our nightmares and dreams, our fears and our hopes, which is why we begin where we end with the country we love (Kigali Memorial Centre 2005).

I had walked through the 'before the genocide' part of the museum, which covers from pre-colonialism to 1994. When I arrived at the exhibit on 'hate propaganda', there was an American man and woman accompanied by a Rwandan museum tour guide. The man asked the Rwandan guide, 'What's the Hutu side of the story'? The tour guide responded by saying 'This is what happened'. The guide seemed uncomfortable by the man's question and looked nervously around. The American man replied 'This only shows one-side of the story. I think the other-side saw things differently, but it's not presented here'. The guide replied, 'No this is what happened'.

The RPF discourse presented at this museum, demonstrates how the government is simply replacing one absolutist version of history with another, leaving no room for dialogue. Similar to the way in which the Hutu elite used 'history' to incite fear and

used the Tutsi as scapegoats, the RPF has eliminated all the atrocities committed by the Tutsi monarchy, while emphasising 'all the bad things' Hutu did. In contrast, Eltringham (2004: 148) argues that it is more beneficial to explore competing historical narratives, as:

Ultimately, it may be more apposite to reflect on the nature of historiography, to recognize that the *past* is a contested place and that different interpretations of it should be explored (rather than dismissed) because they may reveal what actors hold to be *current* disparities.

While it may indeed be more beneficial to explore competing histories, national museums, memorials, and monuments serve another purpose. Aditjondro (2000: 179) argues that the building of monuments that were put in place by the Indonesian government to 'glorify' East Timor's integration was done to:

remind the population of the strength of Indonesian armed forces and of "Fretilin atrocities", and finally to remind them of how good the Indonesian state had been to the Catholic Church of East Timor.

I argue that the RPF's concerted campaign of building genocide memorials<sup>46</sup> and museums<sup>47</sup> are not just for remembrance purposes, but in conjunction with the telling of the RPF discourse, these museums and memorials serve to remind the country of who is collectively responsible for the genocide and who ended it. They serve to maintain and reinforce the RPF's domination, as Scott (1990: 45) argues, 'A good part of the maintenance work consists of the symbolization of domination by demonstrations and enactments of power'. The monuments and memorials are an

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<sup>46</sup> With the help of Aegis Trust there are many national memorials that are inaugurated each year during the Genocide Memorial Day on April 7<sup>th</sup> include those at Murambi, Kigali, Bisesero, Nyamata, Ntarama and Nyarubuye. There are also many village memorial sites that are scattered around the country.

<sup>47</sup> Museums include long standing museums such as the National Museum at Butare as well as the surge of up and coming museum projects such as the Kibuye Museum, Museum of Natural History Kandt House Kigali, Presidential Palace, Rwandan Ancient History Museum Nyanza and the Nyanza Living History Museum.



important component of the RPF's 'symbolization of domination'. While, there are not yet any statues of Kagame or predominant RPF figures, there are many signs displayed across villages and memorial sites constantly remind Rwandans to 'remember the genocide', 'never again' or 'never forget the genocide'. As will be discussed shortly, the physical presence of the memorial sites, which often displays the physical remains of the victims, have convinced some Hutu that the government is using the memorial sites to reinforce their collective guilt. The use of monuments and memorials as 'symbolization of domination' is evident in the removal of past regimes' monuments and symbols. These have been replaced with museums that promote the RPF discourse.

In October 2008, the Rwandan government announced plans to turn Habyarimana's palace into a genocide memorial museum. 'The culture minister said the palace would promote reconciliation and as a reminder never to repeat the genocide in which some 800,000 people died' (BBC 08/10/2008). The museum, which is located near the crash-site that killed Habyarimana will also include wreckage from his plane. According to the government's website this museum will also 'be a centre for documentation, education and research related to Rwanda's second republic. It was this republic, which experienced the 1994 genocide<sup>48</sup>' (Rwandan Museum 2010a). I believe that this museum in particular, is a show of dominance on the part of the RPF. Many participants believe that the RPF are the ones responsible for shooting down Habyarimana's plane. According to RPF member Douglas:

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<sup>48</sup> [http://www.museum.gov.rw/2\\_museums/kigali/state\\_house/pages/state\\_house\\_promo.htm](http://www.museum.gov.rw/2_museums/kigali/state_house/pages/state_house_promo.htm)

According to me, the RPF killed him. The power sharing agreement in Arusha decided power, and the RPF wouldn't be able to win an election because Habyarimana was very popular. It is also suspicious because the Arusha Accords do not mention a vice presidency. It only came about after the RPF took power and Kagame was installed as the vice president. As soon as Kagame became president, the vice presidency was eliminated. There are many reasons why the RPF wanted to kill Habyarimana, the RPF wanted power and didn't want to share.

Likewise, Robert, an elderly Hutu stated

When I heard he died, people were angry. He was the parent of a nation. Under him no one spent a night without eating. There was peace. He was murdered while negotiating and trying to make peace. He was killed because they (RPF) needed power! They already agreed to the Arusha Accords, but the RPF were not satisfied. Before the war, I heard that all the Hutu in the northwest had been killed by the RPF and now they killed our president! I thought that if they (the RPF) killed the president and members of the population, imagine what they would be capable of if they were in power. I heard that the Tutsi had come to kill all Hutu, I believed that if they (RPF) found me they would kill me. The RPF killed four Hutu priests in Gitarama. If they killed priests what would they do to me?

The goal of this museum is to present the RPF's discourse of the Second Republic and will re-configure Rwandan 'history' by eliminating other perspectives and experiences as is the case with the Kigali Memorial Centre and illustrated by the response of the comments of the American man.

The government acknowledges on its' website that these memorials and museums are causing divisions, stating that special consideration had to be given 'to promoting acceptance of the memorial in the local population surrounding Murambi'<sup>49</sup>

(Rwandan Museum 2010b). Based on a report by African Rights<sup>50</sup>, many of the local people thought that the memorial was being built to 'stir up hatred against Hutus' (ibid). The Murambi Memorial Centre was a technical school where during the genocide the *Interahamwe* killed roughly 50,000 people over the course of four days.

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[http://www.museum.gov.rw/2\\_museums/murambi/genocide\\_memorial/pages\\_html/page\\_murambi\\_exhibit.htm](http://www.museum.gov.rw/2_museums/murambi/genocide_memorial/pages_html/page_murambi_exhibit.htm)

<sup>50</sup> The reference of the report was not cited on the Rwandan museum website and could not locate the source or find a reference for it through a number of various searches.

In each of the various rooms the preserved bodies of victims are laid out on low platforms. Visitors are able to see victims' facial expressions, hair, clothes, machete marks, broken necks, and even the imprint of a boot on a baby's skull. The government claims that as a result of the report and the local peoples' feelings, it made a 'great effort' to:

find Hutu people in the region that rescued Tutsis during the genocide, so that they can be used in the memorial exhibition as role models who resisted and risked their lives for others. This proved to be problematic. It transpired that some of those identified as "heroes" rescued Tutsis on the one hand, while killing others at the same time (ibid).

In the end, a short film was made that described the deeds of the rescuers and 'reflect[ed] at the same time on the future of Rwanda, and the possibilities of reconciliation'. Waldorf (2009: 113) rightfully acknowledges that the complex realities of the genocide make it hard to determine which Hutu rescuers who saved Tutsi from those that saved Tutsi on the one hand, but also killed others. Lemarchand (2009: 106) argues that in general the Rwandan government's official discourse denies Hutu status as victims and survivors of the genocide and fails to recognise Hutu who rescued Tutsi. In the case of Murambi, local people already believe, according to the African Rights report cited by the government's website that the displaying of genocide victims in such a manner is done to stir up hatred against Hutu. Furthermore, the government explains that while they went to 'great lengths' to include Hutu rescuers, there were no Hutu that did not kill. And lastly, as the overall RPF public transcript denies that Hutu were victims of the genocide, it assumes that

none of the victims at Murambi were Hutu<sup>51</sup>. The government has used symbolic violence to institutionalise its version of history (Brauman, Vidal et al. 2000) by building museums and memorial sites, which serves to simultaneously erase Hutu experiences, while constantly reminding people who committed the genocide and who ended it.

Reyntjens (2011: 2) contends that the Rwandan government has ‘little awareness’ and I would add little regard for ‘the structural violence its ambitious engineering project engenders’. In addition to the re-writing of history, one of the most important aspects of the RPF’s engineering project is the presentation of democratic elections. The next section will explore the continuum of violence in association with the public and hidden transcripts on democracy in Rwanda. In doing so, it becomes evident that the language of the genocide ideology laws and the RPF’s public transcript that governs what people can say takes symbolic violence into the realm of state violence.

## **Democracy and the Continuum of Violence**

### ***Excerpt from Fieldnotes: Local Elections 2008***

One morning Simon and Joseph told me that they were unable to meet with me until later in the afternoon, because they were being ‘forced<sup>52</sup>’ to attend a town meeting held by the Mayor. Joseph explained that if they did not attend:

The LDF (the Local Defence Force) comes around and drag people out of their homes. They accuse people “Why aren’t you at this meeting?” and then that person is forced to go, but will have many problems. [They agreed to let me come along. People were socialising with one another. The chatter did not die down as the mayor began to speak. Joseph carefully disguised his translation by keeping his head down] ‘They are saying to register to vote’. ‘Someone asked a question about the roads’. [Joseph shook his head while looking down at his feet.] The Mayor says that when we go to vote in

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<sup>51</sup> The collective labeling of Hutu as genocide perpetrators, while denying them the status of victim will be discussed in more detail in the next chapter.

<sup>52</sup> Their words.

the next elections, we should remember who developed Rwanda, to remember who gave us all these things we have now, who liberated the country and its people. If we want to continue to have security and development we must not change the way things are or there will be problems. [What does he mean by that? I asked as we left] He means that we must vote for the RPF. The Mayor is a member of the RPF. He was campaigning for them. Not to change the way things are means to vote for the RPF. [Or there will be problems?] It was a threat. It means that we will face problems if we try and vote for the other parties, but it also means that if the RPF aren't in power FDLR will attack this area and there will be conflict. So to avoid all these problems, we must vote for the RPF. [Later I asked Douglas, a Hutu member of the RPF, about the Mayor's speech.] It was a threat. They were telling everyone that they must vote for the RPF or they will have problems.

### ***Introduction***

Why are elections so important? The answer is two-fold. For the government, elections serve as a way to legitimise its right to rule. For Hutu participants, however, elections represent another context in which they are subjected to various forms of violence, including physical abuse, threats, institutionalised discrimination and structural violence.

Jennifer Schirmer (1998: 258) argues that after intense military rule in Guatemala, 'state violence has been reincarnated as democracy'. Since the use of juntas and coups are no longer acceptable ways to obtain political power in the eyes of the international community:

military power that is enacted through electoral and constitutional systems gains international legitimacy through the rubric of democracy....political institutions, be they electoral systems or militaries or both, are central to the ways democracy's power is enacted. (Paley 2002: 477).

In this section I will argue that a similar situation has arisen in Rwanda and that while the presidential elections of 2003 and 2010 and the parliamentary elections of 2008 were 'peaceful' with no violent protests, they were essentially one-party elections that

were heavily controlled and influenced by the government (See HRW-World Report 2003, HRW 02/08/2010, Amnesty 04/08/2010, Reyntjens 2011: 9-12). Furthermore, I believe that Rwanda elections serve as a way of manufacturing legitimacy.

In her recollection of Spain's post-Franco elections that saw the socialist party elected, Aretxaga (2000: 48), argues that despite not trusting the socialist party, she found herself becoming 'excited by that intangible, emblematic power that seemed bestowed upon it like a halo by virtue of their position as government, which is to say a state' (ibid). She reworks Taussig's (1991) idea of state fetishism, arguing that the power of the Spanish elections was the 'power of democracy as a fetish'. This fetish was the result of the 'forgetting of the traces that linked the Spanish democracy to the past regime (its nature as a reform of it), and its reinvention as the real Thing' (ibid), while its reinvention as a democracy 'held the promise of a new, European model, successful form of life'. Furthermore:

The fetishization of democracy endowed the Spanish state with a new aura and new body, a sacred one that came to replace the desacralized and profaned body of the Francoist state. The legitimacy of the new state, however, depended on the continuous exercise of an act of forgetting. Thus constituted as a fantasy of modern prosperity, democracy became under the socialist government the legitimizing discourse for a wide variety of authoritarian state practices (ibid).

'Democracy' in Rwanda has a similar pathology, where it serves to legitimise RPF rule in the eyes of the international community, but also masks the continuum of violence that Hutu participants experienced in their everyday lives. This violence was heightened during the election season. It is an act of 'genocide ideology' to accuse the Rwandan government of using accusations of divisionism to eliminate political

opposition (NURC 2007: 17 ft 17). For the government, these accusations of fraudulent elections or that oppositional parties were marginalised are, since they impute unethical actions to a specific ethnic group and thus encourage the idea that this group is working against the interests of another, equivalent to encouraging another genocide.

***Narratives of Democracy and Violence within the Public and Hidden Transcript***

Through the public transcript the RPF argues that the previous regimes of Kayibanda (1961-1973) and Habyarimana (1973-1994) were authoritarian, divisive, and undemocratic. A former RPF officer, Fred, best sums up the official public transcript of the Rwandan government:

Rwanda is very peaceful country, with a good government; it is democratic where people are voting. We were once at conflict, but now there is a group of people in charge of reconciliation and we are achieving reconciliation. First there was Kayibanda. He was chosen by a push of the people. Habyrimana overthrew him and began to segregate people. He discriminated against people by using the ethnic divisions that were first brought by the Europeans. There was no democracy at this time.

It is often stated that the only reason why Rwanda has democracy at all is because of the RPF. As a writer for the New Times said in his response to international criticism of the lack of free speech in contemporary Rwandan government:

For instance, when we talk about freedom of speech and expression in Rwanda, you should first know that for many decades, Rwandans have known no real freedoms pertaining to these two. Multi-party democracy on the other hand, was only introduced in the 1990s due to pressure from the RPF onslaught (New Times: 6/12/2009).

Furthermore, the RPF have used the participation of *Parti Liberal* (PL) and *Parti Social Démocrate* (PSD), as evidence that they are a democratic country. However, Hutu participants frequently challenged statements that Rwanda has multi-party

democracy, believing that the RPF bans any party or candidate that offered any real opposition. One such example is Twagiramungu<sup>53</sup>, Joseph explained:

During the presidential elections, Kagame had all of Twagiramungu's chiefs arrested, so they could not participate or help with the elections. Then Kagame abolished the political party of Twagiramungu. It was the political party of Kayibanda, but it was different under Twagiramungu. It existed for over forty years. There's no way this party could be around today, it would cause too many problems for the RPF. [You mean it would actually be a proper oppositional party]. [Joseph laughs.] Exactly. It was with Twagiramungu and this party that was the beginning of "genocide ideology". The government said that all of their propaganda was bad and spreading bad ideas. Many of those people who used to belong to Twagiramungu's party, were corrupted by the RPF. The man who is now Prime-Minister was a member, his father was one of the founding members.

Douglas also provides an illustration of the marginalised role that oppositional parties and candidates play in Rwandan elections:

The oppositional parties could do their best but could never win the elections. All Rwandans will vote for the RPF. Other oppositional parties will vote for RPF. The RPF will be elected. They are the elections. What they did is different than what they said they would do. Back, when I joined the RPF talked about democracy and popular elections. Reality is much different. [Could you give me an example? I asked]. [Douglas smiles], 'There are too many examples'.

Like, Douglas, most respondents saw the participation of the oppositional parties as meaningless and only existing as a 'show' of democracy. When asked what he thought about the elections, Joseph stated:

The government puts on elections as a show, like a performance, to demonstrate to outsiders that Rwanda is a democracy, but it's not. The RPF is the father, who knows best, the other political parties are just the RPF's children.

Stroh (2009: 19) argues that this type of election process in Rwanda 'tends to support the maintenance of democratic façade and is even gradually facilitating the centralization of power and manipulation against the will of the people'. He uses the

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<sup>53</sup> Faustin Twagiramungu was the former leader of the MDR and was Prime Minister under the National Unity government until he resigned in August 1995.



2008 parliamentary elections to argue that Rwanda is an electoral autocracy. An electoral autocracy is when a country pretends to follow the path of democratisation, while the ruling power tries to maintain its autocratic rule. Conversations with Joseph and Douglas illustrate Stroh's argument. Furthermore, they demonstrate how:

Violence is employed to create political acquiescence; it is intended to create terror, and thus political inertia; it is intended to create hierarchies of domination and submission based on the control of force (Nordstrom 2004: 61).

Douglas, who oversaw the 2003 presidential elections and the 2008 local elections, stated:

In the election I was forced to support Kagame. Members of the army came and gave a briefing on what to do about those who would complain about being forced to support Kagame. We were told to tell them to complain to the soldiers. This would mean death or imprisonment! I supervised the (presidential) elections, even though I'm a Hutu, the RPF trust me enough to nominate me for this position as an election supervisor. What I tell you, I didn't just hear about it, I saw it and participated in it. The government and those that ran the elections took the ballots that were for Twagiramungu and brought new ones and (makes gestures with thumb pressing on a piece of paper) and marked them for Kagame. Twagiramungu was ahead, by a lot, those ballots for Twagiramungu were thrown in the toilet.

Joseph was asked to help run the local elections in 2008, after the individuals the RPF had initially chosen were old men who could not read, write or do math:

The person in charge of organising our station went to the RPF officials and told them that it was impossible for these old men to work at the elections. He was allowed to provide the names of others, but he had to show them to the RPF officials. He was asked by the RPF, if he trusted them. The man said he did and my name was on the list.

Joseph and the other election workers and observers received two-days of training, where election officials provided them with strict instruction regarding the ballots:

We were told to mess with the ballot box. For those voters who didn't know how to vote, they were to be shown. [How?] We were to show them how to mark the ballot for the RPF with a thumbprint. The officials said that we had to keep the election

results between ninety and a hundred percent for the RPF. That was acceptable passing.

Joseph explained that when it was time for an individual to vote, they went through four officials. The first person checked the identity and voter's card, the second person ensured that the individual was registered to vote, the third person would provide the ballot, and then the voter would go into another room to mark it. However, the fourth person guarded the door and followed voters into the voting room:

They did this to ensure that the person voted for the RPF. Then you come out and put the ballot into the voting boxing. The second person (the person who made sure you were on the registration list) would also remind people to vote for the RPF. The third person would demonstrate how to mark the ballot by making sure you knew which one was the RPF candidate. [How?] When they would show you how to mark the ballot they put their thumb next to the RPF candidate.

[What about the European observers? Where were they?] They didn't show up until almost one o'clock, when the voting began at six. People were almost finished voting by the time they showed up! [What did they do?] They just asked simple questions; how did the elections go? Did people think the elections were fair? [Where did they ask these questions?] They asked them in front of everyone. There were supposed to be observers from other parties and organisations present, but none came. The only ones that were there were the RPF. [Why?] The person who was in charge of the elections council, an RPF member, told the other political parties that they must submit documents to the council about who would be observers. When they did this, those people were told that they must not be there. They became terrified and didn't come.

The corruption of the elections involved more than just following people, according to Joseph, EU observers were well aware of the fact that the ballot boxes were being tampered with<sup>54</sup> and government officials made no secret of removing ballots:

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<sup>54</sup> According to the EU Final report (2008: 3) 'problems were noted regarding essential safeguards, including opening sealed or limited sealing of ballot boxes, the non-reconciliation of ballots, the omission to check voter's fingers for ink to prevent multiple voting, the non-rigorous verification of voters on the voter list marked as having received a ballot against the number of ballots found in the ballot box as well as liberal use of additional voter lists'.

Those EU observers were useless. The ballot box was supposed to have been kept sealed. Election officials had to take an oath to keep the ballots secret and to fulfil the mission of carrying out free and fair elections. They were supposed to show that the box had nothing in it and then put the seal on it. But no one put the seals on. I watched the head election official, he had a bag full of ballots and he passed through all the various classrooms changing ballots. He came after two hours when he was supposed to verify the ballot boxes. The person who watched the entrance to the voting room was in charge of removing the non-RPF ballots. [Weren't the ballots placed in an envelope and sealed before they were put into the ballot box?] The ballots were small and there was no envelope or anything, it made it very easy to remove the ballots. Even the European observers saw that the seals on the ballot box had been tampered with. They found a ballot box without any seals on it. While the election officials invented numbers of those had attended. There were some people on the registration list that didn't show up to vote or who didn't claim their voter registration card. Those papers were supposed to remain at the District Office, but someone brought them to the polling station and they were told to mark the ballots for the RPF. They also had people who switched polling stations and vote for those who didn't show up to vote themselves.

The RPF election observers in each station were from that neighbourhood. They knew the people who were voting at their site. They could then make things very difficult for those who didn't agree to vote for the RPF. This man could cause many problems for someone. They are the ones that sign important documents. He threatened people. He asked if you voted for the RPF. Then if you hadn't, he asked "who will give you those documents?"

After the elections had closed, the head election official from our station was talking about how the RPF received a hundred percent of the vote. An old woman said, "I know they got one wrong! Where is it? What did you do with my ballot? I didn't vote for the RPF." The man didn't reply. As soon as they saw that someone had put in a ballot that wasn't for the RPF, it was immediately taken and replaced with a RPF ballot. There was another man from the neighbourhood; he was in charge of keeping the line of voters in order and was a RPF member. They trusted this person so he wasn't followed into the room to vote and he ended up voting for the PSD! When someone found out, they told the Chairman of the RPF. He asked this man "Why did you vote for PSD?" Now this person has many problems. It wasn't just in our station, but everywhere. Even genocide survivors were followed.

I'm angry with this process. The election is not a game. The RPF says that all Rwanda's success is because of them. But it's because of us, we contributed. Some people didn't want to be followed or didn't want trouble, so they marked their ballot in front of everyone to demonstrate that they were voting for the RPF.

The top-down corruption as well as the direct and indirect violence that is central to Douglas and Joseph's narratives, raises the following question: if the government is going to such extreme lengths to undermine democratic elections, why bother with

the democratic process at all? Stroh (2009: 17) argues the best way to view the Rwandan elections is through a 'power maintenance approach':

Focusing on elections as an instrument of democratisation entails the danger of underestimating the deliberate exploitation of apparently democratic institutions for the benefit of authoritarian incumbents. The neglecting of electoral institutions in autocracies, by contrast, would underestimate the importance of such a controlled democratic façade to the legitimacy of such regimes.

However, power is only maintained through the electoral process due to the power of democracy as a fetish has. It is the ritual of the electoral process that provides the legitimisation necessary for the dominant to rule, despite the inherent contradictions and flaws. In addition, the Rwandan government maintains that the fact that the elections were peaceful proves that they were unproblematic. Scott (1990: 48) argues that it is a misconception to see the use of ritual power as a substitute for physical force or as a substitute for another source of legitimacy that has become invalid. Rather, 'Effective display may, by conveying the impression of actual power and the will to use it, economize on the actual use of violence' (ibid). He further states:

So long as they maintain a bold ritual front, brandishing their weapons, celebrating past episodes of repression, maintaining a stern and determined air- and so long as the visible symbols of their repression remained in place in the form, say of jails, constabulary, and open-threats- they might exert an intimidating influence all out of proportion to the elite's actual contemporary power.

I argue that seeing the elections in Rwanda as a ritual demonstration of power, offers the most insight to understanding, not only why a government goes to so much trouble to put on a 'show of democracy', but what that show is meant to convey. Burt (2004: 13), speaking in the context of Peru contends that while the goal of political violence is to silence, punish or discredit an individual, it also has a social objective, that 'Violence was intended to convey a message to the broader social body that

opposition would not be tolerated' (ibid). This message is reinforced through a continuum of violence in three ways. It can be spread and reinforced such as the Mayor did during the town meetings mentioned at the beginning of this chapter. It can also be spread through acts of intimidation such as being followed to vote, or by using 'genocide ideology' to harass and arrest the opposition and their supporters. In doing so, the RPF public transcript regarding democracy has become institutionalised. The next section will examine another layer of violence that has evolved out of the gap between what the RPF say (the public transcript) and the experienced reality according to Hutu participants (hidden transcript). The gap concerns the legally recognised 'truth' that elected leaders reflect a will of the people, versus how Hutu participants were unable to vote for whom they wanted and thus those 'elected' do not reflect the will of the people.

### ***Representation and the Continuum of Violence***

Moran (2006: 103) argues that in a democracy, an individual essentially gives up the right to speak to the person who 'is empowered to represent one's interests'. She contends that this constitutes a form of symbolic violence, as 'participation is limited to the act of giving up one's autonomous voice by vesting it in a chosen representative...who may not share the interests of the voter' (ibid: 104). However,

being forced to vote for a representative that you have no desire to vote for adds structural violence<sup>55</sup> to the continuum.

Consequently, this structural violence has been institutionalised in the democratic process in Rwanda, where the collective association of all Hutu as genocide perpetrators means that they cannot be trusted to vote. During a conversation I had with a Rwandan NGO worker, about the upcoming local elections, she stated that because of the genocide, Hutu should not even have the right to vote. I have heard many of these comments from Europeans, Americans and high-ranking Rwandan officials, arguing that because of the genocide, Rwandans<sup>56</sup> cannot be trusted to elect their own political leaders. Arthur, a Tutsi, acknowledges the authoritarian tendencies of Kagame and the RPF, but argues that they are for the greater good:

The system is not the same after the genocide. The problem is finished. The same system of division by the government does not exist. There is democracy now, but it is different in Rwanda. It has to be. The voice of the majority cannot always apply. A million people were killed. Kagame knows the reality. A large number of the population were killers and another problem was that the others, those survivors, are traumatised. Kagame is a good dictator and must be on this line. It is not simple, neither group [Hutu or Tutsi] are happy, but we must build a country. The line is very very good. To stay with those who did those things is not good for me, but good for the country. Kagame is like Napoleon. Napoleon brought big changes to his people but not necessarily in the best way, but in the end the changes were good.

Arthur's statement raises crucial challenges about what democracy in Rwanda should look like. There is a genuine concern and need to ban parties such as the *Coalition pour la Defense de la Republique* (CDR), which helped carry out the genocide. However,

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<sup>55</sup> Farmer (2005: 8) uses structural violence as a 'rubric that includes a host of offensives against human dignity: extreme and relative poverty, social inequalities ranging from racism to gender inequality, and the more spectacular forms of violence that are uncontestedly human rights abuses...'

<sup>56</sup> Infers Hutu.

Nagengast (1994: 115) points out that states will often use violent measures, yet present 'their actions as both unavoidable and necessary to prevent what would otherwise be inevitable and unavoidable deeds of their targets'. This is exactly what the RPF government is doing, by not differentiating between true 'extremists' and those who simply do not agree with the RPF's policies. As ICG (2003: 1-2) argues:

At present, the RPF considers that granting political freedom would risk playing into the hands of divisionists and pro-genocide forces and undermine national unity and reconciliation...But this also runs the risk of arbitrarily imposing a definition of this responsibility without the right to challenge it.

Most Hutu participants again used the example of Faustin Twagiramungu, who was Prime Minister from July 1994 to August 1995 and ran for president in 2003. For them, Twagiramungu and the banning of MDR in 2003 represents how the government is political excluding Hutu opposition parties by labelling them as 'genocide ideologist'. Huey uses the example of Twagiramungu to illustrate what would happen to him, if the government found out he was opposed to the RPF:

I have to keep this stuff to myself, because if they (the government) find out that I am opposed to the government they will kill me. Look what they did to these big men. These important men! I am nobody! Can you imagine what they would do to me?

Twagiramungu had been a member of *Mouvement Démocratique Republicain* (MDR), the historic party of Kayibanda. However, before the genocide, it had split into two factions, the extremist MDR-Power and the other led by Twagiramungu. After the genocide and under the Arusha Accords, MDR was given the position of Prime Minister (Prunier 2009: 45-46). In 2002, the Transitional National Assembly was asked to investigate this split and the role that MDR played in the genocide. The commission banned the party after finding that MDR 'could not resolve its own

internal disputes and that it was “divisionist,” promoting the same pro-Hutu ideology originally developed by MDR-PAREMHUTU party in 1959’ (HRW 2003:5). This reinforced the RPF’s position that opposition meant the idea established by Kayibanda that the ethnic majority should rule (HRW 2003:6-7). Throughout the course of the 2003 election campaign Twagiramungu was harassed and accused of ‘genocide ideology’ and divisionism. According to the EU Observers Mission (2003: 6):

There were cases of harassment of supporters of Faustin Twagiramungu, and of intimidation and pressure in favour of Kagame. The climate of intimidation was reinforced by the arrest of twelve provincial representatives responsible for coordinating Mr. Twagiramungu's campaign.

Huey brought up how it was Twagiramungu’s opposition to the RPF that led to accusations of ‘genocide ideology’:

Look at Twagiramungu. He was the Prime Minister. He lost thirty-six members of his family in the genocide. He said (in a speech) that all Rwandans were survivors, that anyone who lived in Rwanda during the genocide, apart from those that committed genocide was a survivor. It’s for that reason he had to go to live in exile. The RPF considered him to be a traitor and *Interahamwe*. Before he was an ally to the RPF. Now he’s *Interahamwe*, who has genocide ideology. All because he went up against Kagame in the presidential elections. Then there’s Bizimungu, look what happened to him! He was arrested because he disagreed with the RPF and Kagame.

Joseph explained that, ‘Twagiramungu was from Cyangugu. He should have won there, but he lost. It would be like Bush not winning Texas. No one could vote for him here’. When asked whom he would have liked to vote for in the 2003 elections, Huey stated he wanted to vote for Twagiramungu, but was not able to because he feared the repercussions. Kelly and Shah (2006: 251) argue that ‘Consent to govern is given as often as much for reasons of fear as it is freely chosen’. Many Hutu participants like Huey, voted for Kagame and the RPF out of fear. Malcolm, explains how he intended



to vote for Kagame in the 2003 elections out of fear of the consequences, but the RPF forced him to anyways:

The RPF says that Rwanda is a democracy, but it doesn't exist. The RPF are clever and dangerous. But I don't consider them to be the proper government of this country. During the elections of 2003, I saw election officials change ballots. Twagiramungu should have won. He was from this region. They took ballots and changed them with ones for Kagame. [How did you see this?] I returned to Rwanda, in 2003, just before the election of Kagame as president. Members of the RPF came to my home and collected me, they took me to the place where the elections were being held and they forced me to vote for Kagame. I was picked because I have Tutsi features. I was forced to vote for Kagame. Those who forced me to vote were on a mission for the RPF. I was forced to do this but I received nothing in return. I was going to vote for the RPF. [Why did you want to vote for the RPF?] I look like a Tutsi to the RPF, I thought that since I was forced to live with them I might as well get along with them. I didn't want any problems with them. But those RPF that were rigging the system didn't believe that I would vote for the RPF, so they followed me. Even when I "was one of them" they still separated me from everyone else.

However, two participants Al, a Congolese-Rwandan Hutu and Janet, a Hutu, were able to cast their ballots for Twagiramungu:

I voted for Twagiramungu. If they held elections again and they were ran in the same manner, no one would participate because of past experiences. ['You mean you actually got to vote for Twagiramungu?' I asked.] 'Yes, I voted for him'. [He laughs at the look on my face. 'How did you manage that?'] He smiles 'I didn't participate in the campaign, I went to vote and was able to participate and picked whom I wanted too with no one noticing. But when I turned the ballot in they noticed because the paper was translucent and they could see through it. They knew I voted for Twagiramungu (Al)

[What do you think about the presidential elections, were they fair?] I voted for Twagiramungu. [How were you able to do that?] [She laughs.] I don't know. They didn't follow me or watch me. I cast my ballot for Twagiramungu (Janet)

There were consequences for voting for the opposition. When asked, if he had experienced any problems because he voted for Twagiramungu, Al replied:

Yes! It has caused many problems for me! Many many problems. Commanders, soldiers, and the police come to my home at night to make sure that I haven't been communicating with the known opposition. The Police Commissioner brought me into the police station. He asked me "Why did you vote for him"? I told him "Because it's a democracy". The police commissioner replied. "Yes, but we tell you who to vote for. If you do this again you will be killed". I know other Hutu who were put in prison

for three years for voting for Twagiramungu. Each time they could have killed or kidnapped me. They forced me to sign up for the RPF, I refused, when I refused they told me that if I have a problem I couldn't go to them. It is a difficult situation to change because the situation is controlled by RPF; everything is controlled by the RPF. Even now the local leaders know that I am in opposition to the RPF. I am harassed in the streets. Soldiers and officials will sometimes meet me in streets and try to force me to join. I refuse to join the RPF. They say to me "Anytime we want we will get you." Things could be different under democracy but it requires help from the international community.

Al's experience voting for the opposition provides us with a way in which to unravel the 'interrelated strands of violence' (Bourgois 2004: 426), in order to understand the complexity of socio-political life in Rwanda. First, giving up the right to speak to someone 'who is empowered' as an elected representative is a form of symbolic violence. Secondly, in Rwanda, structural violence is embedded into the election process in that one is not freely allowed to vote for their choice. Furthermore, this takes place in a context of fear that is based on the indoctrinated belief that Hutu are collectively responsible for the genocide and cannot be trusted. Finally, there is state violence as state officials are carrying out and responsible for direct physical and psychological violence against voters.

