Local Perceptions of Justice and Identity
Following Mass Participation in Rwanda’s Gacaca Courts

BY

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THESIS

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SUMMARY

This manuscript documents the findings from my fieldwork in Rwanda exploring stakeholder perceptions of the process and outcomes of the genocide court system known locally as *Gacaca*. In total, 57 judges, perpetrators, and local observers participated in this study and provided their perspectives on the court’s procedural fairness, accomplishments, and legacy.

Results from this study indicate that although some procedural characteristics of *Gacaca* benefitted court participants, these benefits were compromised by the burden placed on stakeholders and procedural shortcomings manifested by imbalanced power structures within communities. Respondents noted that procedural safeguards were particularly limited by the corruption of judges and witnesses that became more prevalent as the *Gacaca* process wore on. Additionally, rape survivors explained that the process of giving testimony was traumatic and frequently their confidential testimony became public knowledge causing continued trauma.

Respondents’ perceptions about personal justice-related accomplishments were linked to thoughts on procedural justice. Some survivors benefited when testimony at *Gacaca* revealed facts about events during the genocide that assisted in locating deceased loved ones and/or contributed to better understandings of past violence. In these instances, survivors noted that *Gacaca* contributed to healing and reconciliation. However, in many cases, survivors felt that testimony was not true or incomplete. Survivors felt that inaccurate testimony was given by perpetrators to avoid punishment. Survivors also felt that corruption decreased the degree to which the truth was revealed.
Punishment was also desired by survivors. Some survivors felt satisfied with the punishments handed out to perpetrators at Gacaca. However, in many cases survivors were unsatisfied because restitution was rarely ordered. On the other hand, respondents that were accused of genocide crimes and later acquitted or released felt that punishment was too easily handed out by judges and influenced by bias. These individuals were incarcerated for long durations prior to release due to deliberate or unintended procedural violations by judges.

At the more macro-level, reconciliation was a major consideration in the use of Gacaca by political leaders. Results from this study reveal that perceptions of inter-group animosities appear to be reduced since the events in 1994 but have not been eliminated. Individuals from this study noted that rifts still existed between Hutus and Tutsis but are not spoken about in the open. Respondents also explained that new divisions have been created because of the justice-related actions taken since the genocide. For example one respondent described growing animosities between “old” Rwandans who were in the country during the genocide, and “new Rwandans, who came after. New perceptions of divisionary identities may have been influenced by Gacaca. Individuals that participated in Gacaca frequently formed strong social bonds through exposure to shared experiences and reliance on one another for emotional support. At this point it is too soon to tell if new divisions have been created that might contribute to future conflict.

Finally, this study revealed that certain groups within Rwanda have been excluded in discussions about the genocide. Four self-identified Batwa Rwandans were interviewed who explained that they have been left out of genocide narratives. Perhaps because of their
historical exclusion, these individuals were both perpetrators and victims during the genocide with some joining the Interahamwe in their slaughter and others being targeted because of their identity. Respondents from this study felt that Gacaca only recognized these individuals as perpetrators and denied their survivor status.

For this study I also interviewed a group of women that gave birth after being raped during the genocide. These women explained that like the Batwa, children that were born out of rape are denied the survivor identity. These families face many burdens because the children do not benefit from programs that assist survivors. In addition to this exclusion, these children must contend with a debilitating stigma attached to those whose fathers were sexual violence perpetrators.

These issues and many others are discussed in the manuscript that follows. In ten chapters I tried to describe the historical context of the genocide, the apparatus that was created to deliver justice for those harmed, and the perceived effects that this apparatus had for Rwandan citizens.
I. INTRODUCTION

In 1994, members of the ethnic-Hutu Rwandan population systematically hunted, raped, and murdered hundreds of thousands of their neighbors, the Tutsis. Over the span of one hundred days, approximately 800,000 Tutsis and Hutu moderates were murdered with machetes and garden tools (Gourevitch, 1998). The slaughter lasted from April until June when the Rwandan Patriotic Army, a Tutsi insurgent group, pushed toward the Hutu killing zones and finally ended the bloodshed. Following the conflict, Rwandan local and national political leaders needed a way to transition to a new democratic state that would reconcile their people and hold those responsible for their actions. In 2002, Rwanda tried to accomplish these objectives by creating a unique and innovative court system called Inkiko-Gacaca ("grass courts" in the native Kinyarwanda language). Between 2002 and 2012, this court system processed more than two million cases over the course of ten years by utilizing lay judges and popular participation (Asiimwe, 2012).¹ According to the Rwandan government, the courts would be a blend of restoration and retribution to allow the Rwandan people to move forward from atrocity (Jones, 2010).