Rather than face the consequences of being seen in outright opposition against the RPF, some participants expressed that they would rather not vote at all than to be forced to vote for them. However, this was not an option. Participants were forced to attend the elections then forced to vote for the RPF. When I asked Douglas, if he was going to participate in the local elections, he stated:

Yes I will participate. You as a foreigner see many things. Me, myself, I have to measure the consequences. If I didn't go and carry out the government's plan, they would think that I was part of the opposition. If I had the choice I wouldn't participate. What's the point? When you leave, they change the ballots.

Whereas Janet, who had once gotten away with voting for the opposition, did not think she would be so lucky this time, she stated:

I don't think that I will be able to vote for my choice. I will be forced to vote for the RPF. I don't want to vote. There is no opposition here. You either vote for the RPF or another group, but it doesn't matter. The RPF has power. That is why I would rather not vote.

Ingelaere (2011: 71), who observed the 2006 local elections, found that teachers could not refuse to participate in the RPF election campaigns without facing 'problems in other areas of life'. According to participants it was not uncommon for voters to mark their ballot in front of everyone, to avoid being followed or intimidated by officials. However, when Robert went to vote, he put on a performance:

Joseph laughs. You should have seen what Robert did. He walked through the door to the first person that handed him his ballot. He starts shouting, "Show me where to vote for the RPF. [Joseph raises his arms in the air like he is surrendering] I am here to vote for the RPF". [He didn't even wait to go into the private room?] No, he didn't want to be followed. He's already been accused of genocide ideology. He was demonstrating his support for the RPF. The way he did it was really funny'. [The next day, I asked Robert about how the elections went. Joseph and I could not stop smiling, which caused the old man to give in to a smile.] The elections are all the same. It doesn't matter whom I wanted to vote for, there is no opposition to the RPF. I don't want any more problems with them, so I stood in front of everyone and asked them where do I vote for the RPF. There is no democracy in Rwanda. How can there be when people are forced to support Kagame. Kagame didn't win the presidential election and the RPF did not win these elections. [Robert looks at me and continues,] You tell people from other countries like the US and UK to come and supervise the elections.

Scott (1990: 137) argues that 'The realities of power for subordinate groups means that much of their political action requires interpretation precisely because it is intended to be cryptic and opaque'. In other words, one of the problems studying the hidden transcript is the fact that it is indeed hidden. Consequently, what we mostly

have access to is what subordinate groups 'have been able to introduce in muted or veiled form into the public transcript' (Scott 1990: 138). Scott argues that we should attempt to analyse the guises that 'the powerless must adopt outside the safety of the hidden transcript', believing that this allows us to 'discern a political dialogue with power in the public transcript' (ibid).

Without knowing Robert's hidden transcript, his declaration of support for the RPF may be viewed as being genuine. However, when placed within the context of Robert's hidden transcript (i.e. his experiences of being arrested on genocide charges and being accused of genocide ideology), it requires a whole new interpretation. When Robert raises his arms in the air, he is literally surrendering to the will of the RPF. It is the equivalent of waving the proverbial white flag. Scott (1990: 93) argues that 'Most acts of power from below, even when they are protests-implicitly or explicitly will largely observe the "rules" even if their objective is to undermine them'. Robert's performance observed the 'rules' where everyone is expected to vote for the RPF, yet at the same time undermines it by mocking the situation by gesturing that he was 'surrendering'.

During his election training, Joseph asked the government officials running the elections why they would not allow people to vote freely without assistance:

The man told me "The RPF have developed the country, all the success is due to them." I replied to him that we needed other ideas. After that they didn't trust me. I was going to hand in an empty ballot, they can force me to show up, but I didn't want to vote for the RPF. They followed me to vote, so I had to vote for the RPF.

Joseph provided another illustration of an RPF member, who on the surface appeared to be compliant with the rules, while behind the closed door of the voting room, tried to subvert the system:

The man who was in charge of keeping the line in order was an RPF member, but just from the neighbourhood. They trusted this person so he wasn't followed into the room to vote and he ended up voting for the PSD! When someone found out, they told the chairman of the RPF. He asked this man "Why did you vote for PSD?" Now this person has many problems. It wasn't just in our station, but everywhere. Even genocide survivors were followed.

What these three illustrations show is that, Rwandans are not just passive victims of RPF domination. These clashes are fuelling everyday forms of resistances. For example, individuals who attended the town meeting mentioned at the beginning of this chapter may have been forced to be physically present, but that did not mean that they necessarily listened to the Mayor. While, genocide ideology laws prevent more direct and violent forms of resistance, Hutu participants allowed me access to their hidden transcripts as a way to undermine the RPF's attempts at silencing.

These statements also demonstrate how Hutu participants are growing resentful of the gap between the public discourse of 'bringing democracy and fair elections' and the reality of no genuine political opposition and coercive practices by the government. This became clear when I asked Douglas, a member of the RPF, why he joined:

I was a member of RPF before the 1990 invasion. The RPF had a good programme; they believed that through participation things could change. Rwanda needed change and development. I thought that they should be allowed to help. I felt that if they were allowed to come maybe things would change for the better. At the end of the genocide I went to Congo, I returned because I thought, "let me come back and work with the RPF," to help rebuild a good country. One based on democracy, like they (the RPF) promised. My older brother was a leader in the former government. He questioned

why I would go back to Rwanda and work with RPF who were our enemies. But at that time, I didn't feel that they were our enemies. I began to question their actions about ten years after I joined. I was told many things because the RPF officials and soldiers trusted me. They trusted me, because I was one of them. Now, the RPF targets everyone from all populations who disagree with them. When Hutu criticise the government, the RPF work hard to show that those people work with the *Interahamwe*. Since 1994, I have seen many acts committed by RPF that don't make sense. Many Hutu were killed and arrested for no apparent reason. I've tried to find reasons why they were and there are no reasons. Those men are innocent. The RPF only work with themselves. There were Hutu who were involved with the RPF- President Bizimungu, Twagiramungu and Seth Sendashonga. But when they (the RPF) took power those Hutu who helped them were marginalised. All Hutu who fought with the RPF were killed. Twagiramungu was forced into exile and Sendashonga was killed in Nairobi by the RPF. Many of these Hutu were founding members of the RPF and worked with them for a long time, but because they disagreed with the government, they were killed or disappeared.

Douglas's statement illustrates how this discrepancy between the public and hidden transcript is as Aretxaga argues (2003: 396), because 'The nationalist discourse of citizenship remains attached in the social imaginary to the state but clashes with the actual experience of marginalization, disempowerment, and violence'.

## **Conclusion**

In the conclusion to his essay on the continuum of violence, Bourgois (2004: 433) argues:

People do not simply "survive" violence as if it somehow remained outside of them. Those who confront violence with resistance- whether it be cultural or political- do not escape unscathed from the terror and oppression they rise up against. The challenge of ethnography, then, is to check the impulse to sanitize, and instead to clarify the chains of causality that link structural, political, and symbolic violence in the production of an everyday violence that buttresses unequal power relations and distorts efforts at resistance.

The objective of this chapter was to 'clarify the chains of causality', that link the various forms of violence. Using ethnographic data regarding the rewriting of history and democracy, I wished to demonstrate how the RPF public transcript engages with various forms of violence. It did so by first, looking at how the RPF have rewritten

history to establish and reinforce their social world-view. Reyntjens (2011: 31) notes that while Rwanda is not the only case

where the construction of truth is the privilege of those in power. However, in today's Rwanda the use of the instruments of knowledge construction have an extraordinary impact on the relations of those in power with both their own citizens and the outside world. Towards the latter, this allowed the regime to have its own narrative accepted and to silence the challenges to that narrative. Domestically, one truth was imposed, at least in its public expression.

Secondly, this chapter explored how the government uses 'democracy as a fetish' to legitimatise their right to rule.

Timothy Garton Ash (1998) argues that 'Dirty fragments of the past constantly resurface and are used, often dirtily, in current disputes'. When these two aspects are examined in conjunction with one another, it becomes possible to see how the RPF rewriting of 'history' that collectively holds Hutu responsible for two genocides is used to argue that Rwandan democracy has to be different and cannot be 'open'. This chapter has argued that when the RPF's version of history is coupled with the genocide ideology laws, it essentially assigns collective Hutu guilt and Tutsi victimisation throughout the past. The next chapter will examine how through the process of 'reconciliation', the Hutu and Tutsi identities are again being imbued with collective guilt and victimisation. It is these everyday forms of discrimination and symbolic violence that is causing a growing resentment among Hutu.

## Chapter Five: Hierarchy of Victimhood: The Collective Criminalisation of the Hutu Identity

### Introduction

As mentioned in chapter one, within the legal framework of the 2005 Constitution's

Preamble, the Rwandan government is:

Resolved to fight the ideology of genocide and all its manifestations and to eradicate ethnic, regional and any other form of divisions' (Rwandan Constitution 2005, Fierens 2005: 903).

Since taking power in July 1994, the RPF government has strived to eliminate the Hutu/Tutsi identities from public discourse, replacing the previous divisive identities with a unified nationalist one. Eugenia Zorbas (2004: 43, see also Waldorf 2009: 102) argued that for those who use Hutu/Tutsi/Twa identities outside the context of the genocide, they:

are regularly met with informal public shaming campaigns, labelling the individuals uttering these propositions as *génocidaires* sympathisers and even negationists, and can result in formal charges being brought against people on the ground that they are promoting 'divisionism' (Zorbas 2004: 43).

However, within the context of discussing the 1994 genocide, the role of 'ethnicity' is reinforced. In the Constitutional Amendment of 12/08/2008, the Rwandan parliament officially changed the phrase '1994 Rwandan genocide' to the '1994 genocide against the Tutsi' (Ministry of Justice 2008). During an interview with a RPF official, he explained why it was necessary to change the *Rwandan* genocide to a *Tutsi genocide*:

It is a Tutsi genocide, the RPF stopped it. Tutsi were being killed by Hutu. All Hutu who were killed were killed because of their association with Tutsi or because they were thought to be Tutsi. This is why the RPF can call it a Tutsi Genocide



While some participants had no preference for what the genocide should be called, others like Al and Douglas see this change as a deliberate attempt by the government to ignore the complexities of the genocide:

They (the RPF) changed it to stay in power and to corrupt the perception of the international media. Among those who committed murders, Tutsi killed Tutsi, Hutu killed Hutu, Hutu killed Tutsi and Tutsi killed Hutu. It is a genocide of Rwanda, both sides have been killed. [Al, Hutu]

It would be best if they called it a Rwandan genocide, but because now the government has more strength, they can do what they want. Rwanda genocide is best because among those who died were also Hutu and Twa and Tutsi. [Douglas, Hutu]

Many scholars of Rwanda (see Eltringham 2004: 72, Hintijens 2008: 77-78, Lemarchand 2009: 88-92) argue that through this discourse, the government is actually reaffirming 'ethnic' divisions. All Tutsi are seen as inherently the victims, while the guilt of those who participated in the genocide falls on all Hutu.

Lemarchand (2009: 90) argues:

Guilt and innocence do not run parallel to ethnic lines. But in Rwanda today, guilt and innocence are increasingly becoming ethnicized: because the Tutsi were so thoroughly victimized, they are now beyond reproach. Genocide exonerates its victims of all subsequent sins.

Eltringham (2004: 72) contends that 'There is a clear danger that the constructed image of two homogenous collectivities of "the Hutu" and "the Tutsi" central to genocidal propaganda can easily be overlaid by "*génocidaires*"....and "*rescapés*<sup>57</sup>'. In Rwanda, within the public discourse on the genocide, the victim/perpetrator dichotomy has become intertwined with the Tutsi/Hutu identities, creating a hierarchy of victimhood. The government claims to want to unite Hutu/Tutsi/Twa

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<sup>57</sup> *Rescapes* is the French word used for genocide survivors.

under the identity of 'Rwandan', however, 'the identity of participants in the justice process deploys a dangerous link to ethnicity' (Tiemessen 2004: 68).

The government's ban on 'ethnicity' and the use of survivor/perpetrator are marginalising:

the memory of atrocities, endured by Hutu and Tutsi, where ethnicity though singularly unhelpful for discriminating between victims and perpetrators is crucially important for addressing the roots of injuries suffered by each community (Lemarchand 2009: 102).

This chapter will explore how the government's ban on 'ethnicity' has created a hierarchy of victimhood. It will do so by first examining the Hutu/Tutsi and survivor/perpetrator identities. Next it will explore how, through the process of 'reconciliation' in particular through *gacaca*, the Hutu and Tutsi identities are imbued with collective guilt and victimisation. Furthermore, I argue that the assigning of collective guilt of the genocide on Hutu through *gacaca* can be clearly seen within the prison population. This chapter will illustrate how imprisonment and treatment in prison reinforces the belief that all Hutu are presumed guilty.

The consequence of this hierarchy of victimhood is that there is little or no differentiation between those Hutu who did not participate in the genocide and those that did, but also between those who killed out of hatred, those who killed because they were forced to and those who looted property (Fletcher 2007:26). At the same time, there is absolutely no recognition that the RPF carried out revenge killings. Mamdani (2001: 267) was told that 'survivor is a term applied only to Tutsi. This is because the genocide was aimed at only the Tutsi'. This is legitimated by the recent

change of the Rwandan genocide to the genocide against the Tutsi, implicitly reinforcing the idea that being a genocide perpetrator is synonymous with being Hutu. While Tutsi, whether they were in Rwanda during the genocide or living in exile in Congo or Uganda having fled from the violence of 1959 and the early 1960s are collectively seen as victims.

In his discussion on public transcripts as performance and stigmatisation, Scott (1990: 55) argues that:

the power to call a cabbage a rose and to make it stick in the public sphere implies the power to do the opposite, to stigmatize activities or persons that seem to call into question official realities.

One illustration of this type of government stigmatisation is that of Hutu genocide rescuers. Waldorf (2009: 114-118) illustrates how Hutu who rescued Tutsi during the genocide have become vilified and charged with spreading divisionism. Waldorf provides the example of Dr. Leonard Hitimana, a Hutu doctor who saved children from Nyamishaba secondary school and helped Tutsi flee the country. After the genocide, Hitimana became a prominent figure in Rwandan politics as a member of MDR<sup>58</sup> and worked with IBUKA (the genocide survivors organization) and the ICTR. However, in 2003, a Parliamentary Commission Report charged Hitimana with being the leader of 'the gang charged with the propaganda of the ideology of MDR PARMEHUTU' (ibid: 114). However, Hitimana disappeared before his hearing to dispute the charges against him. As Waldorf reports, 'After Human Rights Watch called attention to Dr Hitiman's disappearance, an op-ed in the pro-government *New Times* reminded

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<sup>58</sup> *Mouvement Démocratique Republicain* (MDR) was the historical party of first President Kayibanda. During the genocide it divided into two faction, one moderate and one extremist.

readers that many genocide rescuers had also killed- without however producing any evidence against Dr Hitimana' (ibid).

In the case of Rwanda, this 'official' reality stigmatises Hutu by erasing Hutu heroes from the genocide narrative as well as contributing to the culture of impunity. It does so, in so far as, the deaths of Hutu at the hands of the RPF are unacknowledged while the good deeds of rescuing victims as well as the crimes committed against Hutu by the *Interahamwe* are treated as secondary to the crimes committed against Tutsi. In addition, it is only legally acceptable for Tutsi genocide survivors to share their story, while Hutu live in fear that they may be arrested for 'genocide ideology'.

For example, Kayigamba (2008: 33) states that 'In common with all Tutsi, my whole life has been a chain of suffering, because of violent discrimination and extreme fear for my life and those of my loved ones'. However, the suffering of Hutu who were killed by the RPF or by the *Interahamwe* are completely ignored. In Tertsakian's (2008: 379) study on Rwandan prisons, she found that:

Aside from the question of their own long wait for justice, prisoners were very bitter about the blanket silence surrounding the tens of thousands of killings by the RPF. They were angered and frustrated not only by the government's refusal to admit that the RPF and later the RPA, had carried out massacres, but by the political impossibility of even talking about these crimes, let alone demanding justice for them.

The next section will examine the origins of the Hutu/Tutsi identities and how they have been constructed under various regimes.

## **Identities**

## *Origins*

There is little doubt that the labels of Tutsi, Hutu and Twa existed prior to colonialism (Vansina 2004: 134-139). One common myth often told in pre-colonial society explained the origins of Hutu, Tutsi and Twa. Kigwa descended from heaven and had three sons (Gatwa, Gahutu and Gatutsi) (Chrétien 1999: XIXE-XXE). One night each son had to watch a pot of milk, the one who completed the task would become the successor to his father (Lemarchand 1970: 33). In the morning, Kigwa had found that Gatwa had drunk the milk and Gahutu had fallen asleep and spilled the milk. Gatutsi was the only one who had carefully watched it to ensure its safety. Kigwa had decided to make Gatutsi his successor and be free of menial tasks, while Gahutu was to be his serf (Lemarchand 1970: 33). This myth legitimised the pre-colonial social structure, in which Tutsi were the rulers, Hutu were the peasants, and Twa were socially marginalised.

The pre-colonial stories demonstrate that the terms Hutu/Tutsi/Twa were used.

What, however, remains contested is the nature of the relationship between them

(Eltringham 2004: 13). Pottier (2002: 12) argues that in the:

period up to 1860, it is correct to say that historians know next to nothing about how the terms 'Twa', 'Hutu', and 'Tutsi' were used in social discourse; whether these terms denoted social or physical classifications, for instance is simply unclear.

However, most agree that these identities were social categories, which demarcated class and/or political status (C Newbury 1988: 11-13, Prunier 1995: 5-16, Eltringham 2004: 12-19).

During colonialism, the Hutu/Tutsi identities were imbued with European notions of race, through the use of the Hamitic myth (Eltringham 2006: 430-431). According to the myth, the Tutsi were a mixed 'race' of African and European descendents who came from Ethiopia to invade Rwanda. The Europeans believed that the Tutsi, as a Hamitic group were more intelligent, noble and born rulers. The distinction between Bantu and Hamitic peoples was based on physical features (Sanders 1969: 528). The Tutsi were considered to be taller and slender, with a smaller, narrower nose, and lighter skin (Eltringham 2006: 431). According to European ideology, Hutu were shorter, darker with a wider nose and less intelligent than the Tutsi. The supposed European features meant that Tutsi were seen as being more attractive than the Bantu Hutu (Sanders 1969: 528, Eltringham 2006: 430, Taylor 1990:57). Furthermore, because Tutsi were seen as more like Europeans, Belgian policy from 1922 onwards favoured the Tutsi. As a result, these identities were constructed as separate races with Hutu being seen as inferior to Tutsi. It was not just the racialisation of Hutu and Tutsi that led to the violent divisions between the two groups; it was that one identity was given power and superiority over the other.

The regimes of Habyarimana (1973-1994) and especially Kayibanda (1961-1973) uncritically accepted the colonial construction of racialised groups established through the Hamitic myth. However, rather than portraying the Tutsi as the noble born rulers, these regimes emphasised the belief that they were foreigners (Mamdani 2001: 190). The myth legitimised Hutu majority rule and the political and economic

exclusion of Tutsi based on the idea that they were not true Rwandans (Eltringham 2006: 433). Eltringham (ibid: 434) argues, “The image of Hamites as “superior civiliser” was easily switched to “foreign interloper.” The essential elements of the Hamitic myth were taught in school up until the genocide. According to Larry, one of my respondents who attended school in the 1980s:

The origin of Hutu and Tutsi was within the context that we grew up in. We were taught at school, it was in our minds and we learned from our parents who we were. We were taught that Hutu were from Chad and Tutsi were from Ethiopia.

In the lead up to the genocide, the regime invoked the Hamitic myth in their hate propaganda to successfully construct the Tutsi identity as foreign invaders (Taylor 1999: 55). This construction involved the processes of dehumanisation in which all Tutsi were identified as ‘cockroaches’ or as RPF accomplices (Eltringham 2006: 435). In contrast, the RPF used historical narratives to ‘prove’ that Hutu and Tutsi were one people and shared the same language and culture. This is demonstrated in the RPF’s political programme written in exile in Uganda in August 1987. It outlines the RPF’s account of the pre-colonial history of Rwanda. Notably absent from this discussion is any mention of the socio-political roles of Hutu and Tutsi. Furthermore, there is no reference to the *Mwami* or the ruling elite being Tutsi (see C Newbury 1988: 12). The RPF constructed much of Rwanda’s pre-colonial past as harmonious, where there were ‘several advances, especially in state management’ that was due to a ‘strong-emerging monarch that had managed to control a kingdom which was rapidly expanding... to include areas around the Kivu region of Zaire’, and ‘a well disciplined and committed national army’ (RPF Political Programme 1987). There is no mention

that such expansionist aims were resented by much of the population in those regions

(D Newbury 2009: 4-5). The divisions, the RPF argue:

Although fundamental causes of artificial divisions were a colonial creation, the continuation of conflicts along the same lines was, and still is, a result of a failure of both post-independence regimes to handle properly internal crises.

The RPF saw these colonial constructed divisions that were supported by Kayibanda and Habyarimana as:

the worst form of sectarianism in independent Africa; only preceded by South African apartheid policy but more primitive because it is used to divide people with a common language, culture and territory, an asset a clear-headed leadership would use to build a strong united nation (RPF Political Programme 1987).

It was this idea of a 'one people' paradigm that led to the transformation of the dichotomy into the post-genocide national identity of 'Rwandan'.

The previous regime's ideologies are often viewed as one of the central causes of the genocide. The RPF discourse, first appearing in the 1987 political programme, argues that Rwanda's problems are a result of 'bad governance' during the Kayibanda and Habyarimana years. Referring to the policies regarding 'ethnic' divisions including quota systems and the implementation of identity cards, the RPF argued that 'It is such backward politics that has characterized Rwanda's political life since formal independence resulting in death of about 100,000 Banyarwanda and many others running into exile in neighbouring countries' (RPF Political Programme 1987).

The ideology of 'bad governance' continues to be a central aspect of the RPF's public transcript. For example, during the town meeting mentioned in the previous chapter,



the Mayor told the audience that when it came to voting in the election, they should 'Remember how the problems of 1994 began, through leaders who had bad practices. The RPF have corrected this and given you a good government with good practices'. An RPF official made a similar comment, stating 'The RPF is now the ruling government, the previous government was bad. Everything was totally destroyed. The RPF rebuilt everything. Now the RPF have the vision to rule this country that is good for us'. As a result, the new government constructed a past that is in direct opposition to the Hamitic myth and the old regimes' paradigm of separate races. The RPF has implemented this policy, through a top-down approach, replacing the racialised and ethnicised dichotomy with a newly defined national identity of Rwandan.

### ***Definitions***

To have a discussion that is concerned with the collective guilt and criminalisation of Hutu, it is necessary to understand how a *génocidaire* or genocide perpetrator is defined and how many participated in the genocide. The way in which the genocide was conducted ensured that as many civilians as possible were involved in the killings. The consequence becomes that, 'any Hutu could be a killer, and any Hutu is therefore a suspect' (Tertsakian 2008: 18). Eltringham (2004: 69) provides an outline of the various estimates of perpetrators that ranges from 25,000 to 650,000. Straus (2004: 87) defines perpetrator as 'any person who participated in an attack against a civilian in order to kill or to inflict serious injury on that civilian'. Under this

definition and his extensive field research, Straus (2004: 93) estimates that there were between 175,000 and 210,000 active participants in the genocide. However, according to Straus, some Rwandan government officials argue that there were three - million perpetrators. 'The high-end estimate effectively criminalizes the entire adult Hutu population at the time of the genocide' (ibid: 85). There is no agreement, but if we take a higher estimate of 650,000 Hutu participants that would leave almost six million who had nothing to do with the genocide (Eltringham 2004: 69).

The Rwandan government uses a much broader definition of genocide perpetrator, which includes looting and theft. The first definitions of '*génocidaire*' or genocide perpetrator were by categories in the Organic Law in August 1996. These categories were changed and expanded in Article 51 of Organic Law no. in 2004 (Fierens 2005: 909). According to the 2004 law, the first category includes the worst offenses, such as individuals and their accomplices who organised, planned, or supervised the genocide. The second category includes political, religious, or law enforcement leaders on a national, prefecture, sub-prefecture, or commune level, who committed offences or encouraged others. The third category is for 'the well known murderer who distinguished himself or herself in the location where he or she lived in or wherever he or she passed because of the zeal which characterized him or her in killing or excessive wickedness'. The fourth category concerns those who committed acts of torture, while the fifth is dedicated to those persons who committed acts of rape or torture against sexual organs. The last category was added under the 2004 Organic Law and is concerned with those who 'committed dehumanizing acts on the dead

body, together with his or her accomplices' (Article 51 Organic Law no. 16/2004 as cited in Fierens 2005: 909). According to the government as of 2006 a total of 818,564 have been accused. The break down by category goes as followed: there were 77,269 accused of category one crimes, 432,557 accused of category two crimes and 308,738 accused of category three crimes (Rwandan Government 2008: 24). By using such an encompassing definition, while all the accused are tried in the same judicial forum, the Rwandan government has effectively criminalised half of all Hutu men.

Despite these categorical differences within the legal system, rarely is this distinction applied to individuals accused of genocide within the government discourse or media. Furthermore, both Mamdani (2001: 267) and Eltringham (2004: 75-76) argue that within the government's discourse on the genocide, there is an assumption that every Hutu who opposed the extremist ideologies was killed during the genocide. Thus all Hutu who survived the genocide are perceived both morally and legally guilty.

Mamdani adds that:

There is an assumption that every Hutu who opposed the genocide was killed. The flip side of this assumption is that every living Hutu was either an active participant or a passive onlooker in the genocide. Morally, if not legally, both are culpable. The dilemma is that to be a Hutu in contemporary Rwanda is to be presumed a perpetrator.

So not only are all Hutu perpetrators, but all perpetrators chosen to kill out of a long-standing racial hatred. According to Wagner, after the genocide (1998: 26) the idea of the '*génocidaire*', was broadcast over the national radio on a daily basis, where it 'punctuated casual conversation'. She argues that in a manner similar to the way that Habyarimana and the genocidal regime labelled all Tutsi as RPF accomplices that,

'*génocidaire*' delineated "the enemy" (ibid). Casually throwing around words such as '*génocidaire*' and 'genocide perpetrator', while assuming that there are no more 'moderate' Hutu, essentially rationalises abuse against this perceived 'enemy'. It then becomes seen not only as correct but necessary to imprison and hunt down all those associated with this category.

### ***Genocide Survivors***

If all Hutu are seen as perpetrators, Tutsi become the inherent victim. In a 2008 census of genocide survivors, the government defined a genocide survivor as 'A person who was wanted between October 1990 and December 1994 because of their ethnic or political affiliation' (Hirondelle News Agency: 01/09/2008). Paul, a government official, had a similar sentiment, arguing that to be considered a genocide survivor, 'the person had to be threatened or rescued during the genocide and escaped'. While Lester, a Tutsi genocide survivor in his late fifties, stated:

Genocide survivors are people like me. Everybody who was attacked and harassed, Tutsi and Hutu can be a genocide survivor. That includes Hutu who were harassed because they were helping Tutsi. Everybody who didn't agree with the manifesto of killing is a genocide survivor.

For Douglas, however, there is a difference between how the government defines

'survivor' in theory and in reality:

All Hutu didn't participate in the genocide! It is supposed to be that a genocide survivor is anyone who was targeted to be killed no matter their identity. That's how it is in the books. But in reality it's different. Tutsi genocide survivors are given many benefits. And in *gacaca*, a witness's statement is considered less if they are a Hutu. Hutu are treated as if they are all guilty of genocide.

Many Hutu participants had similar feelings, believing that in reality 'genocide survivor' could only apply to Tutsi. According to Louis, 'A genocide survivor is a Tutsi. To call someone a Tutsi is to call them a victim'. Gary and Malcolm were angry that they were not considered genocide survivors and denied access to the same resources given to survivors:

During the genocide I was living with my family, my mother, father, brother and sister. We hid Tutsi from the *Interahamwe*. When the *Interahamwe* came to kill them, I never told them where the Tutsi were. The *Interahamwe* found them and killed them along with my parents and my brother in front of me. [Are you considered a genocide survivor? I asked.] No, he's not. [Edward, my translator, spoke first before Gary. He is a Tutsi genocide survivor.] Gary responds, No. Genocide survivors are treated in a way that helps them. But survivors who deserve help are not always helped. Rich survivors are often helped and given things by organisations and the government, but poor survivors aren't. My parents died and instead of being given help, I'm living with my sister. We could be given iron sheeting for the roof, but instead they are given to rich people. The government doesn't consider me a genocide survivor. My parents and my brother were killed for hiding Tutsi. But I'm not considered a genocide survivor. [Gary asks if we can help him to be recognized as a genocide survivor by the government. I asked Edward about the procedure.] There is a list that goes around by the government. Anyone who is on that list is considered a genocide survivor. [But how does he get on that list?] Someone at the district office, I don't know. [Gary, Hutu]

My father is a Hutu, and my mother is a Tutsi. With all the bad things I found, I feel like a Hutu. If I were a Rwandan, I would have a job, money, and a car. For me, to be Rwandan is to be Tutsi. To be a Hutu means that RPF will hunt you like you were an animal. The problem I have is I look like a Tutsi. This government is for Tutsi, but I am not included as a Tutsi, I am a Hutu. When this current government is gone and replaced by a Hutu government, I will be considered a Tutsi. During the genocide, Hutu from Burundi stopped me at a roadblock and beat me with a club. They could have killed me. I am the most survived of the genocide survivors [referring to his experience in the Congo that will be explained the next chapter]. I would consider it to be mercy if someone could take me out of this country. [Malcolm, Hutu]

According to the government's definition of survivor, Gary should be considered a survivor for being targeted for his parent's opposition to the genocidal regime.

Likewise, Malcolm, should be considered a survivor, as Burundian Hutu attacked him for looking like a Tutsi. Yet both are denied recognition. As another respondent, Louis, stated:

Even by saying that a Hutu is a genocide survivor, no one would believe them. My uncle is a genocide survivor and others isolate him. They refuse to pay the school fees for his children. Among genocide survivors, even those who are rich get those benefits, while they are denied to my uncle who is poor [Louis, Hutu].

Malcolm's statement addresses the feelings that were repeated by many. Hutu participants believed that not only were they not considered 'genocide survivors', but also that they were excluded from being 'Rwandan'. They felt that the Hutu identity has become imbued with negativity and guilt of the genocide. As a result, they felt the government was collectively punishing Hutu by denying them the same opportunities as Tutsi. When I asked Stephen, a Hutu and a former taxi-driver, what it meant to be considered a Hutu today, he responded:

It's like the original sin- I've done nothing wrong, but because of my ethnicity, they blame me. I don't feel that life is stable. I don't have some rights and it will take a long time to get those freedoms that I don't have now.

Similarly, Larry believed that 'To be a Hutu is a bad thing, I feel ashamed of it. I don't have rights. People know each other and who is who, identity is still determined by facial features'. Lyndsey Mclean-Hilker's (2009: 88) research with post-genocide 'mixed ethnic' Rwandan youth also demonstrates how they used 'a set of physical markers that rest on a racial understanding of the differences between Hutus and Tutsis, which, according to them, are genetically determined'. On another occasion, Louis responded by saying, 'To call me a Hutu means that I will be killed. In reality, you know what someone's identity is'. Whereas, Huey felt:

Hutu and Tutsi are in the minds, people know which they are. Today, for me, I am a Hutu, but it doesn't interest me to be one. It's how I'm treated, not what I want to be. I don't gain anything. It does me no good.

For them to be Hutu meant to face discrimination by Tutsi as well as the government.

Janet, for example, a Hutu woman, believed she was discriminated against more because of her 'ethnic' identity than because of her gender:

I have been excluded and discriminated against based on the fact that I am Hutu not because I'm a woman. I used to work in an organisation as an analyst. When I was there, some new employees came. They told our boss that they didn't want to work with an *Interahamwe*. I was fired and those women now occupy my job. [Did this surprise you?] Yes. These women were not qualified and it resulted in the project failing and being abandoned. The project to help women to start their own projects and would be paid back. But now the activities stopped. I was fired because they accused me of fraud. They said that I allegedly gave money to an Islamic women's organisation without the permission of the organisation. However, they were making up the money they claimed was lost by taking it out of my wages as punishment for thirty-six months. Then after that, they tell me it's not sufficient and they fired me. The real reason I was fired was because I was Hutu. Within the organization itself there was no favouritism, because I was in charge. I used the criteria to judge if it was a good project, if it was I gave money. When they were going to fire me, Tutsi said I gave favours to Hutu. But according to me this was not true [Janet, Hutu].

Janet was not alone, many Hutu complained that they were often excluded from employment and other public resources by some Tutsi and the government. This discrimination resulted in their constant unemployment and lack of access to education and genocide survivor funds. This discrimination is causing resentment and tension between Hutu and Tutsi genocide survivors, as three participants indicated:

All Tutsi who were inside Rwanda are considered to be genocide survivors. In the following years Hutu can't afford to send their children to school. This will create problems in the future. Tutsi have NGOs and the government to help them. Those genocide survivors have many advantages for everything they want in education, health, and houses. Hutu who are poor have nothing to help him. [Louis]

In reality the government says that everyone has the same identity, but when it comes to getting better jobs or benefits, the better identity is Tutsi. The RPF get support from Europeans and they don't come to help Hutu. They support the policy of one cow per house, but they go only to Tutsi. They only build houses for Tutsi. Even now life is very difficult and goods are expensive. This is a way that Kagame could kill us. [Larry]

If the government finds Hutu who have managed to obtain advantages, they will stop it. Tutsi are clever and intelligent. They give Hutu only token positions (within

businesses and the government), so they can mask the real problem. Then they can say to others that the Hutu are well taken care of no? Everything is ok, because Hutu in those positions accept to do that, to be the tokens, but inside they know other Hutu are not treated well. [Huey]

These statements illustrate how Hutu perceive their own circumstances. The views of these participants suggest that rather than eliminating the 'ethnic' identities that led to the genocide, the government is actually strengthening these divisions. Robert made this clear:

This government is not good. They are very bad. Most things people are penalised for is their identity. There are ways people will ask you about your identity. For example there are funds for young genocide survivors to help them go to school. But for poor Hutu how can they fund their children's education? If a genocide survivor finds that you got something, such as a moto (motorcycle), they will ask where did you get the money for it? Than they will accuse of genocide crimes and take you to *gacaca*.

Janet summarises: 'Tutsi act like they are supreme, they get advantages and treat Hutu as we are meaningless, which the government supports'. This is further supported by Hutu responses when asked if they felt that everyone was equally considered a Rwandan, they responded:

It is all a lie. Tutsi and Hutu still exist. There's the typical example, where the Tutsi dominate all government jobs and positions in the administration. Just go to government offices, to the airport, all jobs are filled by Tutsi and they are the ones with the power. I'm not glad to be Rwandan. The government needs to give jobs to people. Instead, they focus on security, the military and putting people in prison. They need to focus on food security. People are still discriminated against because they're Hutu. To be a Hutu or a Tutsi is not a problem, or to be ruled by one is not the problem, the problem is when advantages are not given equally [Michael, Hutu].

See Tutsi don't have problems, it makes me angry that one is given advantages over the other. Now we spend nights without eating, Hutu want to change things, Tutsi don't, they want to treat Hutu as the enemy. [Larry]

Its a lie, the government says those things to foreigners, it (ethnic identity) still exists. I know because if I want to get a certain type of job, they give it to Tutsi. When there are advantages, they give it to Tutsi and only give it to those people that belong to that one group. The government only treats Hutu like human beings to exploit them, when they need something, when Hutu are useful. [Stephen]



When the government says that everyone is Rwandan and not Hutu or Tutsi, - it is like a mask. They say all are Rwandans, but at the same time Hutu and Tutsi are not equally Rwandans. Just look at how they now describe the genocide. It's legally called the genocide of Tutsi, not of Rwandans, doesn't this prove that these divisions still exists? [Al, Congolese-Rwandan Hutu]

Through this discussion it becomes evident that Hutu participants do not believe the government's claim that all are 'Rwandan'. Rather, they believe that the Hutu identity is being imbued with the collective guilt of the genocide. This link between guilt and being 'Hutu' is further reinforced as Hutu, like Gary and Malcolm, are denied the status of genocide survivors. As a result of this, they are denied access to the same opportunities and resources as Tutsi survivors. The next section will examine individuals' responses regarding reconciliation and what role *gacaca* is contributing to the process of criminalisation of Hutu and the creation of a hierarchy of victimhood. It will be argued that both reconciliation programmes and *gacaca* are contributing to the stigmatisation and criminalisation of Hutu. This argument is made with a full appreciation that it was never going to be an easy task to undo the rift caused by the genocide. Reyntjens (2004: 178) captures the overwhelming task that the new government faced:

In human terms, the toll was horrendous: about 1.1. million dead, 2 million refugees abroad, over 1 million internally displaced, tens of thousands of deeply traumatized genocide survivors, and over half a million 'old caseload' (i.e. Tutsi) refugees returned in a chaotic fashion. The material damage too was substantial: infrastructure destroyed, banks and businesses plundered, the civil service, judicial system, health care and education services in ruins, crops and livestock lost.

### **Reconciliation and *Gacaca***

The burden of uniting the country fell on the RPF, who created a number of institutions such as the National Unity and Reconciliation Committee (NURC) and *gacaca* the traditional system used to try genocide suspects- to work towards unifying

the country (Kubai 2003: 61). The Minister of Finance, James Musoni, reported in 2007 (New Times 12/04/2007) that on a national level at least seventy-five percent of the country's population was 'reconciled' and living peacefully among one another. However, what does the government mean when it says that Rwanda is successfully 'reconciled' (Zorbas 2009: 128)? According to the government, reconciliation involves a set of practices and convictions shared by a population:

aware of belonging to a same country and convinced of sharing the same rights and obligations." This population should be featured by mutual trust, complementarily and commitment to heal the injuries caused by an oppressive past so as to build durable peace (NURC 2007: 15).

Many RPF officials and supporters agree with Musoni's assessments of reconciliation.

According to a RPF official who I interviewed, the:

RPF put together two different parties who were in conflict with each other. Now reconciliation has succeeded, we live together without problems. The efforts of The RPF consider all people without distinction. Reconciliation is a process. The RPF shows the opposite of the past governments and teaches us that to unify us is better than what separates us. We have a good programme of governance where people participate. The RPF allows all Rwandans to participate in economy. RPF promotes rights for all Rwandans. There is no such thing as Hutu or Tutsi. We are all Rwandan.

A genocide survivor, told me that reconciliation is 'a system that the government developed to unite those who killed others. It is how we can live together without problems. It will succeed'. Others felt that reconciliation was an important and necessary process that must be undertaken in the genocide's aftermath:

Reconciliation is very important, because after the genocide there were those who were mistaken (perpetrators), and those who were mistaken upon (victims). Reconciliation makes it so we can all live together. It has succeeded because there has been no more conflict in Rwanda. We study and live together. We understand each other. [Tom, chemist]

To understand what reconciliation means, we need to understand what conciliation is. Different ideologies after time led to separation, leaving others to have to reconcile. It

is necessary because of the genocide and ethnicity. I feel that Rwanda has made a remarkable progress in towards reconciliation. [Peter, Congolese Tutsi, student]

If we follow what the government says, Rwandans can be one people. It's a good process. The former government tried to divide us, the new government says we are all one people, with one country and one society [Jacques, student].

Lester, a Tutsi, was however less optimistic about reconciliation:

The process is not a hundred percent, but is succeeding. Genocide survivors have forgiven those who asked. Those who didn't ask are still bad men. Now the process is about fifty-five percent successful. It's because the government made the effort and the genocide survivors accept it. The efforts are going well.

According to Lester, those who do not ask for forgiveness are 'bad men'. There is no recognition that those who refuse to confess may do so, because they are innocent and have been falsely arrested. This touches on Mamdani's (2001: 267) argument, that the government perceives there are only two kinds of Hutu: the dead Hutu moderates and living genocide perpetrators.

Reflecting the authoritarian nature of the RPF regime, Finance Minister Musoni argued that 'the remaining 25 percent (of those who do not believe that the country is reconciled) are those who continue their mission of killing genocide survivors, throwing stones on their rooftops, killing *gacaca* witnesses and insulting survivors' (New Times: 12/04/2007). In truth, many Hutu participants saw the situation very differently, feeling that reconciliation would be possible if the government would stop favouring Tutsi and genocide survivors. Robert strongly disagreed with Musoni and felt persecuted by genocide survivors. However, unlike Musoni suggests, Robert was not threatening or killing genocide survivors. Instead, Robert turned to his religious

beliefs stating that 'Allah will look after me. Allah knows what they did and they will have to explain to him'. Hutu participants simply wanted to be treated equally and fairly. Using the government's definition of reconciliation that is based on 'mutual trust', and 'convinced that everyone in the community shares, the same rights and obligations', these statements directly challenged Musoni's and the government's assertion that the country is 'reconciled'. For example:

The process of reconciliation doesn't exist. This government doesn't treat each group the same. According to me, I don't think they do. Yes it's true that the government says that there is no more Hutu, no more Tutsi, we are all Rwandans, but in reality we're not. Those of Hutu identity are treated badly, much worse than Tutsi. For example, an employer will give a job to a Hutu, but when they want to give that job to someone else or someone else wants it, they will accuse him 'genocide ideology'. These guys are intelligent, everything is done in secret, when Hutu want to talk or have any criticism that's "genocide ideology". [Gary]

Reconciliation is impossible, because there must be a recognised truth about what is wrong with the people. I don't agree with how the government is reconciling the country. [What do you mean?] That truth means to punish both Hutu and Tutsi that have done wrong, don't just punish only the one side. The government is doing just that, punishing the Hutu. [Michael]

Gary and Michael feel that the actions of the government are undermining reconciliation efforts. For many of my participants, this was a clear indication that the government is only saying it wants to reconcile the country for the sake of its reputation in the international community.

Larry provides an interesting insight into how Rwandans feel unsafe about discussing their true feelings while in the presence of a stranger. His answers reflect how reconciliation cannot be openly discussed within the socio-political context of Rwanda. In a scheduling mix up, one research assistant had brought Larry, a Hutu, while another brought David, a Congolese Tutsi, to an interview. David was the first to

speak saying that he did not mind if there was anyone else present. Consequently, Larry felt obliged to agree to have the interview in the presence of David. David had come to Rwanda to escape the escalating violence against Tutsi in the Uvira region of Congo. When asked about reconciliation, David responded that it was very successful, attributing the success to the RPF. After talking to David, I asked Larry how he felt about reconciliation. His response was similar to David's, stating 'There is reconciliation. We all have the same opportunities, no one finds advantages over the other, there is peace and security'. Later, my research assistant mentioned that Larry wanted another interview, as 'there were things he could not say in front of other people'. At the start of the interview, I apologised to Larry for the mix-up:

I wanted to speak with you again, because unity and reconciliation do not exist in Rwanda. I go around the country and to other countries, because of my job. When I go to Kampala on business with friends who are genocide survivors, I am taxed double, while the genocide survivors don't pay anything! They tax me double for the stuff I bring, but won't tax them. I've seen it with my own eyes. [How do they know who is a genocide survivor? I asked]. The same way as before. They look at my face and know I'm Hutu and they're Tutsi. They're Tutsi so they must be genocide survivors.

Reflecting Zorbas's research (2009: 142), Larry's responses are also evidence that there is a public and hidden transcript. In the presence of a Congolese Tutsi, whose statements revealed that he was in favour of the RPF, Larry was forced to repeat the public transcript. Scott contends (1990: 28-29), that for a subordinate to convincingly show that they adhere to the dominant ideology requires 'both the suppression or control of feelings that would spoil the performance and the simulation of emotions that are necessary to the performance'. Larry's demeanour illustrates Scott's argument. During the first interview, Larry was quiet and showed little emotion. However, alone, frustration and anger fuelled Larry's responses, and he

engaged more actively in the conversation, whereas, during the first interview, he had responded with the short answers.

### ***Gacaca and Reconciliation***

*Gacaca* was first established under the Organic Law n. 40/2001 in January 2001 and expanded under Organic Law no 16/2004 in June of 2004. Its mandate is to try second and third category suspects of genocide crimes and crimes against humanity committed between October 1<sup>st</sup> 1990 and December 31<sup>st</sup> 1994 (Ngoga 2008: 326, Kubai 2007: 56). However, the 2004 *Gacaca* Law limited the scope of *gacaca*'s jurisdiction to try only genocide crimes, meaning that RPF war crimes could not be heard in *gacaca* (Waldorf 2006a: 61). *Gacaca* means lawn or grass in Kinyarwanda, referring to how the courts were held in open grass areas (Zorbas 2004: 36). While the International Criminal Tribunal for Rwanda (ICTR) was established to prosecute those leaders responsible for the organising and planning of the genocide, the process has been both expensive and slow (Corey and Joireman 2004: 80-81) and was established to relieve the Rwandan justice system of the large number of genocide perpetrators. Initially, it was well received. For the perpetrators, it was a long awaited step towards justice, an opportunity for the truth to be heard and them to be judged (Tertsakian 2008: 376). For the survivors, it meant that they would be able to tell their story and have justice for their loved ones. As Kubai (2007: 57) put it 'Gacaca courts are not just a way to deliver justice to the huge number of awaiting- trial prisoners, but are envisioned as a key restorative mechanism, a means to contribute to the national process of social reconstruction'.

The framework for *gacaca* came from a traditional community-based justice system that existed in pre-colonial times. Previously *gacaca* was ‘used to resolve minor local disputes, such as disagreements over land or inheritances. Now, it was to be adapted to try the most serious criminal offences, across the whole country’ (Tertsakian 2008: 360). Whereas the old *gacaca* system was a local level justice system, ‘The new *gacaca* system is an official state institution intimately linked to the state apparatus of prosecutions and incarcerations, and applying codified rather than “customary,” law’ (Waldorf 2006a: 52). Until 2010, when *gacaca* hearings came to an end, it was held one day a week, usually on Thursdays. All businesses and activities shut down, to allow people to gather in their respective *gacaca* jurisdiction. As a *gacaca* trial involves a general assembly made up of the entire population, a high turnout is crucial. There are nine judges who are people of integrity that listen to the case (Uvin and Mironko 2003: 226, Ngoga 2008:326). ‘*Gacaca* proceedings begin by listing every victim and criminal act committed in the area’ (Uvin and Mironko 2003: 226). Next based on the information from testimonies and criminal investigations, each suspect’s case is debated, and then the judges determine a verdict (ibid: 226). In the case of a confession, the person must first apologise, then provide an accurate and detailed account of their crimes and accomplices. The prosecutor then has three months to verify the individual’s statements (Zorbas 2004: 36). However, *gacaca* does not meet basic international legal standards for fair trials. For example, *gacaca* judges do not have any formal legal training and suspects are not allowed to have any formal representation (Fierens 2005: 910, Amnesty International 2000).

When I asked participants how they felt about the reconciliation process, *gacaca* was used as an example of how reconciliation was succeeding as well as how it was not only failing and creating further tensions based on the Hutu/Tutsi identities. A Congolese Tutsi, John believed that ‘To talk about reconciliation you have to have forgiveness. This is done through *gacaca*. It literally has allowed for those involved to sit together like friends’. Tom, also a survivor, believed that:

A big part of reconciliation is *gacaca* and it has been successful. *Gacaca* is a good way for those who have been mistaken by divisionism and for the victims and their families to unite. There are still some little problems. It is difficult to get them to admit what they did and it’s very difficult to erase bad thinking.

Statements made by many Hutu participants, illustrate the criticism not just of *gacaca* but reflect what is wrong with the entire reconciliation process in Rwanda. For as long as Hutu are thought of as collective perpetrators and Tutsi as the victims, there will be no reconciliation or unity among the populations. According to many participants, justice is something only allowed for survivors, who are Tutsi, while it serves to imprison Hutu. When asked about the issue of justice within *gacaca*, Hutu participants pointed out the contradiction between how *gacaca* is legally supposed to work and how the government is corrupting the institution for their own benefit. For them, this was evidence that the justice system was being used as a form of state violence:

There is no problem, if we could just unite. Where everyone would follow the rules they share and be treated equally. But if Tutsi don’t feel good about the *gacaca* decision, they go to the police or to the military. Everything in this is controlled by the soldiers. The judges decide based on what the soldiers tell them. [AI]

Reconciliation is a process that exists in books and speeches, it is not impossible, but it doesn’t exist today. For example, during the *gacaca*, an individual will go to *gacaca*



and be found innocent. A survivor or family member of a genocide victim will say no, there's no way this person is innocent. They will go to the local officials and have the innocent verdict reconsidered. How can that be reconciliation? Or when a prisoner will do what they should do, confess, but still is given a higher sentence than what they should have. A friend of mine confessed but was still given seven years in prison.  
[Huey]

Huey's statement raises the issues surrounding confession, where even despite confessing to the crimes, people are still given a heavy sentence or not released. According to Tertsakian (2008: 368) 'The motive behind their continued detention may well have been political- these were not mistakes or administrative errors- but the exact reasons were not always clear, even to the prisoners themselves'. *Gacaca* is set up so that with the verification of the suspect's confession, naming of accomplices, he/she asks the community for forgiveness. For the government one of the most important aspects of *gacaca* is the confession and asking for forgiveness. According to the government, '*Gacaca* emphasises community participation and reconciliation, by encouraging 'truth-telling' confessions in exchange for time already served or reduced sentences (Rwandan Government 2008: 24). The importance is demonstrated in Article 12 of law no. 10/2007, which seeks to formalise the act of *gacaca* confession and forgiveness, arguing that:

the office of the jurisdiction, the judiciary police officer or the prosecution officer in charge of instruction have the obligation to inform the accused about his right and his interest to resort to the avowal procedure, to pleading guilty, to repentance and to apologizing (NURC 2007: 39).

The report argues that such an approach is useful to all parties involved, as it allows the victims to receive the truth about what happened, while the suspects get their time in prison reduced (NURC 2007: 39). However, Janet, a Hutu, believed that not everyone is telling the 'truth':

The process would be good if all Rwandans would tell the truth. Each side isn't telling the truth. Genocide survivors say that they have forgave Hutu, but they don't in reality. Those that participated say that they have asked for forgiveness but it is generic. The government penalises those that participated, but the genocide survivors account of the events of the genocide are considered superior than those who participate. Their word is taken as the only truth. [Janet, Hutu, former manager of a micro-lending NGO]

Using Goffman's (1971) *Relations in Public*, Scott (1990: 57) argues that for the:

The subordinate, who has publicly violated the norms of domination, announces by way of a public apology that he dissociates himself from the offense and reaffirms the rule in question. He publicly accepts, in other words, the judgement of his superior that this is an offense and thus, implicitly, the censure or punishment that follows from it. The point has little to do with the sincerity of the retraction and disavowal, since what the apology repairs is the public transcript of apparent compliance.

The amount of government influence and corruption in *gacaca* rulings as well as the imprisonment of suspects on limited evidence, suggests that the goal of *gacaca* is not simply reconciliation. Rather the hidden agenda is a show of power that forces those most likely to contest the government to admit their subordination and publicly 'dissociate himself from the offense and reaffirm the rule in question'. According to the government there have been some instances where 'judges have been found to be corrupt or themselves implicated in genocide crimes' (Rwandan Government 2008: 25). Figures provided by the Rwanda National Police indicate that there were forty-three cases between 2003 and 2008 of killing of genocide survivors, witnesses and judges (ibid: ft 18 pg 25). However, the report only takes into consideration, 'corruption' that benefits the perpetrators. According to a *gacaca* official, Douglas, there are many forms of corruption:

Those prisoners can use corruption against genocide survivors, witnesses, or the judges. The genocide survivors can also use corruption by telling the government to have the panel find the person guilty. When the prisoner is a leader of the former

government, businessman or a man with a lot a lot of money, the local government will come and put them into prison.

Douglas uses the word 'corruption' to describe the influencing and altering of judgments and evidence by various actors in the *gacaca* proceedings. I believe that there needs to be a distinction made between 'corruption', and 'coercion'. Corruption is where evidence or judgments are given for payment or favours. However, with 'coercion', decisions and evidence come as a result of fear, intimidation, and other forms of pressure. I argue that when Douglas tells the judges to find a certain prisoner guilty or innocent, it is a form of coercion, as it is not done for financial or social gain. Rather, Douglas is told by governmental officials and delivers their message to the judges. They all go along with the verdict in order to keep up an appearance of compliance out of fear of the government. Furthermore, it is important to point out that Douglas, like most Hutu participants, explained that he was not opposed to *gacaca* outright, only opposed to how it was being conducted and influenced by outside forces. He told me:

In theory, *gacaca* was to bring reconciliation, but there are those who vandalised it and those who have not had a fair trial because of them. *Gacaca* in reality is not helping reconciliation that aspect remains a theory. As a member I know sometimes a prisoner will be found innocent, but the soldiers or government officials will put him back in prison. Of the soldiers there are two parties- the moderates and extremists- those who influence and make bad decisions are many more than the moderates. [In this case, Douglas is referring to the extremists in RPF not Hutu]. Those who are moderate make a decision, extremists are those who come for reconciliation and don't accept Hutu are innocent. They believe that Hutu are always guilty.

For example, there was one case where a Hutu man was a doctor before the genocide. During the genocide, he took bodies from the road and buried them. If they weren't dead he would take them to the hospital. During the case the prosecutor along with the head of the defence charged this doctor and sentenced him to 18 years. Even genocide survivors came to assist him and told them that he was innocent. Genocide survivors said how he helped them and that they considered him a hero. They (the government) don't accept the rules they established. For those Hutu who are rich, the

decision is always made before he is charged. Before the judges reach a decision, he is guilty. *Gacaca* is good- but should work how it's organised to.

Douglas has been involved in the trials of over four hundred and fifty suspects. Out of those cases, he says that around one hundred and eighty have involved coercion:

I am the one that they (soldiers) go to when they want to give favour to one side. And I am forced to deliver the message to the judges. As a man, I accept to follow the rules, but when they insist I don't have a choice, because of my own security. Even the head of *gacaca* is forced to do what the RPF want. They have meetings with her and they terrorise her. They said that when members of the RPF come, they should oblige them and do as they say.

According to Douglas the coercion he experienced is not limited to his district, but is found throughout the country. He stated, 'When I talk to other *gacaca* judges and officials from other areas, they tell me that they have similar experiences. '

'Corruption' in *gacaca* is a problem everywhere'. Penal Reform International (PRI) (2010: 14) alludes to the presence of various actors influencing the judicial process:

The operation of the *Gacaca* have revealed that the courts are out of step with the requirement for balanced justice, a problem that has worsened since the process was accelerated to work through the genocide case trials more quickly. This gave rise to the heavy involvement of various political and administrative actors whose influence in the process has not always been positive.

Furthermore, they argue that the reconciliation process has at times been derailed because of corruption, bargaining and biased witness statements (ibid). The interference and coercion of *gacaca* and the judicial system are not the result of a few bad people making bad decisions. Rather, they are symptoms of how the state is criminalising the Hutu population and creating a hierarchy of victimhood.

The use of *gacaca* as a form of justice and as a way to reconcile the country is dependent on people 'telling the truth and the ability to do so without fear'

(Tertsakian 2008: 362). Douglas's statement addresses the inherent flaw of *gacaca* as a valid form of justice. In Rwanda, witnesses are not allowed to freely tell the truth while justice is being carried out in a context of fear. According to Human Rights Watch (2008a: 77), agents of the state have 'interfered with the right to present a defence by detaining and intimidating witnesses or potential witnesses or by failing to protect them from non-state actors'. The intimidation of defence witnesses decreases the likelihood that people will testify. Furthermore, those that do testify for the defence often find themselves accused of genocide crimes or having 'genocide ideology' (HRW 2008a: 75). In one such case a genocide survivor was threatened and arrested by a *gacaca* official after being a witness for the defence. After his release, he was told that he could be charged with "genocide ideology" (ibid). Douglas felt that his own security was at risk if he did not agree to go along with government's verdict. This was further validated during my attempt to attend a *gacaca* hearing.

### ***Observing Gacaca***

Douglas allowed my research assistants and myself to attend a *gacaca* proceeding in his jurisdiction. Twenty minutes after we arrived, Douglas informed us that it was cancelled. The man whose case was the focus of the proceeding was a former local leader. According to Douglas, this case was particularly complicated because the man had been brought to the formal courts, where he was found guilty of killing someone during the genocide. Upon appeal to the Supreme Court, the man's conviction was overturned. The man was released from prison and was free for one night, when the police arrested him again. People from surrounding areas had accused him of killing

people and of stealing a motorcycle during the genocide. However, some of the murder accusations were the same crimes that the Supreme Court had found him innocent. The former leader had been in prison since November 1994. Douglas explained that the trial had been cancelled for the day, because there were no genocide survivors or anyone to accuse him of any crimes. A genocide survivors' organisation had initiated a campaign to mobilise survivors to point out and accuse those who were 'guilty' of genocide crimes. However, the organisation and *gacaca* officials were unable to find anyone to accuse this particular man. As a result, the case was postponed for a month. I asked Douglas if this was a form of coercion:

Oh for sure, I've already been contacted. The president of the main genocide survivors' organisation told the Minister of Defence that this man is guilty. I was told that I have to convince the judges and that we must charge this former leader and find him guilty. We have to do this. This is a heavy burden. The local leaders force me to take this decision (the decision that the government wants) to the judges. As a team, we say that he is guilty. But in private we know and say this prisoner is innocent, we have no choice.

[Do you think that man is innocent?] That prisoner was my neighbour. I had seen everything that happened. A former local leader took him to the market, where those Tutsi were. He did nothing! He didn't kill or hurt anybody! It was because of this case against him, that one of the chief justices in the Supreme Court quit his position. He conducted the investigation and talked to people, a lot of people. He couldn't find anything against this man, so he said he was innocent. Then the judge finds out that he was arrested again. He said that if they were going to override him and make their own decisions, he didn't want to be a judge anymore.

Douglas is not the only participant to have this experience with *gacaca*. Zach, a Hutu in his had three uncles arrested 'because of *gacaca*':

The first one was charged with raping a woman. My uncle didn't even know the woman and they didn't know each other. He has not been in front of *gacaca* yet, but waits in prison. He's been there for three years and still no *gacaca* or formal courts. The woman didn't even appear at his arraignment.

My second uncle was charged with attacking people. He went to *gacaca* and was found guilty. He went to challenge the decision and was charged with more crimes. Women came and accused him of rape. They said that it was him who brought the

*Interahamwe*. He was also put in the first category. His appeal has had no results. He's been in prison since December 2006.

My third uncle was not charged with genocide crimes. He is accused of producing fake money by the government. He was charged in the formal courts and sentenced to two years in prison; he has one more to go.

We are targeted. The woman is a genocide survivor but she was our neighbour. It was her who accused them. But someone is pushing them to accuse my uncles. What they say is not the truth. All our neighbours know the truth and they say my uncles are innocent. We found out after, that many people knew the truth. I knew many people who were putting pressure on the judges and corrupting it to find my uncles guilty. We went to Kigali; they know the truth but don't do anything about it.

*Gacaca* is good idea, but those who work in the government are bad. The rules are written in a book but they are not obeyed. The rules say this- those charged with rape must be allowed to live outside the prison and yet they are forced to remain in prison. They can live at home. *Gacaca* would be very good, if the government didn't influence the decisions. But this is not the case; judges are influenced by soldiers, genocide survivors and others.

Zach's words reveal again that those who are critical of *gacaca* do not dismiss it outright as a tool to aid reconciliation. They are opposed to how the system is used to promote political or economic interests. Part of the problem, Tertsakian (2008: 362) argues is that *gacaca* evolved out of:

an atmosphere of deep political and ethnic division, fear, suspicion, intimidation and corruption; within such a climate, it would be extremely difficult to forge a clear path to truth and justice. *Gacaca* could easily turn into a tool of vengeance and be misused to settle scores, accuse enemies and exonerate friends, while setting aside its primary aim: finding the truth about who did what during the genocide.

Regarding *gacaca* as a 'tool of vengeance', Waldorf (2006a: 52) notes that:

Early on Penal Reform International warned that the implementation of *gacaca* was emphasizing legalistic retribution over socio-political reconciliation. Since then, *gacaca* has become increasingly retributive, both in design and practice.

Hutu participants often described *gacaca* within a context of the government's and genocide survivors' need for vengeance, favouritism, and to obtain Hutu wealth. Huey commented:

Some Hutu begin a business and the government will stop them. There are many example of this. One man had a very successful business of selling materials for repairing cars. However, people took him to *gacaca* because he had lots of money. He gave them money even though he wasn't guilty. He gave them lots of money. Now he had to change the way he conducts business. He doesn't like to show the materials he has, because he's scared that he will get dragged back to *gacaca*.

Al felt that while *gacaca* was a good idea, however, in reality innocent people are often charged and accused out of greed. According to him:

One example is that they like to charge rich Hutu. When they don't find anything, they take that Hutu to a different district and charge him with the same crimes there. There was a man who lived in Europe before he lived Rwanda. After the genocide he came back to Rwanda and went to Congo. When he came back to Rwanda, he was arrested for genocide charges. In *gacaca*, he was found innocent in eight different places. The government kept changing districts and charging him in each different place until they finally found a district that found him guilty and sentenced him to 30 years.

As previously mentioned, the 2004 *Gacaca* Law made it outside *gacaca*'s jurisdiction to try RPF war crimes. Waldorf (2006a: 61) argues that 'Hutu victims of RPF war crimes cannot expect either accountability or reparations from the government'. So not only does *gacaca* contribute to the criminalisation of the Hutu, it also denies them justice and the status of victim for the massacres and violence that they have endured at the hands of the RPF both in Rwanda and in Congo<sup>59</sup>. According to Uvin and Minronko (2003: 227):

Possibly the major limitation of the *gacaca* system, which it shares with the formal justice system, is that possible crimes committed by the RPF before, during and after the genocide will not be processed. As a result, it is perceived by many as at least

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<sup>59</sup> This will be discussed in further detail in chapter six.



partly victor's justice.

This is illustrated by comments made by Simon and Malcolm:

You see him? [Simon shows me a picture of a man in his twenties.] This is my brother. He was killed during the genocide. He was killed by the RPF outside his home. Guess where he is buried? [Where?] In Kigali, at the memorial centre. They treat him like he was a victim of Habyarimana, but he's not. He was killed by the RPF. Yet they count him as a genocide victim, so the genocide seems worse then it was'. [You mean there is no distinction between victims of the genocide and people killed by the RPF?] Exactly! They're all treated the same as the rest. The survivors get *gacaca*, we get nothing.

Simon's anger results from the fact that his brother was killed by the RPF, but buried as a genocide victim, a status from which he, as a Hutu, is excluded. There will be no justice for Simon, because the RPF do not acknowledge the death of his brother and have masked the evidence of his death by burying him at a genocide memorial.

Simon's experience is not unique. In November 1999, IBUKA the main genocide survivor's organisation stopped the identification of distinguishing Hutu victims from Tutsi victims in a mass grave (Brauman, Vidal et al. 2000). The President of IBUKA justified the ending of this process by stating:

From April to July 1994, a genocide was perpetrated in Rwanda. Many people, especially Tutsi and all those who could identify with them or by marriage, friendship or even their faces in unfamiliar environments have died the most horrible deaths (Brauman, Bidal et al. 2000)

In this case, not only are Hutu victims not being distinguished from Tutsi, but the IBUKA President's statement reinforces the idea that the only Hutu that were killed were killed for associating with Tutsi or having Tutsi features, and not as a result of violence committed by the RPF. Malcolm who lived as a refugee in the Congo after the

genocide<sup>60</sup>, felt that for there to be 'proper' justice for the crimes the RPF committed against him and killing his mother and sister:

those in this government must face the tribunal courts. Those government officials under Habyarimana must face prosecution, but this government does not! What happened to me is a crime against humanity! I want to be a witness and point my finger at those I accuse.

Even when the government arrested its own soldiers for crimes, many Hutu participants felt that these acts were merely symbolic and done not to carry out justice, but to appease Western donors and governments. While on fieldwork in 2008, government officials announced the arrest of four RPF soldiers for the murder of thirteen Hutu leaders of the Catholic Church in Kabgayi in June 1994. Many Hutu participants felt that the government only arrested the soldiers in order to prevent the ICTR from investigating the case. Furthermore, they felt that justice was once again being denied to them as the case was to be tried under the jurisdiction of the military courts and behind closed doors<sup>61</sup>. Douglas explained that

One of the RPF soldiers charged with killing the Hutu priest was the Minister of Defence of Cyangugu. The arrest of those four RPF soldiers is something that has been done to show Westerners that the Rwandan government is doing something. It's all because of the arrest warrants that were issued by the tribunal. They replaced the Military Chief of Cyangugu, but there will be no judgment for them. It is only to show that they are doing something. When the new chief comes, he familiarises himself with the leaders and will do many deals and will continue the same system.

Douglas's statement reveals that there was little hope for a fair trial and little possibility for a conviction. After the interview, I asked Joseph how he felt about the

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<sup>60</sup> This story will be addressed in the next chapter.

<sup>61</sup> According to HRW World Report (2009), 'Two of the officers confessed to the killings and were sentenced to eight years in prison. Two more senior officers were acquitted after a brief trial. The RPF had acknowledged the crime committed by its soldiers 14 years ago, but brought the accused to trial only after the...(ICTR) prepared a case against them. Neither the Rwandan prosecutor's office nor the ICTR anticipate further such prosecutions.'

arrest, he agreed with Douglas stating, 'The RPF is putting on a show, there is no justice for Hutu'.

Waldorf (2006b: 432) argues the problems that *gacaca* faces reflects:

the enormous difficulty of achieving truth-telling, re-integrative shaming, and reconciliation in any society recovering from mass atrocity. However, it also reflects the deliberate choices of an authoritarian government whose commitment to justice and reconciliation for all Rwandans remains half-hearted at best.

This section has explored the ways in which 'the deliberate choices of an authoritarian government' has resulted in the criminalisation of the Hutu population by collectively associating all Hutu with the guilt of the genocide and by denying them status as victims for the crimes they suffered at the hands of the RPF. The consequences of this can be seen within the Rwandan prison system. In Rwanda, due to *gacaca* and the genocide, for every one hundred thousand people, six hundred and two of them are in prison, giving Rwanda the third highest prison population rate in the world. The US and Russia are the only countries with larger prison populations (Walmsley 2009: 1). The next section will focus on how the Rwandan prisons and the prison population is another way in which the Hutu identity is being collectively associated as '*génocidaires*'.

### ***Imprisonment of Hutu***

The pursuit of the *génocidaires* is the raison d'être of the post-genocide state, the one permanent part of its agenda. In the real world of state politics, however, the word *génocidaire* may be used to label any Hutu seen as an opponent, or even a critic, of Tutsi power. Even if the crowded jails of Rwanda take a daily toll on the lives of those incarcerated within, this does not disturb the moral sensibilities. The moral certainty about preventing another genocide imparts a moral justification to the pursuit of power with impunity (Mamdani 2001: 271).