For the government of Rwanda, the goals of the courts were both pragmatic and idealistic. Pragmatic objectives included reducing the enormous backlog of genocide cases and decreasing the population of the overcrowded jails and prisons; thereby improving living conditions for those housed there (Clark, 2010). Broader, idealistic objectives were

¹ This number is probably somewhat lower as Human Rights Watch (2011; p. 25) reported that there were problems with multiple entries.
primarily framed around five main goals: 1) to punish perpetrators that committed offenses, 2) to reconcile a population that had undergone mass violence, 3) to promote national unity, 4) to establish a record of truth, and 5) to distribute material needs and resources (commonly known as distributive justice) (Oomen, 2006). By focusing on these broader objectives, leaders within Rwanda hoped Gacaca would accomplish a final goal: to increase the legitimacy of the state’s legal institutions.

To achieve these aims, the use of Gacaca by the Rwandan government was an attempt to use a participatory model of justice to bring perpetrators face-to-face with the surviving population. In this process, community stakeholders would collectively decide what to do in response to mass atrocity. Theoretically, this process would provide a space for interaction for victims and survivors that would allow participants to speak out about crimes committed, share their stories with other victims, and assist in determining what the punishments should be (Clark, 2010). Finally, the Gacaca courts would also encourage truth-telling that was hypothesized to achieve a number of therapeutic outcomes for survivors (Agger and Jensen, 1990; p. 115).

To the international community, Rwanda's Gacaca courts were viewed as a unique experiment in transitional justice (Kirby, 2006; Waldorf, 2006a). If this experiment were judged as successful, other emerging democracies might use it as a model for their own transition from violence. At the practical level, the Gacaca courts represented a means by which countries lacking the infrastructure or resources to create costly western-style judicial systems that might implement a legal process that relies on the local population and traditional dispute resolution devices to expedite judicial decisions. Nations could
hypothetically use these traditional methods to restore fractured populations or transition to a democratic political structure. Whether and to what degree Gacaca is viewed as successful will impact the international community by allowing countries to replicate successes within Gacaca to fit their own needs.

A. Problem Statement

After ten years of operation and nearly two million cases tried, the genocide courts of Rwanda, Inkiko-Gacaca, finally concluded in July of 2012 (BBC News, 2012). Gacaca (as I will refer to the courts onward) represents one of the most ambitious justice initiatives in human history. But, how did local court participants perceive the process and outcomes of the Gacaca courts? In order to answer these questions, this dissertation project sought to better understand how individuals within Rwanda perceived the Gacaca courts that were established in an attempt to work towards national healing following the 1994 genocide.

Although it has been 20 years since the genocide, Rwandans still face many obstacles that must be surmounted in order to move forward. Rwanda is built symbolically and physically on the rubble of systematic violence carried out across group lines. These intergroup divisions are not simply forgotten. Today former antagonists may live side-by-side or will be resettling next to one another soon. Additionally, the role of previous state power in the perpetration of the genocide and past pogroms has compromised trust in national political power. Research conducted with Rwandans at the local level is important to determine how and to what degree the country is transitioning from past violence to a

\[\text{See Straus, 2006; Fujii, 2009; and Hintjens, 1999 for genocide theory discussions}\]
more healthy democratic future. At the micro-level, it is imperative to directly question citizens about transitional justice mechanisms because many of the atrocities were committed by regular citizens. Finally, to assess long-term potential for peace, research must inquire into citizens’ views on the legitimacy of the legal system. Over the past half century, many individuals have grown skeptical of the legal apparatus due to past failures in holding perpetrators accountable for committing mass violence. This Rwandan trend of impunity has resulted in widespread perceptions that the use of violence will rarely result in punishment; therefore, potentially encouraging violent behavior in the future. To overcome these obstacles of justice and transition to a functional democratic state, Rwanda must reduce inter-group tensions, rebuild legal and political legitimacy, and reverse trends in pardoning violent offenders.