For those like Mamdani, who argue that the entire Hutu population is collectively shouldering the guilt of the genocide, the evidence can be found in Rwanda's overflowing prisons. The prisons themselves serve to subjugate the population into compliance with the government in two respects. Firstly those accused of genocide crimes and 'genocide ideology' are put within these institutions, often enduring horrific conditions, physical and psychological abuse and torture (Tertsakian 2008: 239). Secondly, Scott argues that jails can be seen as a form of a visible symbolic repression that can 'exert an intimidation influence all out of proportion to the elite's actual, contemporary power' (1990: 48). The prisons themselves create fear in the population that if they speak out against the government that is where they will end up. The increase in the prison population stemming from *gacaca* and 'genocide ideology' accusations validate this fear. Amnesty International reported that as of August 2009, there have been nine-hundred and twelve people arrested on 'genocide ideology' charges, with three-hundred fifty-six people awaiting trial while five-hundred and fifty-six have been convicted and sentenced (AI 2010). However, people who were finally acquitted still faced prolonged pre-trial detention. As a consequence, while:

*Gacaca* was supposed to reduce the prison populations...persons confessing to guilt as part of the process have named tens of thousands of new suspects. Authorities estimate that five hundred thousand more persons may yet be accused, an astonishing number that raises the question why so many persons waited until ten years after the crime to accuse suspected perpetrators (HRW 2005).

In addition, wherever one might venture in the country, from the fields on the outskirts of Kigali to the Gisenyi hospital, prisoners can be seen working, easily

identified by their pink, orange and blue uniforms. This also serves as a daily reminder of guilt of the genocide perpetrators. As Cobban (2002) argues:

nearly every single detainee is Hutu. The government that has incarcerated them is widely perceived as being dominated by members of the Tutsi minority. The prolonged detentions have thus exacerbated the very inter-group tensions that the government claims it wants to erase.

For Robert, the imprisonment of Hutu as 'genocide suspects' was central to the government's failure to reconcile the country:

Reconciliation doesn't exist, if you consider the prisoners. Of all those in there thirty percent were involved in the genocide. The other seventy percent are innocent, how can you have reconciliation with that? If a child who has a father in prison and whose mother died in the Congo, that child has to bring food to their father everyday, how can they care about reconciliation? The best thing would be to sit together and discuss the problems that divide us. Hutu tell Tutsi and Tutsi tell Hutu.

Gary also felt that reconciliation was not possible as long as those in prison were excluded from society, stating:

People are still having conflict. Those in prison cannot reconcile with those on the outside when they are inside prison. Reconciliation can happen, but the people in prison must be let go and for those outside to accept them.

According to Amnesty (2007), 48,000 alleged genocide suspects are still awaiting trial. Many have been there over long period of time with no trial. Human Rights Watch (2008a) found that from the beginning the 'government permitted soldiers and others without legal authority to arrest persons accused of genocide, sometimes on the basis of a single unverified accusation'. As a result, there was an explosion in the number of people being detained in the already overcrowded prisons. In October 1994, there were 58,000 people being held in a space meant for 12,000; in 1998 there were 135,000 detainees (HRW 2008a). These detainees were being held for years without a trial, charges or even an investigation into their supposed crimes.

André Sibomana, a Rwandan priest and human rights activist, provides a chilling account of his visit to Gitarama prison. A UN peacekeeper visited the prison, while giving a speech to the detainees, ‘a prisoner ripped his toe off’ and threw it in the face of the man giving the speech (Sibomana 1999: 38). The living conditions were so horrific that the prisoners were ‘literally rotting away’ (ibid). Robert’s experience in prison between 1997 and 2001, reflects many of the accounts provided by Sibomana (ibid), Tertsakian (2008) and Human Rights Watch (2008). I have chosen to present Robert’s narrative as it clearly demonstrates how many Hutu feel that they are being unjustly persecuted as *génocidaires* by the government. Furthermore, the conditions and treatment while in prison reinforce the divisions between Hutu and Tutsi as being equated with perpetrator and victim.

I returned to Rwanda and after two days I was taken to prison where I remained for five years. Many Hutu were arrested at this time and put in prison by Tutsi, because they wanted their house, job or wealth. Once in prison, they would then occupy your position or home.

[What were the conditions of prison like at that time?] Life in prison was difficult. I was taken to Central Prison; life was very hard there. There were many people, I was in a cell that could hold twenty, but there were three hundred people. My family had to bring food for me, but there was no food. We had just come from Congo and they had to prepare food for me, when we had nothing. My food consisted of five grams of maize and beans. Once the prison guards put bits of broken glass from a Fanta bottle into our food. The next day the prison guard asked us how many had died. When we replied no one, he said you Hutu are very strong. I slept underneath a toilet. Some had no places to sleep. There was another time, when the prison guards said that they were transferring some prisoners to another prison. But the bus went into the forest and the guards killed all of the prisoners. Everyone was killed! Prison officials selected those who were to be killed. There was another time I was sitting with a friend, when this Tutsi girl was talking to a soldier, a prison guard. I heard her say to the guard “If you beat this guy, I will have sex with you.” The man was beaten.

[The waiter arrives and that is our cue to stop. Robert is silent and plays with his prayer beads while the waiter sets down the drinks. After the waiter leaves, Robert shares what he was thinking about in the silence.] I will never forget the day when the prison guards mixed pieces of broken glass in our food. I ate it and when I went to the

toilet there was blood. Another day, a soldier took a machine gun and shot at us. I was put in prison and I didn't kill anyone.

At that time, things were very bad. There were many people and there was no place for them. It was very hot and we had no shoes, so our feet burned. We got one minute for the toilet. There were boxes to urinate in and only one person could take it out. [Robert makes sure that no one is around, we are away from the main restaurant. He gets up, and squats down with one leg stretched out and begins to hop around]. We were forced to walk like this all day. We were forced to remove all of our clothes and were beaten with a stick. We were beaten everyday in prison. They used child soldiers to beat me! Tutsi knew Hutu were bad and they got some type of revenge out of doing this. At this time there was no categorisation for *gacaca*. A genocide survivor could accuse a person without any proof and that person would be put in prison. I was found innocent by the formal courts and was released. My family got our house back, but there were no doors or windows, the genocide survivors took all of it.

Malcolm also spoke of the cruelty and the abuse found in the Rwandan prison system in regards to the treatment of his sister. Malcolm's older sister was arrested in 1994, accused of conspiring with *Interahamwe*, because she had family members that were members. However, she herself had not participated in the genocide. According to Malcolm, she died without a trial by 'being poisoned by broken glass in her food', in the same prison as Robert.

[How were you treated during this last time in prison?] I was badly treated, others were too, it wasn't just me. They didn't allow us to go to the toilet. We could only go at five in the morning and five in the evening. I didn't eat because I couldn't go to the toilet. There were no beds, I just laid on the ground. There was no water, my family had to bring water. There was no washing even when my family did bring water, because I couldn't go out to take a bath. Some were beaten. A man who was beaten by the guards, had to have others help him go to the toilet.

[Do they treat you differently based on what you're charged with?] Yes! They treated us much differently based on the charge. Hutu are treated like I was. There was a bishop of Gikongoro in prison he would still be in prison if the Vatican had not intervened. The Vatican said that they would stop all aid to the government if they kept him in prison. It was the only reason he was released.

In total there were thirty men in prison with me, twenty-nine were Hutu and one was a Tutsi. The Tutsi was put with the street kids and released in the morning, while those Hutu were put in with the rest of adult prisoners. Others were there because of robbery, pick pocketing, there was a priest who had an accident, a man who was LDF (Local Defence Force) who shot somebody.

Their [genocide survivors] agenda is like revenge there was no reason for them to do what they did. They see me and their hearts accuse themselves. When I was released they were not happy to see me among them. Then they made me return to prison. The first time in 2002, after I was released, I had electricity and water and my neighbours didn't. They came to me asking me for water. They say "This Hutu has TV, water, we have nothing." They think of me as being rich compared to others. "They

say, this Hutu, who has all these things, how can he get these things?" It's a major reason to why they want to punish me.

This government says that it treats all in the same manner- there were three of us with the same faults, but I was the only one to go to prison and have my granary destroyed. It's just like the *ubureetwa*. They can do everything they want and I can't do anything. Hutu in this country still have many problems. My situation made me realise that there are many other problems, but the police do not treat us the same. I decided to keep quiet and I still have problems.

## Conclusion

In the preface of *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond* (2008: xxii), Kagame argues:

There were other Rwandans who were killed during the genocide, especially those perceived as opposing the agenda of the genocidal government-but make no mistake, the agenda of the genocidal regime was to exterminate the entire Tutsi population.

It is a fact that Tutsi were targets of the genocide, however, southern Hutu and those Hutu who opposed the extremist ideology of the genocidal regime were also targeted. Hintjens (2008: 84), in the same book as Kagame argues that:

It is useful to avoid using a purely racial definition of genocide; genocide can include all those who were killed, including those who were killed for political reasons, because they opposed the genocide or were targeted for some other reason.

Using the example of the Holocaust, she contends that the word was first used to describe the killing of Jews, Roma, Slavs, homosexuals and others seen to be 'unfit'. However, today, the 'Holocaust' is mainly associated with the killing of Jews (2008: 84). The renaming of the Rwandan genocide to the genocide against the Tutsi, has a similar effect. It erases and ignores the suffering of the other victims from history. 'Refusing to acknowledge Hutu casualties during the genocide is just another form of denial and needs to be exposed as such' (Hintjens 2008: 85).



When possible presidential candidate Victoire Ingabire Umuhiza gave a speech at the Kigali Genocide Memorial Site in Gisozi in 2010, she publicly stated what Simon and many Hutu felt:

If you look at this memorial centre, it only shows one side of the Genocide committed against the Tutsi. There is another side of the Genocide committed against the Hutu because they are also hurting and asking themselves when their grievances will be settled (New Times 17/01/2010).

The government and the New Times argued that Ingabire was promoting a double genocide theory and spreading 'genocide ideology'. However, I believe that in this specific setting, her words are taken out of context for political purposes. Rather, she is speaking of the 1994 genocide as a Rwandan genocide, where only one side is allowed to mourn and be considered victims. Agreeing with Hintjens, she indicates that by denying Hutu their place as victims and survivors represents denial and revisionism on the part of the RPF.

Kagame (2008: xxiii) challenges and denies the idea that Hutu are excluded from being a victim and against the idea that there is a 'global criminalization of the Hutu community'. Targeting Lemarchand's work specifically, Kagame's comments are relevant for this discussion. While attempting to dispute Lemarchand's position that the RPF government is criminalising the entire Hutu population, Kagame does exactly that. According to Kagame, Lemarchand:

is wrong to suggest that the memory of the Hutu victims of genocide has been thwarted or that there has been a clash of ethnic memories in Rwanda...the key issue has never been crimes committed by the Rwandan Patriotic Army (RPA) nor that victims of these crimes should not be allowed to remember their loved ones. The issue has been, and will always be, that Hutu and Tutsi were not "victims of a calamity for which responsibility is shared by elements of both communities" (2008: xxiv).

There is a 'clash of ethnic memories', taking place in Rwanda. Central to this argument are the mass atrocities committed by the RPF against Hutu in Rwanda and in Congo. The objective of this chapter was to illustrate that by ignoring the atrocities committed against Hutu in Rwanda, denying Hutu recognition as survivors and victims, while at the same time influencing and abusing the justice system through the use of *gacaca*, the government is criminalising the entire Hutu population. This has led to further divisions of the Hutu/Tutsi identity, rather than unification as Rwandans.

The next chapter will focus specifically on eastern Congo, examining how the ongoing tension since the genocide has caused the region to erupt into violence and chaos. In the first part, I will argue that the treatment of Hutu refugees in Congo by the Rwandan government and the international community demonstrates another context in which Hutu are denied the status of victims, while further imbuing them with collective guilt for the genocide. Consequently, this collective guilt of the Hutu by the RPF served as justification to break international law and invade Congo twice, where hundreds of thousands of people were killed, died of disease and disappeared.

## Chapter Six: Continuing a Genocide or Almost Genocide: The RPF and Hutu Refugees in Eastern Congo

### Introduction

The capturing of power by the RPF at the end of the 1994 genocide created a mass exodus of between one and half and two million mainly Hutu refugees to neighbouring countries. Roughly half of these refugees sought shelter in Zaire (Emizet 2000: 164). This chapter will focus on how the Rwandan government used the ‘genocide credit’ with, the ‘moral guilt’ of, the international community to justify their invasion into Congo in October 1996. I argue this invasion led to the criminalisation of all Hutu refugees. The government did so, by first arguing that all ‘true’ refugees had returned to Rwanda after the first month of the invasion. Since all the ‘true’ refugees had returned, those that remained in Congo were *Interahamwe/ex-Forces Armées Rwandaises* (FAR)<sup>62</sup> and a threat to Rwanda’s security. Drawing upon the ethnographic narratives of Hutu participants as well as parts of Marie Beatrice Umutesi’s (a Hutu refugee in Zaire) autobiography (2004), I will describe the consequences that resulted from the collective assignment of guilt to all Hutu remaining in the Congo at that time. These participants and Umutesi were all in Congo after November 1996 and were not *génocidaires* or Hutu extremists. In doing so, this chapter all serves as an illustration of the hierarchy of victimhood discussed in the previous chapter.

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<sup>62</sup> Refers to the name of the army under Habyarimana.

The government argues that the main reason for their involvement in the Congo Wars was to:

search for a solution to the devastating security problem caused by the former Rwandan army (ex-FAR) and Rwandan Hutu militia responsible for the 1994 Genocide, who threatened to launch another attack on the country to complete the Genocide (Rwanda Senate 2006: 17).

Prior to the October 1996 invasion, Rwanda had a legitimate need to secure its borders, after Hutu insurgents from Congo carried out numerous attacks against Tutsi civilians (see African Rights Report 1999). Northwest Rwanda experienced much of these early attacks by *Interahamwe*/ex-FAR. Christine, the fifteen-year old sister of a Congolese friend, who often stayed with me in Gisenyi, described one such attack:

My aunt and uncle lived near here (a street away). The *Interahamwe* used to come at night and terrorise people living in this area (the neighbourhood was predominately Congolese Tutsi). We were all very afraid. The *Interahamwe* came and attacked my uncle and aunt. They took a machete and cut my aunt here (makes a slashing mark across her breasts) and here (makes another one across the stomach). She was in the hospital for many many days. Her five-year old daughter was killed when they struck her with a machete down her back.

Christine's mother, Mama, is a Congolese Tutsi originally from Bunia. In 1994, she fled the increasing violence in her home in Rutshuru to Gisenyi with Christine and her older daughter. Mama recounted more of these attacks:

The *Interahamwe* came and attacked a refugee camp close by. They would kill and cut off people's hands with a machete. They killed my brother and his five children and cut off the hands of my brother's daughter. They killed my brother. [Christine, is this the uncle you told me about earlier?] No this is her other brother. [Christine translates to her mother, the conversation we had earlier.] Mama responded softly, The *Interahamwe* came after me. They came and were killing too many people.

The close proximity of the camps to the Rwandan border and the insurgency attacks were cause for concern. However, the question that needs to be explored is how many

*Interahamwe*/ex-FAR were being sheltered in the Congolese camps? Emizet (2000: 165) argues that out of the one to one and half million refugees that fled, between twenty and twenty-five thousand were ex-FAR and another thirty to forty thousand were *Interahamwe*, equalling less than six percent of the total Hutu refugees. These attacks between the genocide and the 1996 Congo War, by a minority of actors, were used to criminalise and label the eighty-five to ninety-four percent of refugees who were non-*Interahamwe*, collectively as *génocidaires/Interahamwe*.

### ***The Beginning of the 1996 War***

The Congo Wars are far too vast and complicated a subject to be fully covered within the limits of this thesis<sup>63</sup>. The focus of this outline on the first Congo War will be on the attacks by the *Alliance des Forcés Démocratiques pour la Liberation du Congo-Zaïre* (AFDL)/RPF alliance on the Hutu refugees. The first Congo War began in September 1996, when some Banyamulenge<sup>64</sup>, a cultural group of Congolese Tutsi from South Kivu launched a rebellion in the Uvira region in South Kivu in Congo. The Banyamulenge rebellion was a result of the denial of Congolese citizenship by Mobutu's regime. Previously, anti-‘foreigner’<sup>65</sup> demonstrations by Congolese had led to attacks on Banyamulenge villages by ethnic Bembe and Zairian<sup>66</sup> government soldiers. Banyamulenge fled into neighbouring countries ‘telling tales of terror and massacre’ (Prunier 2009: 70). The Zairian government was growing suspicious over

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<sup>63</sup> For an extensive examination of the Congo Wars see Lemarchand (2009), Prunier (2009), Reyntjens (2009), Eltringham (2004: 118-140), and Pottier (2002).

<sup>64</sup> The origins of the Banyamulenge will be discussed in the next chapter.

<sup>65</sup> Banyamulenge are ethnically Tutsi and are often perceived as being from Rwanda and thus ‘foreigners’. This will be further discussed in the next chapter.

<sup>66</sup> Zaïre is used when referring to the country under Mobutu. In 1997, when Laurent Kabila took control over the country, he officially renamed it Democratic Republic of the Congo. Congo is used to simplify matters.

Rwanda and Burundi's involvement in training and arming of these Banyamulenge rebels (Eltringham 2004: 123). On October 6<sup>th</sup> the Banyamulenge militia targeted a Zairian hospital, killing patients and nurses in Lemera Zaire (Prunier 2009: 71, UN Mapping Exercise 2010a: 126). As a result of these attacks on October 8<sup>th</sup> 1996 a deputy governor of South Kivu, gave the Banyamulenge one week to leave Zaire (Eltringham 2004: 123, HRW 1997: 12, Emizet 2000: 168). The orders were later revoked and the governor suspended, however, shortly after the Banyamulenge militias began to fight against the Zairian army (FAZ). The fighting led the Banyamulenge along with three other groups to join a coalition with AFDL and Laurent Kabila as the leader<sup>67</sup> (HRW 1997: 12). The RPF was willing to back this alliance, as AFDL members had also been fighting for a regime change in Zaire.

Vlassenroot (2002: 509) argues:

What originally was explained as an armed rebellion by a few hundred young Banyamulenge to reclaim their nationality rights and to save their families from violent persecution, soon resulted in a concurrence of both regional and local interests and the formation of the AFDL liberation movement.

Beginning on October 13<sup>th</sup> 1996<sup>68</sup>, various attacks on Hutu refugee camps in Uvira up to Bukavu sent more than eight hundred thousand Hutu refugees fleeing northwards (Eltringham 2003: 124). On October 23<sup>rd</sup> 1996, AFDL and RPF forces attacked Bukavu, causing Rwandan refugees and Congolese to flee northwards. One respondent, Malcolm provided me with a first-hand account:

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<sup>67</sup> Laurent Kabila was a leading figure in the 1964-1965 Simba rebellion that sought to overthrow Mobutu. His role in the 1996 Congo War resulted from a meeting with Museveni, who in turn introduced him to Kagame. As the war was considered to be a 'Banyamulenge rebellion,' Kabila was recruited to be the non-Tutsi, Congolese face of the movement. AFDL was created in Kigali and did not come into the alliance with an army (Reyntjens 2009: 102-107).

<sup>68</sup> For a detailed map of the flight of refugees in Congo see Appendix One.

My family lived near the border and when I stood on a hill I could see Rwandan soldiers crossing the (Ruzizi) river. The Rwandan soldiers arrived in Bukavu on a Monday. No one knew they were there, but there were rumours. Around four or five in the morning on that Wednesday, we heard the shooting begin. My brother went outside and in the road found soldiers who were not Congolese and wearing different uniforms. He (my brother) told us that the RPF had taken Bukavu. We had heard that all Congolese were running away from the town. We decided to follow them.

The result of the attacks pushed refugees towards returning to Rwanda via Cyangugu and Gisenyi or towards Kisangani in Zaire. According to the UN Mapping Exercise team<sup>69</sup> (2010a: 89), in mid-October 1996 Rwanda had begun to infiltrate and sporadically fired at camps between Goma and Rutshuru and most were dismantled by the first of November. One such attack happened in November, AFDL/APR (*Armée Patriotique Rwandaise*<sup>70</sup>) soldiers set up check points between the Mount Nyiragongo volcano and the Mugunga camp in Congo, where some of the survivors from previous camp attacks were arrested by AFDL/RPF and sorted 'according to their age and their sex and systematically executed the adult males' (ibid: 90). The attack on Mugunga camp itself lasted six hours with AFDL/APR soldiers firing indiscriminately at the refugees. At this time five to seven hundred thousand refugees had returned to Rwanda (Emizet 2000:168).

Even as the refugees fled the attacks in North and South Kivu and moved westward, the attacks on refugee camps continued, with two of the largest massacres occurring at Tingi-Tingi, and Biaro (Reyntjens 2009: 93). Louis, Malcolm and Beatrice Umutesi

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<sup>69</sup> The Mapping Exercise Team was led by the Office of the UN High Commissioner for Human Rights (OHCHR), between October 2008 and May 2009. Their objective was to map out 'the serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003' (OHCHR 2010).

<sup>70</sup> APR is the name of the Rwandan national army from 1994 to 2002, which is used by the Mapping Exercise team. However, my respondents made no distinction between the national army ARP and the RPF and used the acronym RPF to refer to both.

were in these camps when they were attacked by the RPF. Malcolm and Louis's ordeal will be presented in the next section. Umutesi (2004: 151) describes the conditions in Tingi-Tingi as hell, where everyday death was 'close'. In Tingi-Tingi, thirty to thirty five people, mostly small children died of everyday malnutrition, exhaustion, cholera and other sickness (Prunier 2009: 145). On February 14<sup>th</sup> 1997, the UN High Commissioner for Refugees visited the camp and asked AFDL/RPF not to attack the camp (ibid), but the plea went unheard. According to Umutesi (2004:157):

We lived through the days following Sadako Ogata's visit in a climate of all-pervading fear. Everyday we expected to be attacked. Rumors circulated constantly to the effect that the camp had already been infiltrated. Some refugees who had gone to look for cassava in the Kumu villages had been killed. In fact there was good reason for this fear: strangers to the camp were intercepted in the nutrition centres and even in the hospital tents and after being interrogated, admitted to being rebels.

A few weeks later Umutesi and the other refugees were warned of the advancing rebels and most decided to leave at night to avoid detection. The massive exodus of refugees from the camp created human traffic jams that lasted hours. Umutesi (2004: 162-165) reached the Lubutu Bridge when the AFDL/RPF advanced on them:

People scattered in every direction, abandoning most of their meagre provisions. In this terrified mass, those who fell were trampled. There was such a crush of people attempting to cross the bridge that many of them were shoved into the river. Thousands of others threw themselves into the water, trying to swim to the far bank. Where the river was deep, children, the old and the sick drowned...I tried to keep my balance and held tight to Zuzu's hand [a four year old girl, Umutesi had taken into her care], which was covered in scabies. She in turn tugged at my hand saying "Auntie, let's run fast. If we don't they will kill us." We ran on, pushed from behind by those who followed, and hid in the closest huts, but there was so much shooting that these were not safe either. We entered the forest by the first path we found. Very few of the sick who were able to get across the bridge survived the effort it took to put a few dozen kilometres between themselves and the rebels. The third day after leaving Tingi-Tingi we began to pass the bodies of the dead and dying. When someone was too sick to keep walking, he sat down by the side of the road and waited for death.

Most refugees who fled Tingi-Tingi ended up in camps south of Kisangani, pushing



some eighty-five thousand people towards the camps of Kasese 1 and 2 and Biaro. On April 17<sup>th</sup> 1997, two hundred Rwandan soldiers landed in Kisangani, 'They were part of a killer team dispatched directly from Kigali. They were reputed to carry in their knapsacks small cobber's hammers, which they used to silently and efficiently smash skulls' (Prunier 2009: 147). They recruited villagers by telling them that the refugees were responsible for killing six villagers near the Kasese camps. After the Kasese camps, AFDL/RPF soldiers attacked Biaro on the 22<sup>nd</sup> of April, where:

AFDL/APR units opened fire indiscriminately on the Biaro refugee camp, killing close to 100 people, including women and children. The soldiers then went in pursuit of those who had managed to escape into the forest killing an unknown number of them' (UN Mapping Exercise 2010a: 104).

When Médecine Sans Frontiér (MSF) were granted access to the Kasese and Biaro camps, all their occupants had disappeared. According to MSF, before the attacks these camps were sheltering at least five thousand people in a state of extreme exhaustion (Prunier 2009: 147).

The UN State of Refugees in 1997-1998, which Prunier (2009: 148) cites, determined that in September 1996 there were 1,100,000 refugees in eastern Congo, out of this 834,000 were repatriated to Rwanda with 600,000 of them leaving in November 1996. 26,300 were found in other countries such as Angola and the Central African Republic, and another 26,300 refugees remained in eastern Congo, leaving over 200,000 refugees that disappeared. However, Prunier argues that such numbers could be an optimistic estimation and that 'if we take into account the very probable exaggeration of returnee numbers, the total refugee death toll should be considered to be around 300,000, an estimate that UNHCR High Commissioner Ogata considered

possible' (ibid). As mentioned in chapter three and at the beginning of this chapter, the RPF consider it 'genocide ideology' to state that there were innocent Hutu refugees in Congo after November 1996 and that there are crimes committed by the RPF in the Congo that have gone unpunished. The consequences of which is that the government is conducting a silencing campaign of the experiences and deaths of over a million people. In the next section, I present the experiences of Hutu respondents in the Congo from the end of the genocide in 1994 to their return to Rwanda after the Congo invasion in 1996. These experiences have been and continue to be silenced by the Rwandan government.

### **Silenced Experiences**

When I asked Malcolm his feelings on life in Rwanda, he responded:

Even though I'm back in Rwanda, I don't want to be. Here, I exist but I don't exist. When I was a refugee in Congo I made a journey of 2500 km, passing through a number of places, including Kisangani. While on the road I was wounded by RPF and the Congolese they armed, and my mother was killed. This was all carried out against those who were not *Interahamwe* or soldiers by the RPF and the whole world did nothing. I will tell you my story, if you promise to tell others. I cannot tell others myself because here we are not free to tell such things.

This section will examine Malcolm's experience, while the next section will focus on how the government is using genocide ideology laws to silence and essentially to erase memories regarding events in Congo that challenge the public transcript.

#### *Malcolm's Story*

[After hearing that Bukavu was under attack from the RPF, Malcolm fled with his older brother and sister, their mother and twin friends.]

We were just at the river, when I looked down and saw more men with guns wearing RPF uniforms. They started to fire at us. One of the twins was shot and killed. Another gunshot was fired at me and it hit me here [He shows me the scar between his hand and thumb].

When we arrived at the roundabout near a nightclub (still in Bukavu), the RPF fired at us again and killed my mother. We had to leave her there at that roundabout. I never got to bury my mother. My brother, sister and I ran to the airport. We hoped to find security, because the *Interahamwe* and ex-FAR were there. But, when we arrived, the RPF began to attack. When we ran, I was separated from my family. The *Interahamwe* were beaten by the RPF and I ran towards the jungle of Kisangani. I ran for a week without stopping.

[After leaving Bukavu, Malcolm met up with a friend who had fled with Malcolm's brother's son. He took the child and continued towards Kisangani with the boy and a woman who had a small infant.]

The child died, right there on her back. We put the baby underneath a tree and continued. [I asked what he thought when they had to leave the dead infant under the tree.] It was easy, because I have seen many deaths, it was simple.

[Malcolm stops and remains silent for a few moments.]

Death was everywhere. Leaving people behind became easy. I left the child near the road. I walked for a kilometre but my conscience told me to go back. [Why did you leave the child behind?] He had too many kilos [the child weighed too much] and I was tired. I saw many parents leaving their children behind because the child was going to die. It was a struggle to live again and again each day. But I couldn't do it. I couldn't leave him. There was an airport, sixty kilometres from Kisangani. I spent fifteen days there. I found a Congolese woman to give the child to and left him there with all of his identity papers. The child is now in secondary school. During this long journey I was waiting for death, I didn't expect to leave the forest. I didn't have hope, so I gave the child to the Congolese.

At the Congo River-many people were shot and killed and then thrown into the river. We walked over bodies even when crossing through the river. I went into the forest near Tingi-Tingi and from there planned to go on to Kisangani. I lost consciousness in the forest. I had to stuff my pockets full of grass and ate it like an animal.

When I went into the forest I met a friend. I asked him 'Why are you here? RPF are shooting at us! Why are you here?' he asked. 'They're shooting at us too!' He saw that I had stuff in my pocket and thought it was food, but it was only grass. Then I saw that he had something in his bag and asked him, 'What's in your pocket?' We shared the bit of maize Louis had. When Louis gave me the maize, I was able to get some strength back for the journey. In the forest it was a miracle to find even a snake. You ate everything you could find. There were many snakes that were aggressive and liked to bite. We became hunters, snakes and any animals we could find, we even ate slugs.

[Malcolm stops and bends down and points to a small looking slug.]

These are what we used to eat. The objective of the RPF soldiers was to push us deep into the forest so the animals would kill us. It was animals or the soldiers. It all depended on how you wanted to die.

I was wounded in the forest. I saw a banana and I am fast, I knew I could get it. However, other people saw me running for it and raced me for it. Some of the Congolese had guns for protection, they shot me and I fell down a latrine. I went many days without having it treated or cleaned properly.

When we arrived near the camp, Louis found some Congolese and white people to help us to the transit camp. When we arrived we found a man on a megaphone saying everyone was welcomed in area that was secure. But there were rumours that the RPF would attack there soon. I feared that they would take me. I asked those running the camp to help me. A Congolese asked if I was Congolese or Rwandan, I replied that I was a Congolese from Goma. They helped me to live. The RPF, AFDL, and Ugandan forces took Kisangani two days later.

The Congolese had to take me on a stretcher because I couldn't walk from the refugee camp to a nearby airport. [Some Europeans working at an NGO agreed to help and transport him because they considered him to be Congolese. They put him on a flight back to Rwanda so that he could receive medical attention. In Malcolm's opinion they were only willing to help him because they considered him to be Congolese.]

Sanford (2003: 251) argues that during the La Violencia in Guatemala, the state's labelling of 'internal enemy' or subversives went from the identification of individuals (such as oppositional party leaders, unionists etc.), who were thought of as challenging the state's authority to include 'all who had provided services to the poor and the poor themselves, which placed the Maya as the "internal enemy"'.<sup>71</sup> Malcolm's story illustrates how the label of *génocidaire* and thus an 'internal enemy' of the state that was previously applied to those who committed genocide crimes or carried out attacks were now being applied to all Hutu refugees. The fact that there were *Interahamwe*/ex-FAR mixed in with refugees provided justification for targeting all Hutu refugees, who were guilty by association and thus became 'internal enemies'. The UN Mapping Exercise team (2010b: 100) provides another example of how Hutu refugees were seen as the 'internal enemy' in a way that is reminiscent to the 1994 genocide where all Tutsi were labelled as cockroaches:

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<sup>71</sup> I believe that despite being in a foreign country, the RPF perceived the Hutu refugees as an internal threat to their national security.

When they arrived in Walikale territory, the AFDL/APR soldiers held public meetings for the attention of the Zairian people. In these meetings they accused the Hutu refugees of being collectively responsible for the genocide of the Tutsis in Rwanda. They also claimed that the refugees were planning to commit genocide against Zairian civilians in the region. In their speeches, they frequently likened the refugees to “pigs” running rampage through the fields of the villages. They also often called on the Zairians to help them flush them out and kill them. According to several sources, the term “pigs” was the code name used by the AFDL/APR troops to refer to the Rwandan Hutu refugees. When the AFDL/APR soldiers blocked the Zairians from accessing some execution sites, they told them that they were “killing the pigs.”

Father Balas from Bukavu, made a similar comparison of the massacres of Hutu refugees to the 1994 Rwandan genocide:

If it was only for the fighting the Hutu refugees would have no more reason to flee than the local Zairian peasants. What they are fleeing are the massacres perpetrated by the Tutsi “rebels”...The “rebel” discourse says that all the refugees who have not gone back to Rwanda are *génocidaires*...But UNHCR estimates that only about 7% of the refugees took part in the genocide which means many innocents have not gone back... . Calling the refugees *génocidaires*...is similar to the *inyenzi* (cockroach) names used by the *Interahamwe* themselves during the 1994 genocide... . (as cited in Prunier 2009: 125).

Furthermore, according to respondents and eyewitnesses, the RPF/AFDL made it clear that those Congolese who assisted or sheltered refugees would also be considered the ‘enemy’ (Emizet 2000:180). They did so by arresting and killing individuals who they suspected of having ties to or collaborating with ‘ex-FAR/*Interahamwe*’ or by using local people to find refugees (UN Mapping Exercise 2010b: 123). For example, on April 12<sup>th</sup> 1997:

Upon their arrival at Kanyati, the soldiers asked the people to follow them to help them find *Interahamwe*. On the way, they ordered the civilians to lie on the ground and opened fire, killing 23 people. In the afternoon, they entered Mudja and opened fire on the people, killing ten civilians and injuring four. The soldiers had accused the people of Mudja of sharing supplies and coal with the *Interahamwe* operating near Goma (ibid).

The consequences of Congolese helping the Rwandan refugees was also highlighted by

Robert:

When they (RPF) arrived there, they were looking for Hutu and those who were in the previous government or any intelligent Hutu to kill. Once a group of people came to give us food and a machine gun was put to their head, people ran down the road many people were killed. Congolese who tried to help us were killed. There was a Bishop in Bukavu, the RPF killed him because he discovered that the RPF were trafficking guns through the churches from Burundi and Congo.

Malcolm had a similar experience before reaching Kisangani:

We met up with Congolese hunters who said to us "You are from Rwanda, you have a lot of money." Malcolm replied that they were refugees, hiding from RPF. [He asked the man in Swahili if he could help them.] The man told us that the RPF had given the Congolese a warning not to hide any Rwandan. I had to speak in Swahili because if the RPF heard me speak Kinyarwanda, they would have known I was Rwandan and would have killed me. The Congolese men showed us the road to Kisangani.

Malcolm illustrates the importance of disguising the language spoken. One of the biggest advantages of surviving in the Congo was the ability to speak Kiswahili. This made it easier for refugees to hide their identity while in Congo. Al also believed that the RPF were using language as a way of finding refugees:

I knew people who lived there and could speak the local dialect. Congolese along with RPF soldiers thought that I was Congolese because I spoke the local language, they asked me where are other Rwandans. The RPF murdered a person in front of me.

Since Al grew up in Congo, it was much easier for him to hide among the local population. Emizet (2000: 180) suggests that one of the ways in which refugees were singled out and killed was through the use of Lingala, an 'indigenous' Congolese language. Members of the AFDL alliance would shout in Lingala for crowd of people to take cover, leaving only the Kinyarwanda speaking refugees standing, who were then fired upon (ibid).

Using such systematic methods to kill, raises the question of whether or not these massacres equate to genocide? The UN Mapping Exercise Team (2010a: 13) concluded that 'there were elements that might indicate that genocide had been committed... even if only part of the Hutu population in Zaire was targeted and destroyed, it could nonetheless constitute a crime of genocide if this was the intention of the perpetrators'. For Hutu participants who experienced the attacks, the answer is undoubtedly, yes:

There were no warnings and no attempt to separate innocent civilians from the *Interahamwe*. The RPF were looking for Rwandan refugees and NOT Congo soldiers, which they should since it's a war. They [the RPF] were simply killing all Rwandan refugees they saw. It is genocide (Malcolm).

The RPF were perceived to be looking for those ex-FAR but this wasn't true. They were looking for all Hutu and killed many in Rwanda and Congo. The conflict in Congo is genocide, at an extremely high level, higher than the Holocaust. I have seen many people put together and massacred. All Hutu were put together and shot. The RPF mission is to kill all Hutu (Al).

Along with Malcolm, Louis was also in Tingi-Tingi when it was attacked by the RPF:

I have seen people killed in many different ways. I know where they are buried. I can take you to the mass graves. The RPF committed genocide and I will tell you why. The problems started when we were attacked. There were RPF soldiers living among us. They had infiltrated the camps. We only knew this when the shooting began. We saw RPF soldier uniforms within the camp. They just opened fire in the camp. They [the RPF] were preparing for war. The RPF gave the Congolese guns. I don't know how long they were there. It was impossible to tell them apart from other refugees. They spoke one language, came in with boxes on their heads, which hid their uniform. They looked like everyone else. It was difficult to recognise them. But when the shooting started, they ran with us, wherever we went, they followed. We did not know who it was, but then we figured it out. We had to change our strategy. When we recognised them as RPF, they wouldn't allow us to reach the Europeans. This was the time when the soldiers no longer had to hide who or where they were. They found a group of refugees and they looked for just the Hutu and killed them.

In Tingi-Tingi, soldiers put many people in groups- there were more than 20,000 people there. Some were wounded but most were killed. The RPF could not allow anyone, not the UN or European NGOs to arrive at the airport. It was in these areas where these massacres took place. Genocide is occurring in Congo, it was the same as the one in Rwanda. They are equal. I will never forget what the RPF did in Congo.

Those in the ICTR will not charge the RPF. No one will accuse and charge the RPF. Those in Congo were Rwandan and they were killed the by the Rwandan government. The RPF chose the strong Hutu and killed them.

Louis's account is significant, because the attacks on Tingi-Tingi and Mbandaka were located far away from the Rwandan border, thus challenging the RPF's assertion that their role in the conflict was to secure its borders. As French comments (1998: A21 cited in Emizet 2000: 171):

an investigation in Mbandaka was particularly threatening. Killings in the east, near Rwanda, could perhaps be written off as random acts of overzealous or vengeful Tutsi soldiers. But for Hutu refugees to be tracked down and killed at the opposite end of this huge country, when Kabila's victory in the war was already assured, would strongly suggest deliberate extermination.

Much of what my respondents said is corroborated by third parties that Rwandan soldiers used various and 'systematic tactics to attract refugees and kill them' (Emizet 2000: 179). Roberto Garreton (1997), the UNHCR investigator accuses the RPF/ADFL alliance of:

The tactic of laying siege to camps before attacking them, irrespective of their importance as military targets; summoning the inhabitants of predominantly Hutu towns to meetings in schools or churches, so as to massacre them; issuing appeals over the official radio stations urging all those hiding in the forests to come out for medical care and food aid; so as to murder them; and hampering or opposing humanitarian operations in the camps.

In addition, Médecins Sans Frontières found that by March to April 1997, there was no distinction being made. All Hutu refugees, regardless of age or gender, were being exterminated. A commander confirmed to MSF that 'all those who are in the bush are the enemy' (Reyntjens 2009: 97).

There was also a massive effort to clean and cover-up the massacre sites (UN Mapping



Exercise 2010b: 91). Bodies of the victims were burned, while witnesses were intimidated and killed by the new Congolese regime and its Rwandan backers (Emizet 2000: 181, Reyntjens 2009: 97). Emizet (ibid) argues that there is evidence that the orders to exterminate Hutu came from 'above', which is supported by the fact that new troops had been called to Ubundu camp near Kisangani:

Obedience to the authorities made the perpetrators of the refugee massacres feel that they were part of state power. Just like the perpetrators of the 1994 genocide, the perpetrators of refugee massacres were following orders as combat troops... . Thus, the perpetrators of the massacres of refugees used methods reminiscent of the genocide that had been directed against them.

Given this evidence, it is clear that there were systematic attempts to single out and kill Hutu refugees, which ended in the elimination of over four percent of the Rwandan Hutu population (Emizet 2000: 181, UN Mapping Exercise 2010b: 274). Despite some similarities to the 1994 genocide, both events are not treated equally within the context of the public transcript. There is a forced remembering of the '1994 genocide against the *Tutsi*', in which collective guilt is associated with Hutu, while the experiences of Hutu refugees in Congo are not acknowledged or allowed to be openly discussed in Rwanda. This process essentially erases all possibility of Hutu being recognised as victims and firmly categorises them as *génocidaires*. In the next section, I focus on how the government use of genocide ideology laws contributes to this process. From this examination, it becomes evident that the government uses genocide ideology laws to facilitate state sponsored violence and to silence potentially prominent opponents.

### **Criminalisation of Hutu Refugees**

The Rwandan government's denial of non-*génocidaires*/*Interahamwe*/ex-FAR victims in the Congo was a conscious act to determine how the historical narrative would be constructed. The moral legitimacy of the RPF's claim to power is tied up in the role of stopping the 1994 Rwandan genocide, often referred to as 'genocide credit'.

According to Reyntjens (2009: 28), the 'genocide credit', is used by the RPF to escape criticisms for their crimes by constantly reminding the international community of their guilt for their inaction during the 1994 genocide. Using the 'genocide credit', allows "The RPF and its sympathisers to accuse those who denounced its crimes of being "negationist" or "revisionist," even if these same persons vigorously condemned the genocide of the Tutsi' (ibid). Scott (1990: 105) contends that official discourses such as those of the RPF are necessary because:

Just as the official transcript helps define what counts as an insult to the dominant- as *lèse-majesté*- it also helps to define which of the practices that compose the inevitable dirty work of power must be screened from public view. The very operation of a rationale for inequality creates a potential zone of dirty linen that, if exposed, would contradict the pretences of legitimate domination.

While the RPF justifications for their involvement in Congo have some legitimacy, they have been grossly exaggerated to conceal the 'dirty work of power' that if exposed would shatter their claim to power. Malcolm's story (in the previous section) is such an example of how the hidden transcript challenges and slowly chips away at the government's claim that all of those who refused to return were *génocidaires* or *Interahamwe*. He was in Zaire as a refugee long after the government claimed that all 'true' refugees had returned. To accuse the Rwandan government of carrying out waves of massacres in Zaire in 1996/97, which some have considered genocide (see

UN Mapping Exercise 2010a: 13 and Emizet 2000: 171), would be to accuse the RPF of hypocrisy and destroy the very foundation of their claim to power. In addition, the government also contends that pan-Hutu ideology that questions the 'causes of wars waged by Rwanda in RDC' (Rwandan Senate 2006: 17) is also a form of 'revisionism'. To prevent such challenges the government has enabled the legal system to denounce any such challenges as 'genocide ideology'.

It is also considered to be an act of 'genocide ideology' to suggest that there are crimes committed by the RPF that have gone unpunished or that there has been a genocide against the Hutu by the RPF (Rwandan Senate 2006: 17). One such illustration of this can be found in the Rwandan government's response to the UN Mapping Exercise claims that crimes committed in the Congo against Hutu refugees could amount to genocide. The Rwandan government (2010: 27-28) argues that such claims trivialise the genocide, stating:

The desire to validate the double genocide theory is consistently present throughout The Draft Mapping Report by "mirror-imaging" the actors, ideology, and methods employed during the 1994 Rwandan genocide. The Draft Mapping Report, from its failure to address the context of the war in the former Zaire, to its flawed methodology, to the dismissal of mitigating facts, seeks to undermine the legitimacy of the Rwandan military campaign in Congo. The authors of The Draft Mapping Report are not hindered by the fact that the tactical means to achieve their goals endanger hard won peace and stability in the East African Region, manifested by political and economic integration.

Failing to address the context of the Congo Wars or even denying Rwanda's 'just cause' for their involvement (Rwandan Senate 2006: 76) by suggesting that there were alternative motives is considered 'revisionism'. One such motive is that the Rwandan government was attempting to exterminate Hutu refugees. The government

discourse on the Congo and its protected status in the legal system is contributing to the criminalisation of the Hutu identity as discussed in the previous chapter. The government's actions and speeches made in reference to the attacks of the RPF in Congo against Hutu refugees demonstrate that the government saw all the refugees that remained as *génocidaires* and as part of extremist militia, regardless of age or gender. For example, Rwanda's Ambassador to Belgium Manzi Bakuramutsa, stated 'Rwanda estimates the number of returning refugees to be about half a million. That means more or less *everyone*. What remains in Zaire are the criminals' (as cited in Pottier 2002: 148). Kagame agreed with Bakuramutsa at a press conference in late 1996, stating, "The majority of the refugees have returned...There are only a few scattered refugees remaining in Eastern Zaire". (Prunier 2009: 123). Those who remained, the RPF-functional logic went, "were the routed extremist army [ex-FAR] and its camp followers, who scarcely warranted the privileges extended to refugees" (ibid: 148). Furthermore, regarding the killing of women and children refugees, an advisor to the President stated on October 24<sup>th</sup> 1997 that 'we had to kill those criminals, and if there were women and children in the way, we can't be naïve; this is war (as quoted in Jones 2001: 148, Eltringham 2004: 141). This framework for discussion of the plight of the Hutu contributes to the hierarchy of victimhood by reaffirming Hutu guilt as *génocidaires*. Furthermore, the actions of the RPF in Congo were justified and legitimised in the eyes of the international community through the RPF's official discourse of claiming a need for security, the criminalisation of all Hutu refugees (Pottier 2002: 148) and deploying having 'genocide credit'.

The humanitarian agencies also played into the RPF discourse Christian Scherrer (as cited in Reyntjens 2009: 89), a former UN Human Rights Field Operation in Rwanda member, argued that:

the genuine refugees... have taken the chance to return to Rwanda ... . Those who continued running away from their homes must have good reason to do so. ... The vast majority of women and children have returned to Rwanda ... . It seems highly unlikely that the AFDL has a policy of massacres and genocidal atrocities (as cited in Reyntjens 2009: 89).

Scherrer assumes that those refugees who refused to go back to Rwanda automatically had something to hide, which signalled their collective guilt. Scherrer, the international community and humanitarian agencies completely dismissed the realities of Rwanda and the make-up of the remaining refugee populations. Umutesi, a Hutu refugee, feared returning to Rwanda because of her political involvement with a collective of NGOs both prior to the genocide in Rwanda and in Zairian refugee camps (2004: 92):

The majority of the members of the Collective had been on a black list in Kigali ever since we had a meeting in Bukavu where we brought up the responsibility of the RPF in everything that happened in Rwanda. Part of the conclusion and recommendations of the meeting were published in the newspapers of Kigali along with the complete list of participants. Since there were files on us in Rwanda, none of us could let ourselves be forcefully repatriated

The refugees were not oblivious to the situation in Rwanda. They received information from new refugees, who were fleeing the RPF violence against Hutu. They were well aware of political assassinations, disappearances, and arbitrary arrests taking place in Rwanda (Umutesi 2004: 93). My participant, Robert, who was also a refugee in Zaire spoke of these rumours that caused a great deal of concern:

We heard many things from other Rwandans around us, from those who were in Rwanda and fled. We heard that Rwanda had become a country for Tutsi only. They told us of cases where Hutu, who returned would be put in prison or kidnapped.

Robert was in fact arrested days after his return to Rwanda in 1997. Malcolm was with his family in Bukavu when they heard that his sister had been arrested and later killed whilst in prison on genocide charges. When I asked Malcolm why he did not return to Rwanda when the war started, he stated that he feared the government would arrest him like they did his sister. Based on this information, his family decided that it would be unsafe to return. Louis responded that he was forced to return and as a result:

I feel like I'm in prison because I can't say what I think. I've already died. I died when I returned. They killed me when I returned. Those in power say that the time of Hutu is finished. How can I say what I think, when I'm forced to vote and obliged to support Kagame. I don't want to, but they force me. I have no rights.

What about the refugees that did voluntarily return to Rwanda? Is it even conceivable to consider the repatriation of refugees after the violent attacks on the camps as a sign of a 'willingness' to return to Rwanda? The RPF attacks on the camps complicated the task of repatriation, raising concerns about the security of the refugees if they were to return (D Newbury 1996: 574). Furthermore, the UN Mapping Exercise team (2010a: 89) found that refugees' 'refusal to return was also tied to the risk the refugees ran when they volunteered themselves to the AFDL/APR soldiers for their repatriation'. They could confirm that on several occasions AFDL/APR soldiers 'deliberately killed refugees who had requested their help to return to the country' (ibid).

David Newbury (1996: 574) notes that 'If the argument is that security is assured in Rwanda, this is a strange manner in which to make the case'. Furthermore, Reyntjens (2009: 83) argues that it was often assumed that the returning refugees had been

hostages of the ex-FAR and *Interahamwe*, who once freed decided to return home.

However, this view is incorrect, because 'the refugees did not have much of a choice, as they were fired upon and the only safe passage opened to them led them into Rwanda' (ibid). Refugee statements to the press at that time emphasised that they were 'happy to come home' or relieved to be 'freed from their intimidators' reflected:

a survival strategy: they said what they felt they had to say in view of the expectations of those who held the power over life and death in their hands; saying the opposite would entail all the unpleasant consequences of being considered *Interahamwe* (Reyntjens 2009: 83-84).

The accounts provided by participants, agree with Reyntjens. For example, Simon and George, explained the situation in the same way as Huey, that, 'It was either I die in Rwanda or die in Congo, I'd rather die in my home, than in the forests in Congo'. Zach also maintained that his return to Rwanda was under duress:

At the beginning of the invasion, we heard guns in the afternoon and during the night. The next morning we saw soldiers, who came into our house, they said "We know you come from Rwanda. You better go back." I knew they were Rwandan soldiers because they spoke Kinyarwanda, not Kiswahili or Kinyamulenge. We went directly back to Rwanda. The border was shut for two weeks. We forgot to bring out materials with us. We went to Congo with everything we had, and after came back without anything. When we returned we started life at zero.

For Larry the decision was based on the level of hardship he faced including the death of his mother. 'Life was very hard in Congo, my mother died of disease in a camp. Life was so hard, we had no jobs, we had very little food, we had to come back. If I was going to die, I wanted to die in Rwanda'. This apparent reluctance to return among my respondents was validated at the time by an Amnesty International (1997) report that stated:

Within days of the return of the first wave of refugees from the former Zaire in November 1996, killings and arbitrary arrests were already being noted. However, it was not until early January 1997 that the rate of killings escalated sharply, especially

in the north-western prefectures of Ruhengeri and Gisenyi. Killings and "disappearances" in other parts of the country have also increased. The level of arrests countrywide has continued to rise, reports of ill-treatment have become more frequent and prison conditions have continued to cause the deaths of hundreds of prisoners as the total prison population in acknowledged detention centres has exceeded 120,000.

Whether it was not wanting to die in the Congolese forest like Larry or being medically evacuated to Rwanda like Malcolm, most Hutu participants returned to Rwanda under some form of duress. Once back in Rwanda participants found that there was no political or social space for them to discuss their experiences and grievances. There was no *gacaca* or IBUKA for survivors of the Congo Wars. Instead, participants were faced with a legal system that sought to criminalise publically expressing their experiences. The next section explores the use of 'genocide ideology' in the legal system as an attempt to erase memories that challenge the governmental narrative of events that occurred in Congo in 1996.

### **Erased Memories**

Elizabeth Jelin (2003: 30) argues that in the struggle over public memories:

Controversies over the meaning of the past surface at the very moment when events are taking place. ... the victors interpret their actions and resulting events in terms of their insertion in a long-term historical process. Already in the initial proclamations and in the way in which the event is presented to the general population they offer an interpretation of what is going on- generally, an image that portrays the victors as saviours.

Maintaining such a narrative requires at the very least a censorship of alternative memories, as Jelin (2003: 23) argues, but ideally erasing them all together. When asked if he felt that he was able to openly discuss his experiences or talk about the role of the RPF in Congo, Simon, a former Hutu refugee in Congo, stated:



You know what this country is like. How can we say that in this country? Every Rwandan is afraid to talk about it, if you try to say any thing against the RPF system immediately; they accuse you of genocide ideology.

As a result, the alternative memories of Hutu respondents are forced underground and only revealed in the hidden transcript. However, the recent publication of the six hundred page UN Mapping Exercise report documents the various conflicts in the Congo from 1993 to 2003, represents one way in which the hidden transcript has become public and directly challenges the governmental narrative. The Rwandan government has responded to the challenge by arguing that the report has faulty methodology, is factually incorrect and supports the double genocide theory (which is illegal in Rwanda) and is thus guilty of 'genocide ideology'. During a Yahoo Chat with Simon, I asked what he thought of the report, he replied: 'I think that if you compare it with what people told you, there is no difference. The report is correct and may be now people will know what the RPF did in Congo and there will be justice'.

Malcolm only agreed to tell me his experiences in the Congo if I promised to tell others. This reflects Sanford's (2003: 12) statement that:

the right to justice is asserted in the sharing of painful fragmented memory. In a world where the emotional pain and its very causes are either denied or blamed on the victims themselves, the mere sharing of pain through memory is a proclamation of identity, a shedding of misplaced culpability. The transformation of private memory creates a public space, however small, where survivors learn to speak; it breaks down externally imposed understandings and chips away at the power structures imposed through silent negotiation of life-shattering events.

For both Simon and Malcolm the telling of their experiences to an outside audience is seen as forms of resistance that 'chips away at the power structures' that were attempting to erase them. As collective *génocidaires*, former Hutu refugees have no

legitimate claim to being 'victims' because to make such claims requires narrating the events in Congo, which the current government denounce as revisionism. Simon's statement that 'Tutsi have *gacaca*, we get nothing', speaks volumes to this argument.

As Eltringham (2004: 144-145) states:

The UNCE's reports (October and December 1994) decisively recognized the 1994 genocide of Tutsi, drawing on evidence provided by the same bodies who have made allegations regarding Zaire/DRC: UNHCR, HRW, AI, MSF, USCR and Oxfam. Accepting the allegations made by these bodies in one context and dismissing (or ignoring) them in another, may generate a perception that the international community does not respond impartially to all allegations of human rights abuses and violations of international humanitarian law, a perception that in the long term may "feed collective feelings of victimization and denial of justice, contributing to the cycle of collective reprisals and encouraging a belief in impunity".

During a conversation with Robert, he illustrated how he felt that one genocide was being forcefully ignored, while another one was being forcefully and selectively remembered:

There are two kinds of genocide survivors, those of the 1994 genocide, but those who were in Congo are also genocide survivors. There is only recognition for Tutsi only, but Hutu have also suffered. Yet there is no recognition for those Hutu who have been killed. What happened in the Congo is genocide. They (the refugees) were not *Interahamwe* or soldiers. The RPF shot refugees and they all were Hutu. I remember the many bombs. People were put together then killed.

We do not get to remember our loved ones who died in the same way as those who died in the 1994 genocide. These genocide remembrance ceremonies bring separation and hate among people. During this period genocide survivors become very angry. And for the Hutu, though many members died, they are not remembered. Those sites are used as business with a message 'Look at the Tutsi that have been killed, give money!'

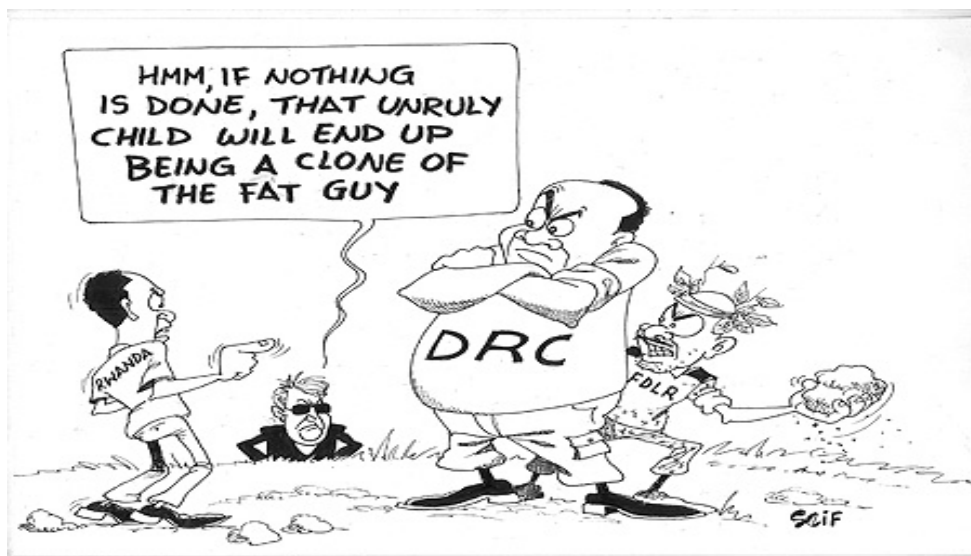
Robert's statement, demonstrates what Sanford, (2003: 212) argues that 'if one's way of being-with-others was brutally injured, then the past enters the present not necessarily as traumatic memory but as poisonous knowledge'. Furthermore:

It was the unpredictability of this "poisonous knowledge" that shaped the each day for individuals, communities, and the nation. Genocide resting fitfully in the collective

unconscious was an officially silenced national trauma reverberating throughout the society (ibid).

There has been no attempt to bring those who committed crimes in the Congo to justice. Such denial of justice for the victims of the Congo Wars contributes to increasing ethnic tensions and prohibiting true reconciliation. As a result, both events of the 1994 Rwandan genocide and the 1996 Congo War are 'resting fitfully' in the collective consciousness and unconsciousness of the Rwandan people.

### **FDLR: Enemy of the State and Protector of the People**



New Times 03/12/2008

This section will examine the *Forces Démocratiques de Libération du Rwanda* (FDLR), providing a historical background of the organisation, its role in the Congo conflicts and its human rights record. Secondly, it explores how various actors in the region, including civilians and governments of Rwanda and Congo and the international media, perceive FDLR's members. I argue that the FDLR are perceived within two

frameworks. The first considers them to be *génocidaires* operating solely on an anti-Tutsi genocide ideology. This position argues that FDLR have no legitimate political stance or grievances that they are simply what remain of the perpetrators of the Rwandan genocide who have taken to killing and raping across the border. The second framework perceives FDLR as freedom fighters, fighting against an oppressive dictator. According to this perception, FDLR are the only form of political opposition to Kagame and the RPF. Malcolm (previous chapter) and Umutesi (2004: 162) both state that the *Interahamwe* and ex-FAR protected them and often fought against the RPF to protect Hutu refugees. Furthermore, many Congolese (non-Tutsi) view FDLR and its Hutu members as allies and 'brothers' fighting against Tutsi hegemony of the region, without whom their land and their people would be decimated. Both Congolese and Hutu participants ignored the massive human right violations committed by FDLR or thought of as being a lie of the RPF and its supporters.

My interest in studying FDLR came after a discussion with a Rwandan official, who told me that parents were sending their children to Congo to join FDLR out of 'genocide ideology'. After that conversation, I asked friends and participants about their feelings on FDLR, I was surprised when they told me how they enthusiastically supported them. I wanted to understand how participants, who were not extremists, could support an organisation that has caused so much carnage? How could they simply neglect the facts? While, under no circumstances do I condone or approve of FDLR, through my participants I have come to understand why they have mythologised and support FDLR. Without any other form of viable opposition, FDLR

has come to represent their only hope of challenging RPF domination. Furthermore, participants and members of the FDLR often share the same experiences, such as the horrors of the Congo wars and the brutality of the RPF. In presenting this section on FDLR, I wish to demonstrate how having no formal means to challenge the social and political control of the RPF, such as free and fair democratic elections, forums to voice discontent (see Ingelaere 2011: 73) or justice for crimes committed by the RPF, has the potential to push people towards extremists.

### **Historical Background**

FDLR is the combination of several previous insurgent groups, mainly the *Rassemblement Démocratique pour le Rwanda* (RDR, 1994-1996) and *Armée de Libération du Rwanda* (ALiR 1996-2001). Often these insurgencies and militias are lumped together and treated as FDLR. Participants, no matter what period they referred to, used FDLR or *Interahamwe* to refer to the predominately Hutu militia fighters in eastern Congo.

Following the 1994 genocide, many ex-FAR officials from the genocidal regime and *Interahamwe* almost immediately began to organise themselves within the refugee camps in the Zaire. RDR was officially created on April 4<sup>th</sup> 1995. Their goal was to 'to address the concerns of the refugees and of the oppressed Rwandans inside the country' (Ndahiro 2008: 104). The AFDL/RPF attacks and subsequent victory in Congo in 1997 caused the RDR to seek safety across borders in neighbouring

countries of Angola, Republic of Congo and Central African Republic. While in exile, new Hutu fighters were recruited and started up ALiR or its armed wing PALiR. HRW (2001a: 6) points out that even at this stage there were few *Interahamwe* and ex-FAR in ALiR, most were young men. However, FAR members did maintain the organisational structure and held top command positions. ALiR shared in RDR's desire to overthrow Kagame and return to Rwanda (HRW 2001a: 10). ALiR is most widely known for its 1999 plot to kill the US ambassador to Rwanda and other US citizens (Federation of American Scientists 2004). As a result, FDLR (which merged with PALiR) is on the US list of terrorist organisations.

FDLR was officially formed in 2000 and was initially supported by Laurent Kabila. Kabila needed FDLR's support to fight Rwanda and Uganda in the second invasion in 1998 (International Crisis 2005: 19). According to the FDLR website<sup>72</sup>,

The Rwandan Liberation Democratic Forces (FDLR) are Rwandans determined to defend their motherland kept under constant threats of extermination by a tyrannical and barbaric regime. The FDLR are a response to contempt, arrogance, ruthless and bloodthirsty repression, and fascism of the Rwandan Patriotic Front (RPF) and to the opposition by the RPF to diverse initiatives taken in favour of a political dialogue, open democratic activities, and respect of fundamental human rights in Rwanda.

More specifically, FDLR aims to 'plead for the voiceless people especially the Hutu and Twa...the more than 200,000 prisoners dying a slow death in Rwandan dungeons and jails; Tutsi survivors of 1994... disregarded citizens of Rwanda... [and other] victims of the Rwandan tragedy' (FDLR 2008). The organisation sees Rwanda as being overrun

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<sup>72</sup> On September 1<sup>st</sup> 2009, the New Times reported that German company OVH who was hosting FDLR's website shut it down following an investigation (New Times 01/09/2009). A few days later the site was back up this time being hosted by a London based company (New Times 04/09/2009). At the time of writing, the site was once again shut down and inaccessible. Documents were accessed and downloaded in November 2008 from ([www.FDLR.org](http://www.FDLR.org)).

with insecurity, human rights abuses, corruption, and rising ethnic tensions. Some of their more controversial claims include referring to the government's housing and land redistribution programme, *imidugudu*, as 'concentration camps and the restoration of fiefdoms'. FDLR vow to 'free their fellow citizens nowadays reduced to slavery by a clique of professional killers and corrupt thugs who make up their inner-circle of RPF-*INKOTANYI*' (FDLR 2008).

Human Rights Watch (2007a: 3), argue that in recent years the actions of FDLR have revolved more around the killing of innocent Congolese civilians than fighting the Rwandan government militarily. The fifteen-year history of FDLR and its predecessors cannot and should not be overlooked. The abuses committed by any 'ethnic' based militia, often results in the stigmatisation of individual members of the same ethnic group regardless of their own participation or acceptance of such groups. For example, attacks by the RPF in 1990 made it easy for Hutu extremist propaganda to cast every Tutsi as a rebel or supporter wanting to overthrow the country and enslave Hutu. Similarly, the abuses inflicted against civilians by FDLR make it easy for the RPF and the international media to depict all Hutu in Congo as *génocidaires* who are bent on continuing the genocide. One such illustration of labelling all Hutu in Congo as *génocidaires* occurred in 2004, when Rwanda's Special Envoy to the UN for the Great Lakes Region, Richard Sezibera, responded to recent attacks by FDLR on Rwandan territory, stating to the UN press agency that his government was 'not going to sit back and watch these people come back and complete the genocide' (Prunier

2009: 297). Furthermore, in response to the UN Mapping exercise, the government (Rwandan Government 2010: 27), argues that FDLR:

with their origins rooted firmly in the 1994 Rwandan genocide...The FDLR is still led by the same genocide perpetrators who militarized the refugee camps in the former Zaire, and utilized innocent civilian refugees as shields. Their tactics have not changed.

The same can also be said for pro-Tutsi militias such RDC<sup>73</sup> and CNDP, whose actions will be discussed in the next chapter. However, in the case of FDLR, such labelling is easier because there are some members who did participate in the 1994 genocide as part of the *Interahamwe* or as FAR soldiers and officials. This is illustrated by the frequent labelling of FDLR as *Interahamwe* by RPF officials and my Tutsi respondents, who saw no difference between the *Interahamwe* that carried out the genocide in 1994 and those that are fighting in the Congo. According to HRW (2007a: 14):

Although sometimes called *Interahamwe* from the 1994 genocidal militia, most FDLR combatants played no role in the genocide. Some are Rwandans too young to have been active in 1994; others are Congolese who have joined the combatant groups for the immediate profit to be obtained from military activity. Some FDLR live in relatively harmonious relations with Congolese communities around them, while others engage in ruthless exploitation and predatory attacks.

Successive Congolese governments' use and persecution, of FDLR have waxed and waned from 1994 until the present day. Since the ending of the second Congo War in 2003, the Congolese government has been superficially committed to disbanding FDLR and to their repatriation. There have been reports that the Congolese government has provided weapons, military support and collaboration to the militia

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<sup>73</sup> *Rassemblement Congolais pour la Démocratie au Rwanda* (RCD) was an armed movement that officially formed on August 2<sup>nd</sup> 1998. In July, President Laurent Kabila expelled all Rwandan soldiers from the region, which resulted in RCD calling for a 'movement of liberation' against President Laurent Kabila (HRW 2000: 2)



(HRW 2007a: 15). However, this was in part to assist the Congolese army to defend itself against Laurent Nkunda's CNDP.

In 2006, as part of an agreement, the Congolese government allowed Laurent Nkunda to form several brigades of predominately Tutsi and Banyamulenge with 'indigenous' Congolese soldiers<sup>74</sup>. These mixed brigades under his control began to heavily attack the FDLR. It was then that FDLR began to target civilians. FDLR feared losing territory and began threatening violence and terrorising people to prevent them from cooperating with Nkunda's brigades (HRW 2007a: 38). One displaced chief reported that:

The FDLR have changed their behaviour. Before, they got on with people. Then the Bravo brigade arrived, and now the FDLR target people who they accuse of being close to the Bravo brigade. People are scared to go home because of the FDLR (HRW 2007: 38).

FDLR have also been accused of contributing to the use of rape as a weapon of war in eastern Congo (UN Mapping Exercise 2010b: 245, ENOUGH Project 2007: 6, Human Rights Watch 2007a: 39-40). FDLR's attacks against civilians have not stopped in recent years. HRW accused FDLR of attacking the villages of Luofo and Kasiki on April 17<sup>th</sup> 2009. In the attack, five children were burned alive and three hundred homes were destroyed. HRW (29/04/2009) contends that these attacks were deliberate reprisals against the local population. One man's testimony, demonstrates the chaos, chronic displacement and fear that people in this region have lived with:

I was in my house when the FDLR arrived. They told us to leave, so we ran into the bush and our house was burned as we fled. I returned at 5 a.m. this morning, I was

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<sup>74</sup> Explained in greater detail in the section *On the Edge of War* in chapter seven.

forced to leave my home village of Lushoa, after soldiers burnt down our houses earlier this year. I was then displaced to Bwavinyo where I stayed for three weeks. After Congolese army soldiers killed three people in Bwavinyo during a looting operation, I fled to Luofu. And now my house here has been burnt (ibid).

The next section will examine how FDLR are mythologised in two different frameworks. The first demonises FDLR to be *génocidaires* operating solely on an anti-Tutsi genocide ideology. Whereas, the second framework perceives FDLR as freedom fighters, fighting against an oppressive dictator. Both mythologies ignore important aspects of FDLR's history and popularity.

### **Separating Reality from Myth**

There can be no justification for the raping, looting, torturing, and killing of civilians. Members of almost every ethnic group in the Kivu region have been victims and perpetrators of violence. FDLR has caused massive and undeniable human suffering in Rwanda and in Congo, as the endless human rights reports documenting the situation testify (see Human Rights Watch World Report 2009: 49-76; HRW 2007a: 37-42, ICG 2003: 7-9). At the same time, other groups who have conducted and carried out similar crimes receive much less international demonisation as FDLR.

The demonisation of the FDLR can even be found in popular culture. A recent episode of *Law and Order: Special Victims Unit* that aired in the US on March 16<sup>th</sup> 2010, involved a story line where a woman from eastern Congo living in New York witnesses and stops a man from raping a woman. The Congolese woman was raped in

eastern Congo. At first the account is generic, drawing attention to the mass rape occurring in the region. However, the woman is arrested for her association with a 'known terrorist organisation' FDLR. We learn that the woman was raped and forced to marry her rapist, a member of FDLR. According to the lawyer present at her arrest, she was married to 'a member of the *Interahamwe*, the guys that carried out the Rwandan genocide'. During the trial of the accused rapist, the woman explains how much rape she has seen and experienced; yet no other militia group or soldiers are implicated. The unknowing viewer walks away believing that all of the sexual violence that plagues eastern Congo is attributed to FDLR.

However, according to HRW (2007a: 38), it was Nkunda's brigades and the Congolese army that were responsible for the majority of the sexual violence occurring in the Congo. So why chose FDLR? Like the RPF discourse, the show is not inaccurate; it does elide the full complexity of the situation. As many scholars of the region (see Prunier 2009, Lemarchand 2009, Pottier 2002) have noted, the international media rarely considers the complexity of the conflicts in the Kivu region. In their World Report (2009: 29), HRW argues that:

labelling FDLR as "génocidaires" or *Interahamwe*... as is frequently done by commentators and diplomats alike, is incorrect. In a region where ethnic tensions remain high and where the use of such labels is often misused for political purposes, it can also be dangerous.

Because of FDLR's association with the *Interahamwe*, it is easier for the viewer to be outraged and further demonise FDLR. However, the connection that is made so clearly in this episode resonates with the RPF's discourse that has criminalised Hutu

as *génocidaires*. The government's transcript portrays the FDLR as a militia comprised of men who committed genocide that will not stop until they kill all Tutsi. It denies the fact that FDLR is comprised mostly of youth and men who grew up in refugee camps in the Congo, many of whom experienced the horrors of the Congo Wars and the refugee camps. This was apparent in a discussion I had about FDLR and their role in the Congo with Mani, a Mayi-Mayi general from Kalehe, who works with the group:

[I've been hearing Rwandan Hutu tell me how much they support the FDLR, yet the RPF label them all as *génocidaires*.][The general smiles]. It is very very rare, for a *Muzungu* [white person] to be interested in hearing the truth about FDLR or to hear their story. The Rwandan government and Nkunda say that all those in FDLR are *génocidaires*. But I can tell you that there were a few, but not many. Most were too young to have taken part in the genocide. They lived in refugee camps until attacked by the Banyamulenge and the RPF. They are not allowed to go home, because the government will arrest them. [How do they know that they will be arrested?] Sometimes, the FDLR will send Hutu and FDLR members back into Rwanda to evaluate the situation or to see their families. One time, when they did this, two men were captured soon after arriving in Rwanda and thrown into prison where they were tortured. One man was killed and the other one escaped and fled back to Congo. The RPF does not want to sit down and negotiate with FDLR. They want all the power all to themselves. So they say that all Hutu in Congo are *génocidaires*, but this is a lie. Kagame does not want to share power with anyone, so they must fight to regain their country back.

However, Paul, a government official in a small village near Cyangugu, continued to reinforce this aspect of the RPF's public transcript:

Most people who have killed live in the Congo. They interfere with reconciliation. Their objective is to kill genocide survivors. They have family members here in Rwanda, who try to support them. At night, their families try to hide them or feed them or give them shelter. Those people are divisionist, and teach it to their families. [What about those who were innocent and just fled because they feared the RPF?] That is nonsense. All those refugees have returned and they are very happy being back in Rwanda. They have found that life here is good and that is best to reconcile with their neighbours.

Paul assumes that those who are in the Congo are fighting out of a genocidal hatred,

rather than as a consequence of political or 'ethnic' grievances in the way the RPF contextualises its own invasion of the October 1990. One aspect of the RPF's platform in the local elections was that security and peace of the region was the result of RPF rule. For participants, FDLR attacks are seen as an attack on the foundation of the RPF rule, by challenging the RPF's ability to maintain security. The demonisation of the FDLR resonates with Sanford's review of Guatemala's state violence, when she argues that Montt's government turned their attention away from directly focusing on the defence of sovereign borders, to focus on 'the national security state' that is based 'on national security ideology' (Sanford 2003: 251), where:

The nation, state, and armed forces come to be classified as synonymous entities, meaning that a challenge to any one of them represents a threat to them all. From this perspective, the armed forces and their agents embody the primary articulation of state dominance. Thus, all challenges to the military, including (and perhaps especially) attempts to seek redress for human rights violations, are perceived as direct assaults on the nation and the state. Past, present, and future analyses of national goals, are viewed by this triumvirate as subversion because national security ideology is grounded in the recourse of coercion and has no room for the participation or consent of civil society. Instead the goals of the nation are determined by the state and imposed on the citizenry.

While FDLR and its predecessors were launching attacks from outside Rwanda's borders, they represented an internal threat to the RPF government.

Hutu participants feared the retribution of the government should their accusations of genocide, discrimination, voter fraud against the RPF or their support for FDLR be made public. Within the context of the hidden transcript, most Hutu participants spoke with great enthusiasm and support for FDLR, believing that it represented the only true political opposition and force standing against the RPF. Yet to openly say that one supported FDLR would be considered as supporting genocide or 'genocide

ideology'. I believe that that the support and mythologisation of FDLR as 'freedom-fighters' is a consequence of the RPF public transcript. Since there is no other valid opposition, Hutu have no other choice but to either support RPF or FDLR.

I argue that Hutu participants' support of FDLR, which is reflected in their hidden transcript, must be considered within the context of ongoing state violence. Scott (1990: 36) argues that while most 'prudent subordinates' will conform their behaviours and speech to reflect acceptance of the ruling elite's domination, this 'masks a quite different offstage opinion'. However:

it is not just a question of masking one's feelings and producing the correct speech acts and gestures in their place. Rather it is often a question of controlling what would be a natural impulse to rage, insult, anger, and the violence that such feelings prompt (Scott: 1990:37).

One way this is done within the hidden transcript is through 'acting out in fantasy- an occasionally secretive practice- of the anger and reciprocal aggression denied by the presence of domination' (ibid: 137-138). For Hutu participants, the distant, mythologised FDLR represents an outlet for this type of fantasy.

For example, Joseph and I were discussing a comment that the local head of the National Unity and Reconciliation Committee had made regarding how some Rwandans were sending their children into Congo to fight for FDLR. During an interview at her office, she stated:

These *génocidaires* come into Rwanda and get supplies and stay with their families. They spread such lies, they make reconciliation very difficult. Because of these *génocidaires*, people send their children into Congo to fight with FDLR.

I asked Joseph what he thought about her statement:

Yes it is true. Many families send their children to fight in FDLR, to fight against Kagame. Many many Hutu support FDLR. There is no democracy here, PL and PSD are just satellites for the RPF. FDLR are the only ones fighting against the RPF. They are fighting for us! They are our freedom fighters, our Che Guevara. [So you support them?] Yes of course I do. I want to join them! I sometimes use a friend's computer and visit their website. I want to fight against the RPF. FDLR make things very, very difficult for the RPF. The government won't admit it, but they do. [What about all the massacres they are committing in the Congo?] It is exaggerated by the RPF, to portray all Hutu as genocide criminals. It is a war, a guerrilla war. But FDLR are fighting to free the Hutu from the RPF.

From Joseph's perspective the government's labelling of all FDLR members as *genocidaires* is another way in which the government is criminalising Hutu to deny the political legitimacy of what he believes FDLR is fighting for. Robert believed that it was the fear of the FDLR that prevented the Rwandan government from using more extreme forms of violence against Hutu, he stated:

The FDLR cause fear for the government, so they can't do anything against Hutu. Hutu will join the FDLR, who fight for freedom and rights they were granted under the Arusha Accords. If the RPF agreed to share power based on this agreement, there wouldn't be any problems.

Similarly, Huey also believed that the RPF were unreasonable and hypocritical when they refused to negotiate with FDLR:

The RPF forget that they also wanted to negotiate their return with Habyarimana, who refused to let them. Now they are the ones who are refusing to let Hutu come back. It's the same. The FDLR want to share power, but the RPF refuse. It will bring Rwanda back to war.

Malcolm mythologises FDLR as freedom fighters, believing that FDLR was fighting to 'liberate' Hutu from the RPF:

FDLR are fighting to liberate Hutu. They are freedom fighters but I don't know them well. There are genocide leaders among them, but a lot of them are just Hutu fighting for freedom.

While Simon mythologises the FDLR as the potential 'saviour':

They fight for liberation as the RPF did. For the Hutu, FDLR is an army that has force and can take power from the RPF, if they were allowed to find support. I would like to say to you that the Hutu think that FDLR will have that support one day. The Hutu see the FDLR as their saviour in futures days. FDLR has the force, which can change things here and the RPF is afraid of these men.

When asked how he felt about Nkunda, Huey saw Laurent Nkunda and his militia as the only barrier standing between FDLR and power:

Who is the owner of Nkunda? He's a satellite of Kagame's government. He is the creation of Kagame. The Interahamwe are strong, so strong that if Nkunda weren't supported by Kagame- the Interahamwe would take over Gisenyi. There would be FDLR in Rwanda, they would leave Congo and be able to do whatever they wanted in Rwanda.

Any mention of FDLR's negative attributes such as the fact that they are killing innocent civilians more than fighting against the Rwandan government or that there are some members of the *Interahamwe* in FDLR, is dismissed as being a lie of the government. For example, Louis stated:

There are no *Interahamwe* soldiers among the FDLR. This is a Kagame lie. For example, a Hutu who fled in 1994 as a child is now an adult. He spent his life as a refugee. Many people in Rwanda support FDLR, we just don't have a way of showing it. If the FDLR come to Rwanda, and yes they will come, people will choose a side. FDLR are like ambassadors, someone who could speak for us.

The statements made by these participants represent how FDLR have become mythologised within the hidden transcript. Scott (1990: 136) argues that 'Most of the political life of subordinate groups is to be found neither in overt collective defiance of power holders nor in complete hegemonic compliance, but in the vast territory between these two polar-opposites'. I believe that participants' support of FDLR is contained within this space. They cannot openly support the militia, but as Robert said, 'They support them and their cause in their hearts'. Furthermore, the mythology



of FDLR in the hidden transcript is a response to the ‘systematic *frustration of reciprocal action*’, (Scott 1990: 37). This results from power relations of the dominated with the dominant that requires the constant control of anger and humiliation. This fantasy allows the dominated to act out their desire for revenge without having to fear retaliation. Scott employs the example of the rise of African American boxer Joe Louis, and the fight of African American boxer Jack Johnson versus white boxer Jim Jeffries (known as the ‘white hope’) in 1910 to illustrate how these fights ‘were indelible moments of reversal and revenge for the black community’ (ibid: 41). Hutu participants mythologise FDLR fighting against the RPF for similar reasons, they are an attempt to ‘reverse and negate a particular domination’ (Scott 1990: 44). In a socio-political climate where no one can openly oppose the RPF government, where even the slightest mention of opposition or criticism of the government can lead to severe consequences, Hutu participants have constructed the FDLR as an army of Hutu-Che-Guevara-like freedom fighters, who will one day topple the unjust and oppressive RPF government. As a consequence, ignoring the FDLR’s human rights violations, the mythologising of FDLR within the hidden transcript must be understood as a ‘reaction to domination in the public transcript’ (ibid) and not as a form of conscious genocide ideology.

## **Conclusion**

In this chapter, I have argued that the treatment of Hutu refugees in Congo by the Rwandan government and international community demonstrates another context in

which Hutu are denied the status of as victims, while further imbuing them with collective guilt for the 1994 genocide. The consequence of which is fostering resentment and anger. The collective guilt of the Hutu served, for the RPF, as justification to break international law and invade Congo twice, where hundreds of thousands of people were killed, died of disease and disappeared.

The arrival of Hutu refugees after the 1994 genocide and the Congo invasion by the RPF greatly impacted the already frail socio-political relations between 'indigenous' Congolese and the various Congolese Kinyarwanda speaking communities in eastern Congo. The next chapter will focus on how increasing anti-Tutsi sentiments and the treatment of Tutsi as 'foreigners' in the Congo is in part the result of the RPF sponsoring and participating in the 1996 and 1998 Congo Wars, the presence of RPF troops, the presence of RPF officials in Laurent Kabila's regime and the actions of rebel leader and Congolese Tutsi Laurent Nkunda and his *Congrès national pour la défense du peuple* (CNDP). It does so by exploring the historical grievances of land and identity in the Kivu region.

Most of the recent literature on the Congo crisis ends with the 2006 elections and the signing of the peace agreement in January 2008 (Lemarchand 2009, Prunier 2009, Reyntjens 2009). However, my research addresses the next chapter of conflict in eastern Congo that broke out in August 2008. This time placing 'renegade' Tutsi general Laurent Nkunda as the head of a movement, which sought to overthrow the government established under Joseph Kabila.

## **Chapter Seven: ‘We are Congolese, Not Rwandan’. ‘No, They are Rwandan, Not Congolese’: The Banyamulenge and Banyarwanda in Eastern Congo**

### **Introduction**

This chapter explores the complexity of the Banyamulenge and Banyarwanda identities in eastern Congo. While it is too simplistic to reduce the ongoing Congolese conflict to any one issue, this chapter will specifically focus on how issues of identity and citizenship are directly tied to debates over land. In addition, it explores how the actions of the RPF as a ‘foreign army’ and Tutsi militias have led to the labelling of Congolese Tutsi as foreigners, ethnic marginalisation and exclusion from citizenship and land. Kinyarwanda speaking Congolese make up less than five percent of the population of Congo, with Congolese Tutsi making up a smaller part of the larger Banyarwanda/Banyamulenge population (HRW 2007a: 9). Banyarwanda populations in Congo have a long history of marginalisation. However, the power Tutsi acquired from Kabila after the first Congo War has only added to the problem. The abuses carried out by Tutsi forces of RCD<sup>75</sup> and the RPF against Congolese and Rwandan Hutu in eastern Congo have caused further distrust and alienation of civilian Congolese Tutsi and in some cases revenge killings (HRW 2007a: 9).

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<sup>75</sup> *Rassemblement Congolais pour la Démocratie au Rwanda* (RCD) was an armed movement that officially formed on August 2<sup>nd</sup> 1998. In July, President Laurent Kabila expelled all Rwandan soldiers from the region, which resulted in RCD calling for a ‘movement of liberation’ against President Laurent Kabila (UNHCR 2000: 2)

The first section examines the historical context of the Banyarwanda and Banyamulenge and the intertwined relationship of land and citizenship, for, as Lemarchand (2009: 212) notes:

The land problem and the nationality question are but two sides of the same ethnic coin. Access to land presupposes access to citizenship; withdrawal of citizenship rights from the Banyarwanda meant the end of their security in land rights.

The section entitled 'They are Rwandan', will further explore the land issue by looking at it from the perspective of non-Kinyarwanda speaking Congolese and Rwandan Hutu. It examines how insecurity over land was exacerbated during the first Congo war, when Rwandan government officials began to discuss a 'Greater Rwanda'. The fears of a Rwandan conquest of the Kivu region were further fuelled by the occupation by RPF troops of the region in 1997 until 2003. It was during this period that the Rwandan government grew wealthy from the mineral resources that they gained access to through this occupation and through their support of Tutsi militias (Reyntjens 2009: 228, UN Panel of Experts 2001: 2). For example, as Reyntjens (2009: 227, see ICG 2005: 22) notes:

Congolese often claim that Rwanda wishes to annex these parts of the country in order to continue to exploit their resources. In 2000, the revenue collected by the RPA in the DRC from coltan alone was believed to be US\$ 80-100 million, roughly the equivalent of official Rwandan defence expenditure.

Drawing on the views of my participants, the last section serves as the ethnographic case study to this overall argument. By focusing on the events leading up to the conflict in the Kivu region in August 2008 and the movement's leader, Congolese Tutsi Laurent Nkunda, I wish to illustrate how the actions of Nkunda and the support he received from the Rwandan government, led to further anti-Tutsi sentiments.

I use the term Banyarwanda to refer to the collective community of Congolese Hutu and Tutsi. We should note, however, as Lemarchand (2009: 209) does, that the expression, 'hardly does justice to the variety of identities and status subsumed under this all-encompassing label'. Despite that, the phrase conveys the sense of commonality felt by this marginalised minority group among whom the divisions that existed between Hutu and Tutsi in Rwanda did not appear until the arrival of Hutu refugees from Burundi and Rwanda in the early 1990s (ibid).

**We are Rwandan, Not Congolese: Narratives of the Banyarwanda**  
*A Brief Overview of Banyarwanda*

The Kinyarwanda speaking population of the Kivu region is made up of three groups. Areas of Masisi and Rutshuru in North Kivu have been home to communities of Banyarwanda since before the establishment of the border in 1885 (Lemarchand 2009: 204). Some areas remained independent, while others were incorporated into lands controlled by the central Rwandan kingdom<sup>76</sup>. Mama, whose descendents were Congolese Tutsi and had lived in Bunia long before the border was drawn, described to me the precolonial ethnoscape of her region:

Before the border, it was only Kinyarwanda speakers and Twa. People didn't know of any others. After the border, the Congolese came and lived with us. The Belgians determined that those who live on one side were Rwandan and those who live here are Congolese. That is how we became Congolese.

A second group came as migrant labour from Rwanda during colonial period in the early twentieth century and again between the 1930s and 50s. These migrants

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<sup>76</sup> This will be discussed further in the section that considers conflicts over land.

established themselves in the large fertile fields near Masisi. After leaving Rwanda in 1930 with a large herd of cattle, Phillip's Tutsi parents, settled on a large piece of land in Masisi.

My father and mother were born in Rwanda in the 1920s. They went to Congo during colonial times to look for work. I prefer Congo when there is a peace. I like to have cattle and Rwanda is too small and there are no fields, but in Congo there are big fields. I had lots of cattle and land in Congo.

In order to meet the demand for labour in Congo and to alleviate the famine crisis and high population density in Rwanda, between the 1930s and 1950s, the Belgian administration establish a policy of transplanting Hutu and Tutsi from Rwanda to Congo (Fairhead 1990: 95). This policy completely changed the ethnic balance of the area. In Rutshuru, the Banyarwanda population grew to ten times the size of the indigenous population (Lemarchand 2009: 209).

The third group of Banyarwanda were predominately made up of Tutsi who fled anti-Tutsi violence in Rwanda in 1959 (S Jackson 2007: 484, Vlassenroot 2006: 52).

According to Lemarchand (2009: 210), those that fled were:

no ordinary migrants; all were political refugees from the Hutu revolution.... (They) were significantly better off in terms of material wealth and education than their predecessors.

For example, after the death of his father in Kibuye (in western Rwanda) during the anti-Tutsi violence in 1960, Arthur was forced to go and live with his father's second wife:

My mother (refers to father's second wife) was of Rwandan descent from Congo. When my father was killed, my mother returned to her home country. When I was two years old, my biological mother gave me to my father's second wife because of the

war. I lived in Kisangani until I was twelve when I moved to Kinshasa to attend school. For me, I was simply a Congolese in Congo.

Many of these refugees were able to 'acquire large tracts of land in Masisi and to distinguish themselves as an influential business community' (Lemarchand 2009: 210).

While each group found themselves in eastern Congo under various circumstances and for different reasons, each expressed that they felt that they were fully 'Congolese' and believed Congo to be their homeland. Despite all being Kinyarwanda-speaking, each group has a different claim to Congolese national identity. As we shall see the differentiated nature of these three groups have made the status of Banyarwanda and Congolese Tutsi vulnerable to the mood of those in power. For example, where at one time Banyarwanda may be considered as an 'indigenous' Congolese group as Mama's history demonstrates or seen as temporary refugees as with Arthur and other 1959 Rwandan Tutsi refugees. However, the complexity of the situation becomes further convoluted with inclusion of the Banyamulenge.

### ***Banyamulenge***

In contrast to the diverse origins of Kinyarwanda-speaking group, the Banyamulenge are a group of Congolese Tutsi that arrived in the Ruzizi plains in South Kivu in the nineteenth century (Vlassenroot 2002: 502). In an attempt to emphasise their long history in the Congo and to distinguish themselves from more recent Banyarwanda,

they designated themselves 'Banyamulenge', meaning people of the Mulenge<sup>77</sup> (S Jackson 2007: 484, Vlassenroot 2002: 505). According to Vlassenroot (2002: 502):

Upon their arrival in Mulenge, the Tutsi settlers were confronted by local Kingdoms, which prevented them from establishing their own customary system of control. Access to grazing lands was conditioned by their acceptance of existing traditional order and by becoming subjects of the local traditional authorities.

Problems resulted from a clash over the economic use of land and perceptions that the Banyamulenge were unwilling to integrate into Congolese society. The existing inhabitants were agriculturalists, yet 'cattle were the local representation of wealth, the introduction of cattle privileged the Tutsi pastoralists over their neighbours' (Vlassenroot 2002: 502).

The abolition of Banyamulenge *petites chefferies*<sup>78</sup> in 1933 placed the Banyamulenge under the jurisdiction of other local chiefs, who often viewed them as foreigners that had little right to claim land. Vlassenroot (2002: 502) notes that 'although this limited their political influence at the local level, it did not prevent them from retaining some form of local autonomy with regard to the colonial administration'. Since neither Banyarwanda nor the Banyamulenge had a proper native authority, 'most of them were excluded from ethnic citizenship. It became clear that only national, civic citizenship could secure their economic and political rights' (Vlassenroot 2006: 55). Securing these rights was one of the central issues behind Banyamulenge involvement in the 1996 and 1998 Congo Wars. First, however, it is important to understand how a previous united community of Banyarwanda became divided.

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<sup>77</sup> In the Uvira region.

<sup>78</sup> Colonial administrative units



### ***The Introduction of Division***

Most scholars (Lemarchand 2009: 228, Eltringham 2004: 120, Pottier 2002: 41) argue that unlike Rwanda, the relationship between Congolese Hutu and Tutsi was not divisive prior to the arrival of extremist Hutu refugees in 1994. Philip and Justine, Congolese Tutsi from Masisi explained:

The Rwandan Hutu who came to Congo told the Congolese Hutu that they couldn't live together with any Tutsi. Hutu from Rwanda informed the Congolese Hutu that they were at war with all Tutsi. They stole all of our goods and we decided to come to Rwanda. Before the genocide, life in Congo was best. But when Hutu from Rwanda came things changed because they saw us as the enemy, we decided to come to Rwanda (Philip).

Before there were no problems between Congolese and Banyarwanda. After the genocide, those who fled Rwanda began to tell other Congolese and Congolese Hutu that they must tell the Tutsi to go back to Rwanda, then they began to kill Tutsi. (Justine).

Prior to 1994, it was the relationship between Congolese and Banyarwanda communities that were the most contentious. However, conversations with Philip and Mama, each provide a different perspective. Philip explains:

When the refugees (Tutsi) came from Rwanda in 1959, they were taken in like brothers and relationships were good. They were given land to cultivate. Tutsi and Hutu had the best relationships. Before there were no differences, we exchanged cattle with them. [Was there intermarriage?] No, there was not intermarriage between Banyarwanda and Congolese, or between Hutu and Tutsi. A rich Congolese person would always want a Rwandan (Tutsi) girl, but culture didn't allow it. They liked these Rwandan girls very much, because of their culture. A Congolese man cannot marry a Rwandan girl.

According to Philip, intermarriage between Banyarwanda was only a recent phenomenon. While, he states that there were no problems between Hutu and Tutsi,

in a proceeding conversation, he employs colonial stereotypes of Hutu as being less intelligent than Tutsi:

Belgians showed favouritism to Hutu. Tutsi have intelligence and would argue with the Belgians. Hutu weren't intelligent, so they didn't argue. So the Belgians favoured them. Hutu used to work for them on their tea and coffee plantations. We (the Tutsi) had our own farms. The Tutsi and Hutu in Congo were different than those in Rwanda. We got along, the divisions didn't exist like they did in Rwanda. In 1948, Belgium promoted Hutu into the government, while Tutsi had no place. Hutu came to work on contracts, when they stayed they started to work for the Belgians. Hutu are not intelligent in the mind.

In contrast to Philip and Justine, Mama, who moved to Rutshuru after her first marriage ended, explains that there were hostilities between Hutu and Tutsi resulting from the arrival of Tutsi from Rwanda in 1959:

I remember in 1959 the problems in Rwanda. It was genocide and it was very strong. Hutu killed Tutsi saying that Rwanda was their country. When Hutu put them [Tutsi] out, they came and lived in Congo. That's when the problems began. Tutsi from Rwanda started to meet with Congolese Tutsi and told them that "Hutu wanted to finish us, they want our blood and because we are small [in numbers] they will finish us all. We are one, we must fight." The Tutsi had meetings, I listened but didn't know what was going on.

Mama's second marriage was to a Congolese, Lingala man. While the marriage was not initially approved of, she maintains that intermarriage was allowed. However, now it is looked down upon. Mama continued:

The family of my second husband, refused me, but saw that I was pregnant. His family told him to leave me. They stopped coming to eat with us. They were hypocrites, but our love continued. Eventually, his family would always say I was beautiful and was very kind with a good heart. They would say that I was Rwandan, but I had a good heart. I had lived with my family on a big farm and lots of cows. They used to give food and milk to those who did not have any, and I continued that behaviour. They loved me for that.

The differences between Phillip and Mama's views on intermarriage in the past can be explained by local differences of who is seen as being 'indigenous'. In North Kivu,

Mamdani found that (2002: 494-495), 'the Banyarutshuru<sup>79</sup> were considered indigenous, but the Banyamasisi were not'. Those to whom Mamdani spoke came to their conclusion based on the belief that the Banyarwanda of Rutshuru had been in the Congo prior to the establishment of the border and were entitled and maintained their own Native Authority even in the post-independence era (ibid: 502). The Banyarwanda of Masisi arrived during Belgian colonialism and had the *Collectivite Gishari* as their native authority from 1938 to 1957. Mamdani (2001: 502) argues that the abolishment of the Banyamasisi's native authority at independence was significant in reinforcing the belief that Banyamasisi were not indigenous to Congo and justified their exclusion:

the Banyamasisi were put under the thumb of what were called indigenous chiefs (non-Banyamasisi)... Since then, the Banyamasisi have been struggling for their own native authority, for without it- without being recognized as indigenous- they lack significant rights, particularly the right to customary land and the right to be governed by their own chiefs' (ibid).

Philip comes from Masisi and Mama is from Rutshuru, their views on intermarriage corresponds with Mamdani's observations regarding the notion of indigeneity in the two places. In addition, Philip's belief has been overlaid with the RPF's global idea that Hutu and Tutsi were separated in the past and are now united. Philip has not returned to Congo since leaving for Rwanda in 1996 and throughout his interviews his statements often reflected the influence of the RPF public discourse. Whereas, Mama splits her time between her home in Rutshuru and her daughter's home in Goma, living in Rwanda only when things become unstable in Congo. Mama's comments

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<sup>79</sup> Banya means people, while Rutshuru refers to an area of eastern Congo that borders Rwanda and Uganda.

simultaneously illustrate Congolese distrust of Kinyarwanda-speakers, while also illustrating how fluid ethnic boundaries and relationships in eastern Congo were. Furthermore, it is important to ask if intermarriage was allowed in the past, why is it no longer allowed? I believe that this is the result of socio-political events that have split the Banyarwanda into Hutu and 'Tutsi' as 'foreigners', who are no longer considered Congolese.

### ***We are Congolese: The Debate over Citizenship***

The history of citizenship law in Congo has been dogged by deliberately fomented and politically expedient confusion over who arrived when. Moreover, broad popular attitudes have become much hardened against Rwandaphones over-recent years- as anywhere they might- because of the Rwandan's role in fomenting and supporting the RCD<sup>80</sup> rebel movement whose war since 1998 has balkanized the country and caused so much suffering and loss of life (S Jackson 2007: 485).

Mobutu's system of governance was based on networks of patronage (Vlassenroot 2006: 54). In 1969, Mobutu chose a Congolese Tutsi, Barthelemy Bisengimana as Director of the *Bureau de la Presidence* (Lemarchand 2009: 210). During Mobutu's presidency, Congolese Tutsi were turned into an 'intermediary elite' used to secure his power (S Jackson 2007: 485). Bisengimana's position allowed him and his ethnic group to benefit, including advocating for a new constitutional measure that recognised the Banyarwanda/Banyamulenge as full Congolese citizens. Under the 1964 constitution nationality was given to those who belonged to a 'tribe' established in the Congo before the 18<sup>th</sup> of October 1908<sup>81</sup> (ibid). It was widely accepted that

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<sup>80</sup> *Rassemblement Congolais pour la Démocratie* (RCD) was an armed movement that officially formed on August 2<sup>nd</sup> 1998. In July, President Laurent Kabila expelled all Rwandan soldiers from the region, which resulted in RCD calling for a 'movement of liberation' against President Laurent Kabila (UNHCR 2000: 2)

<sup>81</sup> When Belgium took the Congo from King Leopold

there were no Banyarwanda in the region until the 1930s. Bisengimana simply changed the establishment date to the day of independence, June 30<sup>th</sup> 1960 in the constitution of 1973 (S Jackson 2007: 486).

After Bisengimana fell from Mobutu's favour in 1977, his constitutional measure was annulled in 1981. The 1981 law revived the connection of 'blood relationship to the Congolese people' (Jackson 2007: 486) and moved the date to 1908. Lemarchand (2009: 210) believes that 'Behind the palpable absurdity of this stipulation lies a clear intention collectively to deprive all Banyarwanda of citizenship rights'. Through a process of "ethnic scapegoating", land rights of part of the population are rejected'. Vlassenroot (2006: 53) and Lemarchand (2009: 210) suggest, therefore, that hostilities towards Banyarwanda/Banyamulenge over land resulted in a political measure to deny them citizenship, which in turn stripped them of any claims to land.

In 1991, democratic reforms further marginalised Banyarwanda/Banyamulenge, as Mobutu insisted that those who participated in the Conference Nationale Souveraine (CNS) be 'indigenous'. Non-Banyarwanda used the CNS to spout anti-Rwandaphone rhetoric including labelling them as 'foreigners'. Jackson (2007: 487) notes, 'Those whose very nationality was in doubt could easily be dismissed as not qualified to represent the "indigenous" interests of people from the Kivus'. A number of violent outbreaks against the Banyarwanda occurred between March and July 1993, Hutu were especially targeted (Lemarchand 2009: 213).

While Mobutu<sup>82</sup> had excluded Banyarwanda from the political arena, Laurent Kabila did exactly the opposite, packing his government and personal entourage with Congolese and Rwandan Tutsi. Despite Kabila initially acceptance of Tutsi as Congolese, the presence of the RPF and the mixture of Congolese Tutsi and Banyamulenge with the 'foreign army', led to the further association of Tutsi/Banyamulenge as foreigners. On May 23<sup>rd</sup> 1997, Kabila removed all 'Rwandans' from his government and told the Rwandan army that it should leave the country (Reyntjens 2009: 167). The Second Congo War was in part a response to Kabila's change of policy. Consequently, the Second Congo War began on the 2<sup>nd</sup> of August 1998 and it was instigated and initiated by Rwandan and Ugandan backed troops (Vlassenroot 2002: 511). But, unlike the First Congo War that had swiftly removed Mobutu, 'Its history was to be marked by changes in leadership and divisions, as a result both of disagreements and incoherence and of constant interference by Rwanda' (Reyntjens 2009: 238). The interference of Rwanda and its support for RCD and Banyamulenge militias isolated the movement creating further hostilities among various populations.

The Second Congo War formally ended in December 2002 when parties of the Inter Congolese Dialogue signed the Global and All-Inclusive Act, which outlined the conditions for setting up a transitional government. The war did not end without devastating costs and a long process of negotiations and treaties, including the death of over five million people and the assassination of Laurent Kabila in 2001 (Reuters

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<sup>82</sup> Mobutu was officially removed from power in May 1997 and was replaced by AFDL leader Laurent Kabila.

22/01/2008). Based on research carried out by the International Rescue Committee Congo's '1998-2003 conflict and its aftermath had caused more deaths than any other conflict since World War II' (ibid). When Joseph Kabila replaced his father as president, he brought hope that lasting peace would finally be a possibility.

One of the results of the peace process and the transitional government was the establishment of Nationality Act in June 2004 (S Jackson 2007: 490). The Act grants citizenship to all those who belonged to ethnic groups that were in the Congo at the independence on June 30<sup>th</sup> 1960 (Reyntjens 2009: 268). This ensured that all Banyarwanda/Banyamulenge regardless of when they arrived were considered Congolese citizens. However, the law also sets up conditions for which citizenship can be lost. This clause states that anyone who applies for double nationality would lose citizenship status (S Jackson 2007: 490).

According to Jackson (ibid) this follows prior constitutions in which Congolese nationality is 'one and indivisible'. This 2004 law attempted to further marginalised and deny Banyarwanda/Banyamulenge of Congolese citizenship as it is in direct opposition to the Rwandan constitution that allows members of the Rwandan diaspora to hold double nationality. The Congolese law is forcing the Banyarwanda to prove their dedication to the Congolese nation-state by forcing them to give up their Rwandan nationality.

Nevertheless, the law does provide, to a certain respect, legal rights for Banyarwanda/Banyamulenge to be considered Congolese. However, not everyone agrees with the law, so how does this law translate in the realities of eastern Congo? Vlassenroot (2002: 501) argues that it is a misconception to focus strictly on the behaviour of political leaders that 'These elites do not hold a monopoly over the manipulation of ethnicity for political purposes. At a grassroots level, ethnically motivated action and violence may also be presented as the solution to political, economic, or social exclusion'. Vlassenroot's argument holds true for most Congolese-Banyarwanda/Banyamulenge participants, who felt that they were still not allowed to consider themselves Congolese:

When the Congolese tells those of us of Rwandan descent to 'Go back to your country', it is impossible. We were born there [Congo] and we don't know another place that is our home. Everyday we have problems. I want to go back to Congo. I know life in Congo. I don't know life in Rwanda. I know in my heart I am Congolese and will die Congolese. In our hearts we love our village (Mama).

In Congo, language determines nationality. If you speak Kinyarwanda then you belong in Rwanda and should leave Congo. However, this is not true with other languages and borders, such as those found in CAR [Central African Republic], they remain Congolese. It is only an issue in Kivu. For me, I was simply a Congolese in Congo. What was occurring in Rwanda was of very little concern. However, now I am no longer considered Congolese, but Rwandan (Arthur).

Nkunda speaks Kinyarwanda and that man is Banyarwanda. He fights in Congo and is from our neighbourhood. He is originally from Congo. His grandfather was there before the border was drawn, when that area belonged to Rwanda. But after the Belgians came and changed the border that area became part of Congo. So now, the Congolese don't agree that Kinyarwanda speakers are Congolese. But we are (Justine).

I am Congolese, Nkunda is Congolese, we were born there. We don't want to be refugees (Philip).

Legal changes that recognise Banyarwanda/Banyamulenge as Congolese citizens have not changed how these groups are perceived at a local level. I argue that the acceptance of the Nationality Act on a local level by 'indigenous' Congolese has been



hampered because of past and continued association of the Rwandan army as ‘a foreign army’, with Tutsi-dominated militias such as RCD<sup>83</sup> and CNDP<sup>84</sup>. While the violence by Congolese and Hutu militias against Congolese Tutsi is a legitimate and valid concern, the Rwandan government and Banyamulenge/Congolese Tutsi militias (often seen as mere puppets of the RPF regime) have used this violence as justification for further violence against Congolese Hutu and Congolese. The next section will continue to explore these themes, by understanding the ways in which the RPF’s occupation of eastern Congo are viewed by non-Tutsi Congolese and Rwandans and how this translates into the exclusion of Congolese Tutsi/Banyamulenge and labelling them as ‘foreigners’.

### **They are Rwandan, not Congolese: Understanding the Complexity of Anti-Tutsi sentiments in Eastern Congo**

#### ***The Conflict Over Land***

As this chapter has examined, the conflict over land and citizenship between Banyarwanda and ‘indigenous’ Congolese communities is not a recent phenomenon. According to Lemarchand (2009: 13), the Kanyarwanda war that took place between 1963 until 1966 ‘was the first public display of anti-Tutsi sentiment in post-independence Zaire’.

Beginning in 1960, on a local Banyarwandans were dominating elections and gaining more political power. Mararo (1997: 519) argues that ‘More than 80 percent of elected local counsellors were Rwandan immigrants’. However, as Nande and Hunde held the important

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<sup>83</sup> *Rassemblement Congolais pour la Démocratie* (RCD) was a Tutsi rebel group supported by the RPF, who controlled most of the Kivu region after the first Congo War.

<sup>84</sup> *Congrès national pour la défense du peuple* (CNDP) armed militia group of predominant Tutsi led by Laurent Nkunda.

positions on a provincial and national level, they took steps to restrict the political power of the Banyarwanda. Hunde insurgents first burned down the local administrative archives. In doing so, Banyarwandans like Mama, who had been in Congo since before the establishment of the border could no longer ‘prove’ that they had not arrive under colonial rule or were from the wave of 1959 Rwandan refugees. Thus, in addition to ‘whipping up anti-Banyarwanda feelings, the Kanyarwanda uprising was meant to call into question their claims to the land, as well as their citizenship...’ (Lemarchand 2009: 13).

While some were discriminating against both Hutu and Tutsi, others made a clear distinction between Hutu and Tutsi, calling for the removal and expulsion of only the Tutsi. Citing a letter from Paluku, Mararo (1997: 522) provides an example of this anti-Tutsi sentiment,

They who pretend that the Hutu and Tutsi are against us are liars. I know that only the Tutsi are against us. We who inhabited for a long time with the Tutsi know them very well. All these Rwandans that you welcome in the Lubero territory will end up conquering your country. If you are too kind, you will lose your province. A Tutsi has to be expelled without any condition, because he constitutes a public danger.

As we shall see, many Congolese are making the same distinction. However, in this section, I wish to demonstrate how the conflict between Banyarwanda/Banyamulenge and ‘indigenous’ Congolese has resurfaced and has been exacerbated by the role and rule of the RPF and Congolese Tutsi militias during the different conflicts between 1996 and 2008. According to Vlassenroot, (2002: 510) the association of the Banyamulenge with the ‘Rwandan occupation’, caused the already extremely tense ethnic relations in South Kivu to worsen following the success of the AFDL rebellion. Similarly, Longman (2002:133) argues that ‘the RPA’s actions in eastern DRC have increased the resentment and hatred of Tutsi, thus heightening their need for

protection'. In presenting this case, I am not justifying the persecution or discrimination of Tutsi in Congo. Rather, I am seeking to contextualise and understand these sentiments and the violence associated with it.

### ***RPF and a 'Greater Rwanda'***

The RPF reconstructed the complex history of the Banyamulenge/Banyarwanda into 'an imaginative seemingly convincing yarn about Rwanda's historical links with eastern Zaire. Anyone craving for an instant, easy-to-grasp knowledge was impressed' (Pottier 2002: 171). During the early days of the First Congo War in 1996, Minster Gasana argued:

Europe had inflicted lasting damage to the Great Lakes when the colonial powers had gathered in Berlin in 1885 to draw up international borders. By acting irresponsibly in Berlin, the international community had caused Kivu's 'Rwandan populations' to be at risk a century later<sup>85</sup> (quoted in *ibid*).

However, it was Rwandan President Bizimungu, who reinforced the idea of a 'Greater Rwanda'. He did so by portraying this history as one where the Banyamulenge 'enjoyed excellent relations with its Buhunde neighbours', who were once part of 'an ancient Tutsi kingdom', but were incorporate into the Belgian Congo (Pottier 2002: 171). Furthermore on October 29<sup>th</sup> 1996, Bizimungu stated that "If Zaire wants to expel the Banyamulenge to Rwanda, it should also return their land" (Reyntjens 2009: 53). During a press conference, he used maps to demonstrate how the region held by the Banyamulenge historically belonged to Rwanda (*ibid*). In both incidents,

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<sup>85</sup> Europeans gathered at the 1885 Berlin Conference to carve Africa, establishing borders and handing out colonies. Most often the European borders separated ethnic groups and divided their territory.

Bizimungu was essentially implying that if the Banyamulenge were 'Rwandan' then the land also belonged to Rwanda. Though, initially denying that Rwanda was interested in reclaiming Congolese land, then Vice-President Kagame sent a mixed message when he distributed a document entitled 'Berlin II' (ibid: 54). The document was a clear reference to the 1885 Berlin Conference in which Europe drew up Africa's borders.

Lemarchand (2009: 215) argues that:

What must be underscored here is not just the impact of history, but the recasting of precolonial history as a means of legitimizing Rwanda's territorial claim to large parts of eastern Congo. Unsurprisingly, since the outbreak of the Rwanda-sponsored, anti-Kabila rebellion in August 1998, it is the story of Mwami Rwabugiri's precolonial<sup>86</sup> incursions that provide the legitimizing myth of Rwanda's military presence in North and South Kivu. The crucial question today is not whether colonial history has had a destructive impact on political institutions, but whether the rewriting of precolonial history by Rwandan ideologues is at all compatible with the exigencies of peace and stability in the Great Lakes region.

Congolese Tutsi participants have appropriated the RPF's argument as a way in which to legitimise their claim to land and validate their presence in the region.

Regions of what is today Congo, Masisi, Rutshuru, and Walikale were originally under the rule of the Rwandan King. When the Belgians won (referring to WWI), the land was divided and given to Congo. There is a lot of proof. For example, there is an actual place between Masisi and Walikale, near a river, its official name is Rwanda [Philip, Congolese Tutsi, shop-owner]

When new borders were created, Rwanda lost part of their land to Uganda and Congo. You see southeast Uganda was also originally part of Rwanda. Museveni is actually Rwandan, since he comes from southeast Uganda. Those descended from Rwanda but of Congo have relatives in Rwanda. They didn't know the border was there. Tutsi had to move with the cattle, so they frequently crossed the border into Congo. The Tutsi had cattle and Hutu knew how to farm, those in Kivu didn't know how to do either. They just depended on the forests to find food. They spoke different languages and were not the same people (Arthur, 1959 refugee Tutsi, Banker).

The areas of Walikale, Masisi, Rutshuru, belonged to Rwanda at the time the border was made. Rwandans were there, but now they now are Congolese. Their ancestors

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<sup>86</sup> See chapter three

are Rwandan because it was Rwanda. It was a large country. Belgium took Congo, Rwanda and Burundi away from Rwanda. The former border was in Masisi. I don't care, this is the truth, you may feel that I am telling lies. But this is the truth (Fred, Congolese Tutsi, parents were 1959 refugees, former RPF soldier).

Mama's father had explained the situation to her:

There was no border, all of the area belonged to Rwanda, not Congo. No Congolese lived there. It all belonged to Rwanda. When the border was created, they didn't tell us to go to Rwanda. We just stayed where we were. It was only after the border was drawn that Congolese began to push their way into the Kivu region.

According to Mama, the *Mwami* of Rwanda left a symbolic marker<sup>87</sup> in Masisi to claim that the area belonged to Rwanda. However, while such arguments are technically true as the Rwandan court did have a presence in the Kivu region, they are also 'imaginative' (Pottier 2002: 171). Although, colonialism fixed this once fluid boundary, these political boundaries were always contested (S Jackson 2006b: 428). The social networks and sphere of political influence were never clearly demarcated 'and when one party or another defined such distinctions, it was not for very long: clear-cut political distinctions in this area were fleeting phenomena' (D Newbury 2009: 4). The Rwandan court in Kivu remained highly superficial until the eighteenth century, when the court looked to expand its territory. *Mwami* 'Rwabugiri was the military exemplar who most represented that expansionist vision' (ibid). Rwabugiri, who ruled from 1860 to 1895, demanded taxes, seized cattle, food, and other resources while occupying the land by force. He was not seen as a legitimate king in the region and when he died, the influence and conquest of the Rwandan court in the region fell apart (D Newbury 2009: 5). Furthermore, Fairhead (1990: 81) argues that

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<sup>87</sup> Mama only referred to the marker as a symbol of the *Mwami*,

in Bwisha, the rule of the Rwandan monarchy did not 'significantly alter the basic customary socio-political structures'.

In regards to Bizimungu's argument, the Banyamulenge are a different matter all together. The hills of Mulenge, which the Banyamulenge claim as their homeland, have never been part of any Rwandan kingdom. So instead of a long history of Rwandan rule throughout the entire Kivu region, as Bizimungu and Gasana argued, the boundary was ambiguous and fluid. In fact, David Newbury (2009: 5) argues that Rwanda has been historically perceived as an 'occupying force by the people of the islands (Ijwi) in the lake and of the lands west of Lake Kivu'.

Reyntjens (2009: 15) contends that the fear of a Rwandan expansion into the Kivu region went hand in hand with anti-Tutsism, 'A fear that for many *Kivutiens* became a reality'. The atrocities committed by Rwandan and Congolese Tutsi military elements between 1996 and 2003 also increased hostilities towards Tutsi civilians. In October 1997:

a Mouvement national pour la sauvegarde de la democratie (MNSD), apparently close to the mai-mai, wrote "the abuse of the Tutsi military within the Alliance have caused antipathy and even visceral hatred on the part of the different ethnic groups of the region (Hunde, Nyanga, Tembo, Hutu, Nande, Vira, Fuliru...) against the Tutsi population." (as cited in Reyntjens 2009: 150).

These feelings became transparent in a discussion with Oliver, a Congolese government official from Walikale in North Kivu. He describes the time when Laurent Kabila took office, as one where:

Foreigners took over the country. Rwandans were in all administration positions and the government here. Before the First Congo War with Rwanda and Uganda, the Rwandans in Congo were considered Congolese, but now are considered Rwandans. (Laurent) Kabila overthrew Mobutu's government and filled it with foreigners. The Rwandan government wants our country. They want our land.

According to Jackson (2006b: 429), Oliver is not alone when he questions the nationality of the Banyamulenge/Banyarwanda:

Many Congolese- perhaps even the majority- doubt that any Rwandophones residing in the Kivus could ever be considered Congolese, dismissing them as mere 'Rwandans'. Nevertheless, many Rwandophones, including those stemming from relatively recent migrations, ardently proclaim their 'Congolite' (Congolese-ness) identity.

The debate questioning the nationality of the Banyarwanda/Banyamulenge is not new. However, after the First Congo War the tendency has been that these sentiments of being 'indigenous' and reference to land are imbued in the use and ideological discourse of *autochthony*. *Autochthony*, which literally means 'sons of the soil', encompasses not only 'indigenusness' or being 'native' but also territory (S Jackson 2006a: 99). The term *autochthones* '...crops up continuously in everyday conversation as a way of delimiting and distinguishing peoples and their associated rights, stereotypical character traits, or political allegiances (ibid). *Autochthon* is an ambiguous and even an empty term, 'policing a distinction between in and out and yet not indicating, in itself, which in/out distinction is intended' (S Jackson 2006a: 99-100).

The fear of a RPF expansionism, the division between *autochthons* Congolese versus Banyarwanda /Banyamulenge, and the threat and impact of Tutsi military elements, is clear in printed propaganda. These tracts were produced cheaply, anonymously and

effectively spread rumours and possible ‘news’ (Jackson 2006a: 99). In Bukavu, in 1999, Jackson (2006a: 99) received a particular tract entitled ‘*Congo Dismembered*’ that:

warned of “Operation Berlin II” (...) which, among its various steps, would attempt a “massive plantation and demographic inundation” followed by “the dismantlement of non-Tutsi entities [sic] and the physical separation between the Tutsi and the autochthon parties.”

As mentioned before, in October 1996, Vice-President Kagame, distributed a document from the President’s Office entitled ‘Berlin II’. According to Reyntjens (2009: 54), this document reaffirmed the belief that Rwanda was challenging the existing borders. The year after this document was circulated, eastern Congo was being run by Banyamulenge/Tutsi and RPF soldiers. According to one of Jackson’s participants (2003: 216), ‘The Rwandan plan, with its lust for the Kivu [has been] expounded many times by its masterminds at the highest level’. Malcolm also discussed the Second Congo War in terms of Rwanda’s ‘lust’ for resources, stating that the ‘Rwandan government claimed that they invaded Congo again in 1998 looking for remaining *Interahamwe* and ex-FAR, but this was a lie. They were looking for resources, they wanted the land and minerals<sup>88</sup>’. Placed within the context of the new 1998 rebellion of RCD and its Rwandan and Ugandan backers, this tract clearly reflects how a rumour can be based in a partial truth, yet seems to be the whole truth. Jackson (2003: 217) asked the two men responsible for printing this tract, why they believed in the validity of the tract’s argument. One of the men replied:

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<sup>88</sup> Many non-Tutsi participants on both sides of the border believed that Rwanda’s involvement in Congo is to extract the country’s resources. This will be further explored in the last section within the discussion on Laurent Nkunda and CNDP.



Because what is now happening conforms with what they say!... They [the Tutsi] want to dominate us through force. Amongst the leadership of the RCD there are them alone, even though there are eight ethnic groups here in North Kivu. This is how they make concrete their objective: by excluding others. Even if these tracts are made by men, we are living this [what the tracts say]. That one is the plan of the conquest. If you read these attentively you will begin to understand the reality that we live. Everything that is in these we live today.

It ultimately, does not matter, whether or not these tracts are factually true or not.

For those people who accept them as true, they are a type of a priori knowledge that is not based on empirical evidence. Rather, they are based on what is commonly accepted to be true about the Tutsi. This tract was published roughly two years after Kagame's original document and within the context of another war that was planned and initiated by the Rwandan government. The authors of the tract see Tutsi as a colonial force (suggested by the mention of Berlin II) that is bent on conquest, domination and exclusion of indigenous groups. While the term *autochthones* has been frequently used to exclude both Hutu and Tutsi as Banyarwanda, recently, it is becoming more and more associated with specifically Tutsi or 'Hamitic' groups.

Reyntjens argues (2009: 54):

within the context of the territorial extension of the Rwandan problem, the Kivu region entered a phase of profound social and political 'dualisation'. As a result of near instant ethnogenesis, 'Bantu' were opposed to 'Hima', 'Hamites' or 'Nilotics', just as 'Hutu' were opposed to 'Tutsi' in Rwanda and Burundi.

By using the concept of *autochthon* the authors of the tract are not only stating that non-Tutsi are indigenous 'sons of the soil', but that Tutsi are something different, they are foreigners. In its essence, the tract is reinforcing the ideology of Tutsi as Hamitic invaders (see Eltringham 2004: 431-437). It is this mixing of a priori knowledge

within the context of the RPF military and Tutsi militia actions that has contributed to the increase of anti-Tutsi sentiments.

For example, Mani, a Mayi-Mayi general from Kalehe, provides an overview of how this ethnogenesis and anti-Tutsi feelings developed with the Banyamulenge rebellion in 1996:

The militias began to fight against the Banyamulenge and we created an alliance with the Hutu. However, Kabila's army came and said that the Tutsi were not staying here that they were just there to help overthrow Mobutu then they would leave. He told us that we needed to join him to make the country better again. We joined and fought with his group, but it didn't last. We didn't agree with how the Banyamulenge were killing civilians, Congolese and Hutu. There were many RPF and Rwandan Tutsi mixed up with the Banyamulenge. They hunted them [Hutu] down in the forests. After the war, these foreigners took over everything. They had all the power in government offices and the army. The country was being run by Tutsi. The Tutsi come from Ethiopia, they are not native to this region, they are foreigners. But they wanted to rule over all this area. They already have Rwanda and Uganda, now they keep their eye on Congo. It was because of this that we created an alliance with the Hutu.

Furthermore, Mani did not just see the Congolese and Rwandan Tutsi as 'foreigners', but felt a deep bond with Hutu and especially those in FDLR:

FDLR, they are our brothers. We work together to stop the Tutsi from taking control of Congo. We need them to survive, without them, Nkunda would defeat us. They would take our land and kill us. [Do you consider Nkunda to be Congolese?] No he is a Rwandan. He belongs in Rwanda. All the Tutsi belong there. [What about the Hutu?] They cannot return home, they are only in Congo because of the RPF. They are fighting to return home. But they are like us, they are Bantu, they are not foreigners like the Tutsi and Hima.

Yet treating FDLR and Hutu as his 'brothers', requires the ability to hold conflicting ideas simultaneously or what Lemarchand (1996: 19) describes as cognitive dissonance:

Striking discrepancies can thus be detected in ways of seeing political realities. The phenomenon inevitably brings to mind the familiar notion of "cognitive dissonance": the perceptual screening of dissonant facts omits critically important bits of evidence from the picture, making it consistent with one's normative assumptions about the why and how of ethnic violence.

The solidarity of Congolese Bantu groups with Rwandan/Congolese Hutu is recent. Lemarchand's use of cognitive dissonance can best explain the discrepancies in Mani's narrative. At the start of the interview, I asked Mani why he formed a militia. Mani's response describes the contentious history that the Banyarwanda had with non-Banyarwanda Congolese in the Kivu region over issues of land and citizenship:

There was an association that consisted of Hutu and Tutsi from Congo. They were arming themselves to take over Masisi, Rutshuru, and Walikale. The Banyarwanda decided that the Hutu were to have these lands (Kivu region in Congo), and kill the non-Hutu populations. While the Tutsi said "We are going to Rwanda, you Hutu, are to stay in Kivu. We will create a Hutuland and a Tutsiland". Tutsi told Hutu, "you kill the Congolese, after we cross the border".

In Walikale, the King created an army in 1991. And the militias were created to fight the Hutu in Kivu. At the time, Hutu were fighting for territory. Hutu were going from Kalehe to Walikale to support other Hutu who were fighting. The next year brought more fighting. The Hunde joined forces with the Congolese army to fight the Hutu. We (Mayi-Mayi) were given the power to fight the Hutu, the conflict was a result of them. Other ethnic groups had good relations with each other.

Since the origin of Kinyarwanda-speakers are all the same. We thought, "Let's attack them, they are all the same ethnicity". I joined an army of Hunde, who were fighting in a Walikale. Next I went to Kalehe, where there was a movement to fight the Hutu. We began attacks against Hutu civilians in the area. In 1993, Hutu burned all my villages. They burned down schools and hospitals and they killed the population and raped girls. We had much fear and left.

Mani's comments are insightful. First within the same conversation Mani acknowledges that Banyarwanda (Hutu and Tutsi) were considered the same 'ethnicity'. Yet later, Mani treats Hutu as 'brothers' that are 'native' to the region, while Tutsi are viewed as being 'foreigners'. I argue that Mani's conversation demonstrates an overall process, whereby the various conflicts have severed the Banyarwanda into 'Bantu' and 'Hamitic'. This process remains highly fluid and never static. In its essence, it takes Banyarwanda-Hutu and 'foreign' Tutsi who were

distinct from the Banyamulenge and reconfigures the distinction into '*autochthonous*' Hutu and Banyamulenge. Non-Tutsi/Banyamulenge participants made no distinction between Congolese Tutsi from North Kivu, Masisi, Walikale or Uvira. They were all Banyamulenge. For example, during an interview, Albert, a Bembe militia leader, referred to Laurent Nkunda as Banyamulenge, when in fact he is a Congolese Tutsi from North Kivu. I asked him if there was a difference between Banyamulenge and the Tutsi who arrived from Rwanda in 1959 and the '60s? He responded:

They are the same. Banyamulenge is not an ethnic group. It refers to a place. There are four hundred and fifty ethnic groups in Congo, who cooperate very well with each other and have no problems. There is no difference.

This is important because in combining the two groups into the Banyamulenge, Tutsi outside of the Uvira/Fizi regions are lumped into together with the Banyamulenge militia who 'started' the 1996 war and lead the 1998 rebellion (S Jackson 2003: 42). There is a further process of labelling that takes the idea of 'all Tutsi as Banyamulenge' and connects them to being 'Rwandan'. This demonstrates that 'the term "Rwandan" seems to have become more and more closely associated in other Congolese minds with the notion of Tutsi' (S Jackson 2003: 41). Furthermore, the collective labelling of all Congolese Tutsi/Banyamulenge as 'Rwandan' reinforces the ideology that they are 'foreigners'.

Albert, a Bembe militia leader from Fizi illustrates this argument, when he explains the origins of the Banyamulenge:

The Bembe believe that the Banyamulenge are foreigners. You see, there are four reasons that prove this to be true. First, they were refugees. They had no king or chief. Under Belgian control, they were not given the special symbol of the Belgian

kings. All other ethnic groups have a local village. All original inhabitants have their own collectivity. The Banyamulenge do not. Secondly, the Banyamulenge never paid taxes because they were considered to be refugees. All original descendants of Congo have paid taxes, but the Belgians never asked the Banyamulenge, because they were considered refugees. Thirdly, they were never asked to join the Force Publique and none joined. And I cannot remember the fourth reason.

When asked if Tutsi/Banyamulenge were Rwandan or Congolese, most non-Tutsi agreed with Albert, believing that they were 'Rwandan' and thus 'foreigners'. Jacques, a Hutu member of the *Coalition of Patriots in the Congolese Resistance* (PARECO<sup>89</sup>) from South Kivu explained:

They are Rwandans. The Belgians forced Congolese to accept them and we do accept them because of international opinion. They take our land! The international community does not understand the situation. We can accept them, Belgians, Europeans, anyone can be Congolese, just respect the rules of law. They have to respect our country's laws, but they won't, they refuse to.

Other Congolese made similar comments:

They (Congolese Tutsi) lived in Congo a long time, but now live in Rwanda. In 1996, they left behind their identity papers. They are not Congolese. They sold their houses, land and cows. They make problems. They weren't accepted in Rwanda and now they return to Congo. Because the English-speaking Rwandans don't like the French speaking Rwandans (Oliver).

There are no Congolese refugees (in Rwanda), because they are not from Congo. They are Rwandans who have come home. Look at the Banyamulenge - their culture is like Rwanda and they speak Kinyarwanda. Now they have identity cards that say Rwanda on them. When RPF began the war, they joined them in their struggle. When they were in Congo, they didn't get those identity cards because they were from Rwanda (Louis, Rwandan Hutu).

These comments reflect how the Hamitic myth that saw Tutsi as a foreign army has found a new legitimacy in the Congo. Congolese *autochthons* and Hutu draw upon the existing myth and have associated all Congolese Tutsi with the RPF, an invading foreign army. As foreigners, they have no claim to citizenship or land. In the next

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<sup>89</sup> PARECO is the largest Mayi-Mayi group that was created in March of 2007. It is mainly comprised of Congolese Hutu, Hunde and Nande and has joined an alliance with FDLR (HRW 2010: 4).

section, I will focus on the 2008 conflict as a continuation of the issues discussed in this section and as the same war.

## **The Edge of War: Renewed Violence in Eastern Congo**

### ***The Rise of Laurent Nkunda***

It is impossible to have a discussion about the Kivu conflicts without discussing Laurent Nkunda. Some have compared him to Paul Kagame and to revolutionary Che Guevara. Others consider him a notorious murderer misusing his claim of 'protecting Tutsi' to slaughter and rape thousands of innocent civilians. Nkunda plays an essential role in the most recent conflict and to the overall argument of this chapter. The New York Times (10/01/2008) captures the impact that Nkunda's conflict and actions have had in the region:

Now a new wave of anti-Tutsi sentiment is sweeping Congo, driven by deep anger over a renegade Tutsi general. Many see his rebellion as a proxy for Rwanda, to the east, whose army occupied vast parts of Congo during the most devastating chapter of regional war and plundered millions of dollars' worth of minerals from the country, according to many analysts, diplomats and human rights workers.

This section will first outline the background that led to the rise of Nkunda and the predominately Tutsi based rebel groups *Congrès National pour la Défense du Peuple* (CNDP) and the role it played in the conflicts that took place between 2006 and 2008.

Philip (Nkunda's uncle), describes the origins of Nkunda's rebellion:

Nkunda is a Banyarwanda, who was a soldier for Mobutu in 1964 and alongside Kabila in the First Congo War. After Kabila defeated Mobutu, Kabila started to chase away the Tutsi. Nkunda refused to leave, because we are Congolese men. Kabila disappointed us. We gave him power to be our leader and he turned on us. The Congolese Tutsi put themselves together and formed an army and said that they would not leave because we are Congolese. His wife lives here in Gisenyi, but his parents are in a refugee camp near Kibuye.

Laurent Nkunda, a Congolese Tutsi from Masisi, has an extensive military history in the region. He has fought in the Rwandan civil war (1990-94), then in control of the RCD's brigades, and accused of having involvement in the massacres of a hundred and sixty people in Kisangani in May 2002 (see ICG 2005: 240). In 2002, the Congolese army was incorporating the various militias into a national army. This process required soldiers to be trained for forty-five days, followed by deployment to a region outside their homeland. In 2004, Nkunda was made a general in the new army. He refused to go through the integration (*brassage*) process, arguing that he wanted to remain as a military presence in his homeland to 'protect' his people (ibid). In Bukavu in May 2004, troops loyal to RCD-Goma<sup>90</sup> mutinied and in response to the killing of Banyamulenge civilians by the national army. Nkunda, now a 'renegade', took control of the city. While protecting 'his people' from the national army, Nkunda and his group committed massive human rights abuses including killing and widespread sexual violence (HRW 2007a: 10). After Bukavu was retaken and the Congolese government issued an arrest warrant for Nkunda. Nkunda retreated back to Masisi, where RCD-Goma still maintained a strong political presence (ibid).

As Human Rights Watch (2007a: 10) note, 'The increase in the political prominence of Congolese Tutsi sparked negative reactions from other Congolese, particularly those who suffered from abuses and exploitation by Rwandan troops during the wars of 1996-97 and 1998-2003'. The Lusaka Agreement that officially ended the war in 2003

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<sup>90</sup> During the Second Congo War, RCD split into two groups one supported by Rwanda, known as RCD-Goma and the other RCD-MLC backed by Uganda (Reyntjens 2009:238).

'enabled a party (RCD-Goma) dominated by a handful of Tutsi to essentially control one quarter of the country... and thus considerable wealth' (New York Times: 10/01/2008). The situation was exacerbated during the 2006 elections, when politicians used the growing hostilities towards Tutsi as a platform to get elected (Reyntjens 2009: 214). No members of the RCD-Goma were elected in the 2006 elections, making them powerless in Congolese politics. With the end of RCD-Goma, Nkunda came to the forefront as the 'protector' of Congolese Tutsi (HRW 2007a: 13).

At the end of 2006, the Congolese army and Nkunda had reached an informal compromise regarding the *bassage*, which called for a limited integration called *mixage* (HRW 2007a: 16). Under the agreement, Nkunda's troops would be mixed with the Congolese army, but remain in their home territories. The forces would also conduct military operations against FDLR (ibid: 17). There were two main problems with this informal agreement. First it allowed Nkunda's troops to stay in the same region, where they had committed gross violations of human rights. HRW (2007a: 18) provides an illustration of the confusion that the agreement caused:

In a village in Rutshuru, a woman who fled an attempted rape by Nkunda's soldiers in December returned to find soldiers from the same unit deployed in her town. She said, "I have been back for one week, but when I see the same soldiers passing I don't feel safe. People are scared. They just come here in the day, then they sleep in the forest, or they cross to Uganda".

Secondly, rather than limit Nkunda's influence, the agreement increased his political control. There was also little verification of who was actually being integrated into the army. This allowed Nkunda to inflate his numbers by including demobilised Rwandan soldiers and children in the national army under his mixed brigades (HRW 2007a: 20,



ICG 2005: 22). The result was that Nkunda used the brigades to attack FDLR while expanding his own control. Essentially Nkunda controlled the rich and most populated areas of Masisi and Rutshuru. By May 2007, the agreement had already failed and both sides were pulling out of the agreement.

Nkunda founded *Congrès National pour la Defense du People* (CNDP) in December 2007. CNDP's mandate is to 'defend, protect, and ensure political representation for the several hundred thousand Congolese Tutsi living in eastern Congo and some forty-four thousand Congolese refugees, mostly Tutsi, living in Rwanda' (HRW 2009: 26, Beswick 2009: 339). CNDP was estimated to have some six thousand combatants, receiving much of its military support from Rwanda. CNDP is not the first proxy military group to receive such support from Rwanda. However, as HRW contends (2009: 30) 'Rwanda's policy of continued support and influence over Congolese proxy groups willing to fight the Rwandan Hutu militia and enhance its influence in eastern Congo has been unmistakable'.

Rwanda's support of Nkunda, which Rwanda continually denied, was detailed in a UN report. The report accused the government of supplying CNDP with military equipment, officers and allowing them to recruit soldiers, including children from within the refugee camps (HRW 2009: 32). Furthermore, Nkunda contributed to creating a further shadow state by establishing CNDP run police and government agencies. Using 'shadows' as Nordstrom (2004: 106) defines them as 'complex sets of cross-state economic and political linkages that move outside *formally* recognized

state-based channels'. Boshoff (as cited in Beswick 2009: 341), describes the situation in North Kivu:

Nkunda is going around North Kivu telling large crowds that his party is there to protect everybody and urging them to join... he promises the communities that he is going to develop their facilities including the provision of free education to children, medical facilities and electricity. CNDP loyalists are acquiring machines to repair roads in these areas. He is also replacing Congolese police at police stations with CNDP-recruited police and hoisting the flag at these installations.

Each wave of violence that occurred from 2003 to 2008 led to killings, torture, looting and the use of rape and sexual violence on an unprecedented level. It established a *quid pro quo* of violence with FDLR. Where, Nkunda's brigades would kill and kidnap those suspected of assisting FDLR. FDLR would retaliate against those who appeared to accept the brigades. While Nkunda proclaims that he protects Tutsi from genocide and ethnic-based violence, he is accused of committing the same crimes against non-Tutsi as those he accuses FDLR and Congolese of committing against Tutsi (HRW 2007a: 27).

As will be demonstrated throughout the remainder of the chapter, similarly to how Hutu refugees have been collectively labelled as *génocidaires*, Congolese Tutsi populations have been held collectively responsible for the crimes committed by Nkunda's groups, the Banyamulenge militias, AFDL, and the RPF. As a Banyamulenge leader (not a militia leader) explained:

The conflict is not about resources, but a political problem regarding the law of nationality. We are Congolese, yet we are considered Rwandan. The Banyamulenge were rejected because of bad politics within the government. Both wars were fought because Congolese considered us to be Rwandans. Tutsi are victims of that confusion.

### ***When Things Fall Apart***

While on fieldwork, eastern Congo was on the edge of war. This time the main actors were Nkunda's CNDP, the Congolese army, and to a lesser extent FDLR and Mayi-Mayi. For months Rwandans and Congolese discussed the actions of Nkunda. There had been previous smaller outbursts of violence, predominately by CNDP, since the signing of the Goma Agreement in January 2008. On 28<sup>th</sup> of August, the most serious fighting between CNDP and the Congolese army broke out. Each side claimed that the other was to blame for initiating the conflict (BBC 28/08/2008). On August 30<sup>th</sup> 2008, Nkunda official declared:

It is in the public domain that for 48 hours now, the Government Forces, FARDC, are carrying out heavy attacks with the scope of taking over all positions held by the CNDP in RUTSHURU since the ceasefire and the Goma Acte d'Engagement, signed in January 23, 2008. ...this latest Government initiative of unleashing the war again was premeditated in view of provoking the failure of the Goma peace process <sup>91</sup>.

Hostilities had been building up prior to Nkunda's official declaration and departure from the peace process aspect of the agreement, the Amani Peace Agreement Program. The Goma agreement called an end to hostilities from all twenty-two armed groups that supported the agreement, including Mayi-Mayi, CNDP, PARECO, and the Congolese government (ENOUGH Project 01/10/2008).

CNDP's goals for participation in the Amani Programme were to discuss with the government (who refused to have direct talks with the group) integration into the army, removal of FDLR from Congo, and power sharing. According to the ENOUGH

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<sup>91</sup> CNDP official website, accessed in October 23<sup>rd</sup> 2008.

project<sup>92</sup> on October 1<sup>st</sup>, the agreement's demise was the result of the government intentionally dragging its feet, giving Nkunda less incentive to participate in the programme. However, the Institute for War and Peace Reporting reported on 7<sup>th</sup> July 2008,<sup>93</sup> that the peace process was endangered after a leader of PARECO accused CNDP of repeatedly violating the terms of the agreement. 'According to sources within the United Nations military operations in Goma, MONUC, at least 190 violations of the ceasefire have been recorded since late January and continue on a regular basis' (IWPR: 07/07/2008).

Throughout September tensions between Congo and Rwanda grew tense as a result of Nkunda's aggression. CNDP had quickly captured large areas of Masisi and Rutshuru, yet halted making further progress (HRW 2008b: 4). At the same time, Congo accused Rwanda of supporting Nkunda (New Times 24/09/2008). In addition, a Rwandan man from the Ruzizi district (which includes Cyangugu) was arrested while in Congo and given two hundred lashes with a cane. While another Rwandan man was captured in Congo and forced to pay a ransom of five hundred dollars to be released (New Times 07/10/2008). All those arrested were accused of being Rwandan spies for Nkunda. According to Rubavu (Gisenyi) District Immigration boss Francois Senyenzi in Goma:

lorries of dead bodies of [Congolese] government soldiers killed by Nkunda's troops were on September 19<sup>th</sup> driven to Goma during the day time and were seen by residents and security personnel. The fact that residents in Congo wrongfully think Nkunda is indirectly supported by Rwanda increased the hostility of Congolese against

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<sup>92</sup> The ENOUGH project is dedicated to ending genocide. It is associated with the Center for American Progress.

<sup>93</sup> <http://www.iwpr.net/report-news/peace-deal-unraveling>

Rwandans which has resulted in arresting, torturing and detaining Rwandans as a form of revenge (New Times 24/09/2008).

Along with the continued detainment of Rwandans, the governor of Rwanda's Western Province, Penelope Kantarama, accused the Congo government of siding with FDLR (New Times: 04/10/2008). Kantarama alleged that 'An armed group of unidentified people recently crossed the border from DRC to Busasamana sector- killed one resident and injured an old man whose names I don't remember. They looted all their property and went back to DRC' (ibid).

This increasing tension between the two countries and the war taking place across the border was felt everywhere. There were more police and RDF maintaining roadblocks and 'securing' the border than there had been previously. My last visit to Cyangugu in late September was plagued with rumours, suspicions, and increasing fear. My last meeting with Malcolm was cut short by the appearance of top leaders from Rwanda's Intelligence Service (DMI). According to Joseph:

The government is sending more soldiers and spies here. [Because of the situation in the Congo?] Yes. There was an attack on a bus, armed men robbed the people and got away with a lot of money. They do not openly admit that it was FDLR, because that would make them look bad. The government is angry that FDLR attacked inside Rwanda. The government is getting ready for another war against Congo. [Was it definitely FDLR?] That is what the government is saying, there have been many rumours that FDLR are attacking people along the Burundian border.

The recent attacks on Rwandans in Congo were the main topic of conversation for most participants. The recent outbreak of violence by CNDP caused a *quid pro quo* of violence against Rwandans and Congolese Tutsi. Mama, who had been living with her daughters in Goma, feared for her safety and stayed with her son in Gisenyi. While her daughters have more Congolese '*autochthon*' features similar to their Lingala father,

Mama has the colonial stereotypical physical features of a 'Tutsi', tall, slender, and lighter-skinned with narrower facial structures. Mama came with her niece to visit me a few days after leaving Goma:

Goma is okay for now. It's not like it was a few days ago, when it was very dangerous. In Rutshuru and Masisi there were a few days of heavy fighting between CNDP against the Congolese army. Nkunda believes he is fighting for peace and security. There are many who were killed and many who are fighting for security of this area. [I've heard that there were protests.] Yes, there was a demonstration of Congolese soldiers' wives. Their husbands have been killed without being paid and the women blame the government for not doing more to stop Nkunda. Many Congolese soldiers have been killed by CNDP and many fires were set to burn down buildings in Goma. Students who go to school in Congo have stopped going because some have been killed. Twenty plus students have been arrested and others are missing. The Rwandan army has been sent to the borders and told Congo to appreciate those students. The local minister met with those students that were beaten. There has been a lot of trauma people are suffering from.

[What do you think is going to happen?] At the moment, it is getting more and more insecure. There were Tutsi men from Nkunda's militia (CNDP) that joined the Congolese army. The Congolese soldiers killed those Tutsi, who joined because they were thought to be spies. The situation is really insecure. Rwanda is angry because of the situation and Rwanda is going to want revenge for those students. We are just waiting for the heavy conflict to begin. Rwanda must have revenge for those students.

[Mama stops and remains quiet for a few moments.] Rwanda will not stop until they have revenge.

The situation only got worse when Nkunda was preparing to expand his rebellion to a full-fledged 'liberation' movement (BBC: 2/10/2008). Other CNDP forces were looming just outside Goma, when it called a unilateral ceasefire. The government refused the ceasefire and continued to fight CNDP. However, many of the Congolese army soldiers had not been paid for months and at the threat of Goma being overtaken by a better equipped and organised CNDP, resorted to looting and abandoned the army. With the Congolese army in such a chaotic and untrained state, Mayi-Mayi, PARECO, and FDLR forces joined in the fight against CNDP. Mani (the Mayi-Mayi general) emphasised this point, when he explained that his alliance with FDLR was

one that was based out of necessity. 'We need FDLR to survive. Without them we could not protect ourselves from Nkunda and they would take our land and kills us. We depend on FDLR to assist us in our struggle against Nkunda'.

When I conducted interviews at the Amani headquarters in Goma in early August, it was clear that the peace-process was in trouble. From the conversations I had with various militia representatives, I walked away feeling that war was just around the corner. For example, Jacques (a Hutu member of PARECO) and Peter, (a former child-soldier who once belonged to AFDL), felt that they were not adequately represented at the Programme, while CNDP and Banyamulenge militia were being over-represented:

I am a Hutu from Congo, my ancestors come from Masisi. We were astonished. There are no Hutu representatives here. Each group must have representative in the local government. But there is no one to represent Hutu of South Kivu. I don't know how to tell people back in the providence. We are not being represented. There has to be representation in the government. Even when we demand it, they do not do it. Hutu must be represented and must be in local government. Before the Amani Programme there was exclusion of ethnic groups and this was suppose to include everyone. I don't understand why we are excluded (Jacques).

The Amani Programme is an attempt to bring about peace. But it depends on the government and whether they are willing to implement it. Each rebel group is supposed to get one leader as representation here. However, the Banyamulenge and CNDP get more representation than others. [Why?] I've thought about this, they've caused too many problems, so they give them more representation. It's unfair (Peter).

Both respondents were dissatisfied with the Amani programme, because from their point of view, Banyamulenge and CNDP were not playing by the rules. Furthermore, since the Banyamulenge and CNDP 'caused more problems' and had more of a physical presence at the headquarters, their issues were addressed more. Oliver, however, stressed the importance of the Amani Programme, which was needed because:

In three years, there were many, many people dead and raped. The President says we need freedom from all these militias. Even Rwanda realises that people are dying. There is no farming or economic activity. Everyone signed the Goma Agreement to finish the conflict. Hutu and Tutsi know that they cannot develop again and the provinces know that they cannot grow economically. So, they came together and said 'Let us finish this peace program'. All the militia of the different areas are here. This council has finished the conflict and made a program for the integration of soldiers. It's part of the reunification process, to make one unified government to work together and as a political movement and to give all the power to the government. The militia leaders and their men have to accept the government.

Oliver, Peter, and Jacques all believed that the goal of the Amani Programme was to integrate the army and work together towards reconciliation of the country.

According to Jacques and Peter, however, the concerns of the Banyamulenge and CNDP were overshadowing the concerns of others groups at a forum that was to be used to resolve the conflict on all sides. Most non-Tutsi representatives I spoke with felt that the Banyamulenge and CNDP were taking 'an all or nothing' attitude towards the peace process. This was highlighted in an incident that happened at the headquarters soon after I had interviewed Oliver.

*Inside the Amani Program- Excerpt from Fieldnotes August 3<sup>rd</sup> 2008*

Luc and I had just finished talking with Oliver. On the veranda just outside our room, there was a group of four men, who began to argue. Two men left quickly, shortly followed by two other men. [Did you catch what they were arguing about?] Yes. Two of the men were Bembe and the other two were Banyamulenge. The Bembe told the other man that the Banyamulenge came as refugees. The Banyamulenge responded saying "That's why we need our own country now." The Banyamulenge are demanding the restoration of some land and to become rulers of their own country. The Banyamulenge told the Bembe that "If you don't accept this, there is no reason to be here. We will go back to the bush [meaning that they will return to war]"

[I asked Luc about the Banyamulenge's statements], he replied, The Banyamulenge want too much. They have been killed, but they have done a lot of killing themselves. They think that they have to have power in order to protect themselves. But it is also because they want the resources. [Do you think that the government is going to give them what they are demanding?] No. It is not possible. The government must think about the other populations living in that area, they do not want to be ruled by these people. There is no way the government or anyone else is going to give them what they want, they are going to have to take it by force.



Most militia leaders and non-Tutsi Congolese agreed with Luc, that the Amani Programme would never translate into peace because of unrealistic demands being made by the Banyamulenge militia and CNDP. Peter expressed frustration at CNDP and Banyamulenge leaders, stating that:

Here (at the Amani Programme), the groups are trying to solve general problems. But the Banyamulenge and CNDP want to focus on specific problems, mainly their own. They call for the refugees to come back to Congo from Rwanda, and the government accepts this. They want the entire territories from the Kivus to Rwanda and they expect the government to accept this. They want the entire territory of Fizi and Uvira, specifically mountains of Mulenge. The local populations cannot accept this.

This view was raised by other participants:

CNDP are making too many demands and exaggerating events. They are only a small minority. They fear that they could be killed, that's why they have a complex. They have to be at the top to have protection. But it's not good for others. And others cannot accept that these little people [small minority] at the top (Luc, Congolese from South Kivu)

For others it's an identity war, for the Banyamulenge it's a war to be considered Congolese. But it's also about the need for land. The Mayi-Mayi are against those things. We don't want them to have land. Land and territory are the big issues (Mani).

Bembe are not against the Banyamulenge, we never refused to live with them. The problem, we have is that they want land in Bembe areas. Why Fizi? Because that is where all the mineral resources are and that's the land they want. They want to create a country in another country. They're lying to the whole world. Bembe are not in conflict against the Banyamulenge, we want to live with them. But they want our land (Albert).

While many of the demands being made by the Banyamulenge and CNDP were unrealistic, these respondents fail to consider the current situation in the context of the ways in which Congolese Tutsi/Banyamulenge have been marginalised, denied citizenship and treated as foreigners. Again, Lemarchand's use of cognitive dissidence is useful here. Lemarchand (1996: 19) argues that out of the process of cognitive dissidence and the omitting and screening of inconvenient past events then 'emerges a

narrative strategy that is also a discourse in the service of ethnic interests.

Interpretations of violence tend to pave the way for the next foreseeable step, when violence itself becomes a mode of discourse’.

This is exactly what is happening on all sides of the Congo conflict. For instance, during my conversation with Albert, he discussed acts of violence committed by the Banyamulenge against the Bembe, but never mentioned any acts of violence committed by the Bembe against the Banyamulenge. For example:

In 1992, their first action was to kill a Bembe priest. This is when the political situation began to change. Before the Bembe and the Banyamulenge had no problems. Then 1996 comes: First the Banyamulenge brought war, they killed the local king/chief, so that they could take the territory and claim it for themselves. You see at first it was considered a Banyamulenge liberation movement. It was a surprise to us Bembe. The Banyamulenge came and killed our king. They killed him in a bad manner. They forced him to eat his own sex. His body was never found. This is what started the fighting. The Bembe had no guns, but began to organise a resistance. The Banyamulenge were looking to be considered Congolese, so we turned to the Congolese militias as an organisation to defend ourselves.

The same can be said for CNDP and the Banyamulenge militias, where the statements of ‘protecting Tutsi’, has become a narrative strategy that ignores the violence committed by them, the RPF and RCD against Congolese civilians.

The argument put forth by the Banyamulenge representatives were that the Congolese government had to give them their own land or they would continue the war, believing that only when the Banyamulenge/Tutsi had their own country would they be safe. Yet at the same time, not all Tutsi agreed with the methods being employed by CNDP and the Banyamulenge militias. Mama told me, after Nkunda officially declared war it resulted in protests against Tutsi that ‘Nkunda says he is

fighting to protect all Tutsi, but he causes more problems for us'. Each group has its own narrative strategy that has become a justification for further violence.

Another illustration of this type of narrative strategy among non-Tutsi participants on both sides of the border is that Nkunda, Kagame and the Rwandan government are seen as allies in so far as they suggest that the Rwandan government was providing Nkunda with financial and military aid. For example, when Mani mentions that he considers Hutu as brothers, he mentions that this solidarity is in part based on the fact that both have suffered:

but we have seen how the Rwandan government chased them (Hutu refugees) and killed them. Many Congolese have suffered because of the Banyamulenge and Nkunda. They are supported by Rwanda. We suffer as they have suffered.

Mani goes on to say that 'The RPF is supporting Nkunda that it is why he has been so successful'. Whether rumoured or true, the role of Rwandan government in sponsoring Nkunda fuelled fears of another Rwandan invasion and the establishment of a 'Greater Rwanda'. As Mani explained:

The Banyamulenge want all the land and the resources of the Kivu. They want it for themselves and for Rwanda. They do not want peace. CNDP will not abide by the peace agreement. They are preparing for war.

CNDP have no reason for fighting. Nkunda and Kagame want resources. They want to take power and have Congo's resources. There's no reason to fight (Louis, Rwandan Hutu).

Kagame and his RPF are preparing another genocide this time in Congo against Hutu. Kagame uses Nkunda to carry out genocide. Nkunda- is a genocide agent, like Kagame in the Congo. They want to kill Hutu and steal Congo's resources (Malcolm, Rwandan Hutu).

Rwanda wants the Kivu region, so he uses Nkunda. As a result of this conflict, Congolese people are suffering' (Oliver, Congolese).

This section focused on the events leading up to the conflict in the Kivu region in August 2008 and the movement's leader Laurent Nkunda. In doing so, I wished to illustrate how the actions of Nkunda and his perceived alliance with the RPF, created further anti-Tutsi sentiments. The actions of the RPF as a 'foreign army' and Tutsi militias such as CNDP have contributed to the labelling of Congolese Tutsi as foreigners and their ethnic marginalisation. Furthermore, using the events of 2008 as a case study, it became evident that issues of identity and citizenship are directly tied to debates over land. While participants recognised the importance of the Amani Programme, the chance at peace was plagued by each groups' cognitive dissidence, the refusal to acknowledge past wrongs committed by their own group against another.

## **Conclusion**

Nordstrom argues that:

When a war ends, it makes less difference than we might think. No alchemy exists whereby state and society "naturally" revert to prewar realities with the declaration of peace. Even in a cease-fire, a country continues on war footing until its institution and practices are actively redefined toward different ends (2004: 144).

This is most certainly the case for Congo, where outbreaks of violence and the worst sexual violence continue on a daily basis despite the lack of media attention.

Questions about justice and repairing the social damage done through over fifteen years ethnic conflict still remain unanswered<sup>94</sup>.

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<sup>94</sup> The situation in Congo took an unexpected turn on January 22nd 2008, when Rwanda arrested Nkunda. His arrest came after Rwanda agreed to a joint-operation with the Congolese government. According to the BBC (23/01/2008), Nkunda refused to back the Congolese-Rwandan alliance that would allow Rwanda to pursue FDLR. Nkunda's war caused the displacement of two hundred and fifty thousand people, while Nkunda, himself, remains under house arrest in Rwanda. Congo has been

The objective of this chapter was to understand the complex historical socio-political processes and events that have contributed to the rise of anti-Tutsi/ Banyamulenge sentiments in the region. The invasion and role of the RPF as a 'foreign army' in Congo from 1996 until 2008 created a context where the *Hamitic* Hypothesis, which sees that Tutsi as a group of foreign invaders determined to conquer and subjugate 'indigenous' peoples, took on a new legitimacy. The alliance created between Rwanda and Congolese Tutsi through militias like RCD-Goma and CNDP only served to reify in the minds of 'indigenous' Congolese, of the Tutsi's 'foreignness'. Furthermore, comments made by prominent members of the RPF of expanding Rwandan territory into the Kivu region, fuelled fears that that Rwandan and Ugandan involvement in the Congo was an attempt to expand the Tutsi-Hima Empire. This is the belief that there is an alliance of Tutsi and Hima, both 'Hamitic' groups, who have joined forces, in order to colonise the Great Lakes region and dominate Bantu groups (Eltringham 2006: 442). Furthermore, conversations prior to the outbreak of war in August 2008, emphasised that as long as each ethnic group engages in the process of cognitive dissidence and refuses to deconstruct their own narrative strategy, violence will remain the primary 'mode of discourse'.

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petitioning Rwanda for his extradition, while Rwanda has been accused of stalling the court case (Reuters: 13/05/2010).

## Chapter Eight: Conclusion

And how does violence feel? ... it feels like existential crisis, like hopelessness, like the loss of the future. It feels like impossible contradictions of resistance within oppression, like the struggle of humanity within terror. Violence is about im/possibility, about the human condition and the meaning of survival. This is why wars are fought with bloodletting, why torture takes place, and why neither violence nor war is limited to the physical carnage of the battlefield (Nordstrom 2004: 59)

I feel that I exist and I don't exist. Rwandans are in power in Rwanda, but follow the activities of this government! They use brutality and one day they could brutalise me (Stephen, Hutu).

The aim of this thesis was to study the public and hidden transcripts of post-genocide Rwanda and the chasm that exists between them. Specifically focusing on how enforcing of the public transcript, through the use of genocide ideology laws, has become a mechanism for facilitating a continuum of violence that includes state, symbolic, and structural. Malcolm told me that 'Only when I leave [Rwanda] will I have peace. Here I don't exist'. Louis expressed a similar sentiment:

I feel like I'm in prison because I can't say what I think. I've already died. I died when I returned. Those in power say that the time of the Hutu is finished. How can I say what I think, when I'm obliged to support Kagame and forced to vote for the RPF. I don't want to, but they force me. I have no rights.

Stephen, Malcolm and Louis illustrate how violence and even the fear of violence create feelings of hopelessness and a loss of the future. Thus fear becomes the meta-narrative of this thesis.

This fear exists on many levels. Chapter two explored how 'fear' impacted the research process. Nordstrom (1995: 3) captures the effect that fear has on the anthropologist when fieldwork is conducted in dangerous contexts:

This emphasis on how people come to grips with life under siege, on the experience, practice, and everydayness of violence, makes attention to fieldwork conditions necessary. The emotional intensity of the events and people studied, the political stakes that surround research on violence, and the haphazard circumstances under which fieldwork is being conducted entwine fieldwork and ethnography. These tensions weave their way through the whole of the anthropological endeavour—colouring the lives and perspectives of the researchers and those they study alike.

It is within this context that fear became the meta-narrative. Furthermore, conducting research where individuals faced legal consequences for not sticking to the public transcript, required participants as well as myself to wear a mask. Goffman (1997: 103) argues that:

When we think of those who present a false front or “only” a front...we think of a discrepancy between fostered appearances and reality. We also think of those precarious position in which these performers places themselves, for at any moment in their performance an event may occur to catch them out and baldly contradict what they have openly avowed, bringing them immediate humiliation and sometimes permanent loss of reputation.

This is crucial to understanding post-genocide Rwanda, where the mask should not be taken at face value. To remove the mask and to have access to the hidden transcripts requires participants to take risks that were not consistent with conventional codes of ethics. In chapter two, I suggested that ethics such as those outlined by the AAA and the ASA are not designed to address the conditions that come with doing fieldwork in dangerous areas. This requires us to develop more relevant techniques that adhere to the spirit of ethical codes, yet also meet the challenges of doing research in dangerous areas.

Much of the fear in Rwanda is a consequence of the empty nature of the genocide ideology laws, which contributes to its use as a political tool to silence opponents and

criticisms. Chapter three explored the various definitions of ‘sectarianism’, ‘revisionism’, and ‘genocide ideology’. While many respondents used ‘genocide ideology’ in a self-evident manner, replicating its use by the government in the ‘public transcript’, others privately critiqued it in a hidden transcript. By focusing on specific incidents that the government considers to be ‘genocide ideology’, allowed us to see how the government frequently charges ‘genocide ideology’ when people are outspoken and critical of the RPF rather than when they explicitly advocate violence against Tutsi.

It becomes clear that the RPF transcript and government policies are creating more and more resentment among Hutu respondents. This can be found in chapter four which considers the institutionalisation of the public transcript on ‘history’ and democracy, arguing that it involved a range or a continuum of violence. Within the hidden transcript on democracy most participants felt that the government’s tactics of rigging ballots, intimidating and threatening civilians, and using ‘genocide ideology’ to eliminate potential opposition candidates were proof that the RPF had no right to rule. Petersen (2002: 40-41) defines resentment as ‘the feeling of being *politically* dominated by a group that has no right to be in a superior position’. Malcolm emphasises this, when he stated during an interview ‘I don’t consider the RPF to be the proper government of this country’. It is the gap between the public transcript and reality that is leading to resentment among Hutu, as Malcolm suggested:

I’m not happy because I have no education. This makes me angry; Tutsi and genocide survivors get a chance at education, while I have no job. Being in this new Rwanda, being Rwandan doesn’t make me happy or at peace. I just want to leave. Take what those in the exile say, they’re not wrong. When someone leaves and others would go



with them to the airport, they would cry but today people are happy when they see people have the chance to leave and for those who leave. Before the RPF took power, being Rwandan was good, that was the reason why those (RPF) who struggled to return wanted to return. But now Rwandans want to leave, they want to return to the country they had before the genocide.

According to Petersen (2002: 41), when there is a gap between 'reality and the conception of a "just" hierarchy, the emotion of Resentment is activated'.

In chapter five, I argued that despite government's claims that there is no more 'Hutu,' 'Tutsi,' or 'Twa,' and that everyone is unified under a Rwandan national identity, 'ethnic' identity has become imbued with the guilt and victimisation of the genocide. Hutu participants described how rather than being 'Rwandan', they as Hutu were seen as collectively responsible for the genocide. Douglas' reaction to the RPF's message reflects how the violent nature of such practices is leading to resentment:

As a man it hurts me to do something that I don't accept, but there is no other choice. I have to keep quiet. I don't have an opportunity. I would have been killed immediately if I would not have pledged support for Kagame. I was forced to because of fear that was the "decision." During the elections, there were members of the police and soldiers located in the rooms where you go to cast your ballot. The poll observers were not allowed in that room, so they didn't see that people were being intimidated. There is no freedom to vote for whom you choose. Those men guarding the room also told me to cast my vote for Kagame.

Similar feelings of resentment can be found when Hutu are forced to participate in genocide remembrance ceremonies and events, where they are constantly reminded of their collective guilt, as Robert and Huey suggest:

During the remembrance week- I heard that a police official, a person, high up, say "that there will never be a Tutsi who will forget what Hutu did to Tutsi. And now we are the ones with guns." When I heard these men talking like this, I thought that they could do a genocide. (Robert)

The genocide remembrance ceremonies bring separation and hate among people. During this period genocide survivors become very angry. And for the Hutu, though many members died, they are not remembered. Those sites are used as business with a message 'Look at the Tutsi that have been killed, give money'! (Huey)

Consequently, resentment is further fuelled in that Hutu who died in the 1994 genocide and in the Congo are erased from memory.

Chapter six examined how the Rwandan government used the 'genocide credit' and the 'moral guilt' of the international community to justify their invasion of Congo in October 1996, which I argued led to the criminalisation of all Hutu refugees. The government did so, by first arguing that all 'true' refugees had returned to Rwanda after the first month of the invasion. Since all the 'true' refugees had returned, those that remained in Zaire were *Interahamwe*/ex-FAR and a threat to Rwanda's security. This narrative is protected inside Rwanda under the legal system through genocide ideology laws. The use of 'genocide ideology' in the legal system is an attempt to erase memories that challenge the governmental narrative of events that occurred in Congo in 1996, which further contributes to the implicit criminalisation of the Hutu identity.

Furthermore, the role and presence of the RPF in eastern Congo for the fifteen years has given new legitimacy to the Hamitic myth, which sees Tutsi as an invading foreign army. Fears of this invading army were reinforced, when prominent members of the RPF government began discussing Berlin II and a 'Greater Rwanda'. In addition, these fears have been transferred to resentment against all Congolese Tutsi and Banyamulenge. Many 'indigenous' Congolese resent the Tutsi for their alliance with

the RPF and for contributing to years of conflict. Furthermore, these Congolese see Tutsi as being Rwandan. Congolese Tutsi and Banyamulenge also face growing resentment from Rwandan Hutu. Huey expresses this sentiment when he states:

When the Banyamulenge and Congolese Tutsi came to Rwanda, they were treated as Rwandans. While those who left (Hutu) are not allowed to come back, even though they were born and are Rwandans. Banyamulenge, spend 400 years and fail to be Rwandans, those [Hutu] who left don't fail to be Rwandans after the genocide, they are Rwandans. The Banyamulenge are Congolese.

For Huey, Congolese Tutsi are treated more like Rwandans than members of FDLR and other Hutu refugees and as a result still feel that they are unable to return home. Huey is resentful because in his opinion the Banyamulenge and Congolese Tutsi despite being treated as Rwandan can never be, because they are Congolese. Yet, those that left after the genocide are by right Rwandans, however, they are denied the opportunity. It is again the difference between what the RPF says in the public transcript, where everyone is Rwandan and the reality where 'ethnic' divisions still exist and are reified by RPF policy.

Petersen (2002: 41) argues that it is:

the everyday experience of these perceived status relations that breeds the emotion. The concept [of resentment] assumes that social relations are usually tinged with overtones of domination/subordination, that humans tend to think in terms of group-based hierarchies, that these hierarchies are reordered through structural changes. Crucially, the Resentment narrative holds that individual believe these hierarchies can be reordered through violence and discriminatory policies.

Resentment will be felt more strongly if 'the occupier not only demotes the majority group but places a formerly subordinate group above it in the hierarchy. As a general principal, individuals of formerly dominant groups resent living in hierarchies that

have placed them in newly subordinate positions' (Petersen 2002: 35) and feelings of injustice will be more severe 'if the policy of the occupier entirely shuts out the majority from positions of authority'. After 1995, most Hutu politicians in the Unity government were forced into exile (Prunier 2009: 45-46). Furthermore, the complete and total marginalisation of viable strong oppositional candidates from the political arena reinforces the sense that politics in Rwanda is for Tutsi and RPF only. As a result, Hutu participants have constructed life under Habyarimana into Rwanda's golden age. This in no way should be thought of as a form of 'genocide ideology', no one spoke of favouring ethnic divisions. Rather, they focused on having equal access to education, jobs, and paying less in taxes. For example, Al stated that:

Before poor people came from the village to sell in order to get things they needed, they didn't have to pay taxes. There were no taxes on food. Now people have to pay taxes on food. Those who bring things to the market from the villages have to pay taxes.

For Douglas, despite all of the RPF's claims about how life in Rwanda was better today, he disagreed believing that 'Life is not better today, it's much more difficult. Taxes are higher. Before it was okay, we could go to Congo and bring things back with no problems'. According to Jean-Claude

Life was good very good before the genocide. Before the RPF invaded, Rwandans became each others family, but now we live in fear of one another. For example, before the invasion, people use to share goods with each other. If someone didn't have something you would help them out. But after the war, this no longer happened. Before the troubles, I had brothers, I worked, there were activities, goods were cheaper. Now there are no jobs and life is difficult. Rwandans are suffering, the situation needs to change. Those in power are rich and they are forcing the poor people to pay high taxes. What the government wants is the will of the government, it doesn't pay attention to the people. Even Tutsi don't like the government, there are those who have had their houses destroyed and the government haven't done anything to improve this situation.

Life after the genocide was of course, going to be different, cohesion and trust among individuals in communities have been completely shattered. However, participants emphasised that it was the government who was fuelling ethnic divisions, by constantly reminding Hutu of their collective guilt of the genocide (Zorbas 2009: 134-135). According to participants before the 1990 invasion by the RPF life was peaceful and people got along, now, it has been replaced with suspicion and guilt. Huey illustrated this point when he told me:

Rwanda was peaceful inside - our culture was full of hospitality, mentally cool and honest. Before, we liked to live together. We became each other's family, gave cattle to each other, even with limited money and resources we were happy living together. Now becoming family and living together is difficult. You find people crying because of the situation in which they live. Without a job, before there was work. My wife and sister will go to town and ask for food or for credit and they share what they get. Before the genocide food and water used to be cheap or free. But now it's extremely high and we are forced to pay tax on it. Those who are in government jobs have to pay money to the RPF or they won't have a job.

Since my time in Rwanda, I have kept in touch with Simon and Joseph. While I was in the field, both were unemployed. According to them, employers would only hire employees who were members of the RPF. Simon was offered a job working as an assistant to a high level (Hutu) official in the government. Simon debated whether or not to take the job, stating 'It means that I would be like Paul (the government official we interviewed). It's not fair, to get a job, I have to join the party that killed my brother. How can I do that?' Joseph was also dead-set against joining the RPF, but as a university educated individual he was also desperate for employment. Joseph joined the RPF a few weeks after Simon. When I asked Joseph if he still wanted to help me conduct my research, he said 'This changes nothing, we will still do research. It is needed'. Later, Joseph got a job working in education.

I have wondered whether their employment and position in the RPF would change their feelings and views on the issues we discussed. In an email exchange I had with Simon in August 2010, I asked him if he and those we interviewed still felt the same. He stated, 'We still feel the same, we can't forget our brothers who were killed by [intentionally left blank]. We work, but we remember, we always will remember our family members that were killed'. Fearing his safety, Simon had deliberately left out the name of those, he held responsible for the death of his family members. I asked Joseph if he felt the same after seeing that he was a 'fan' of Paul Kagame on Facebook. I wondered if it represented a change of heart or was it a way to deter suspicion by showing his support for the RPF and the President in a public forum. Joseph responded that his feelings had not changed. When I received Simon and Joseph's emails, I was making corrections on chapter three and ran across the quote from Kenneth Roth, pushing the ICTR to try crimes committed by the RPF, arguing that:

Seeking justice for the victims of the RPF crimes neither denies the genocide nor equates these crimes with genocide. It simply asserts that victims, regardless of the power of the alleged perpetrators, have the right to see justice done (Roth 2009a).

The exchange with Simon and Joseph brought home the significance of Roth's argument. Hutu participants want justice for their family and friends that were killed at the hands of the RPF, but also for strangers they saw dying along side the road or being gunned down in eastern Congo. They are not denying the 1994 genocide, but demanding that their victims be counted along side the Tutsi victims. The IBUKA president stated that without justice there could be no reconciliation. This is as true for Hutu victims as it is for Tutsi victims. At the end of my interview with Huey, I asked him what did he think was going to happen in Rwanda if things continued to

remain how they were? He responded, 'Now it's like a volcano, one day Rwanda will explode. The situation now, is like preparing for war'.

Appendix One  
Flight of Refugees (1996-1997)  
UN Mapping Exercise (2010a: 85)





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