Research on the Gacaca courts and more generally, on how nations move on from mass violence, has been lacking for two major reasons. First, many researchers have been overly broad in analyses of post-conflict situations because they have concentrated almost entirely at the macro or national level. While macro analysis is important, inquiries into how local citizens perceive justice processes is equally significant so that a more holistic understanding of post-conflict Rwanda can be captured. Essentially, research at the local level should be compared to macro trends and vice versa to validate or challenge emerging viewpoints about the trajectory of Rwanda and its people. Second, research in Rwanda has been overly outcome-centric with less than optimal attention to procedural understanding at the local level. This primary focus on outcome variables ignores the emerging body of scholarship showing the importance of procedural fairness in shaping how citizens view the success or failure of legal mechanisms (Shapland, 1984). Procedural justice, to those
that are directly participating in legal mechanisms, is determined by a number of issues including the degree to which courts and those overseeing the courts treat community members with dignity and respect, allow witnesses and participants in the trials to have a voice, and are viewed by participants as being neutral and trustworthy (Lind and Tyler, 1988). Research into how authorities treat local Rwandan citizens and how Rwandan citizens understand judicial process is essential so that local and international actors can assess and predict current and future citizen faith in the Rwandan government and legal system. At the theoretical level, the Gacaca courts promised high levels of procedural fairness because they were constructed from traditional Rwandan conflict resolution practices embedded in restorative philosophies as opposed to pseudo-colonial Western or liberal-legal practices. Up until this point, inquiries into procedural fairness have been insufficiently researched (Hancock d’Estree, 2011 & Jones, 2010).

This manuscript attempts to fill in some of the details missing from structural and/or macro-political commentaries on the subject of Rwanda. In outlining local perceptions of Gacaca this research was produced to supplement Clark’s call for local understandings of Gacaca and to provide details regarding how Gacaca represented a space for former perpetrators, survivors, and community members to gather together and collectively find a way to live together following mass atrocity. In sum, this research attempts to answer the following questions:

- Question 1: What did the Gacaca process look and feel like to ordinary Rwandans?
- Question 2: What did Rwandans hope would be accomplished by Gacaca and to what extent were these hopes realized?
• Question 3: How do stakeholders perceive the state of affairs in Rwanda now that Gacaca is finished?

B. Outline of Manuscript

This manuscript is divided into ten chapters that describe my academic contributions and development at the University of Illinois at Chicago.

Chapter 2 places the current issues facing Rwanda into context by presenting a brief albeit complex history of the small African nation. I have separated the Rwandan history into four subsections: 1) pre-colonial Rwanda, 2) colonial Rwanda, 3) post-colonial Rwanda, and 4) Rwanda during the genocide. These periods in Rwanda’s development are vastly important to understanding the nature of the conflict that occurred in 1994 and the subsequent implementation of Gacaca. The pre-colonial historical overview describes the remnants of Rwanda’s oral history prior to the arrival by Europeans in the mid-19th century. The colonial period, spanning approximately 70 years from 1890 to 1959, is next described with particular attention to the German and Belgian influences on the creation of pseudo-ethnic divisions within the state and governmental practices taught to the Rwandan’s by European authorities. The third subsection in the historical overview covers post-colonial Rwanda and the emergence of political and ethnic violence eventually leading to civil war within the state. The final subsection describes the Rwandan genocide as it occurred from April 6, 1994 until early-July of 1994.

Chapter 3 describes events in Rwanda directly following the genocide and how the eventual decision to use Gacaca came about. This section is provided to give an overview of the challenges facing the remaining population, including its civilians and political leaders as they attempted to rebuild its decimated infrastructure. This section also
presents a summary of the options the leaders of Rwanda considered in transitioning to a peaceful, democratic state. These political and civil options are described in the academic literature as mechanisms of transitional justice and will be further explored with particular attention to a rival approach used by South Africa to rectify damages done to the population during apartheid.

Chapter 4 describes, in detail, the Gacaca system. This section is broken into two parts. The first part outlines how this traditional conflict resolution device was used in the past (pre-colonial Gacaca) and how it was reinvented following the genocide. The second part describes what Gacaca looked like during the post-genocide manifestation (i.e. the structure, rules, and policies associated with it).

Chapter 5 synthesizes the historical literature review; it presents the academic discourse on transitional justice and past research assessing Gacaca. This is done to establish the theoretical orientation of this project. A theoretical discussion of reconciliation is also discussed as an orienting framework for this work.

Chapter 6 details the methods and analysis used to explore the legacy of the Rwandan genocide. This section describes the interview protocol used to explore local Rwandan citizens’ perceptions, experiences, and thoughts about their interactions with the Gacaca courts and life moving forward in Rwanda. This section also addresses the analytical framework used to analyze and present results.

Chapter 7 presents results of how local Rwandans viewed Gacaca and its evolution as a transitional device. This chapter also describes how decisions were made within Gacaca and how these decisions were viewed by the local population.
Chapter 8 presents testimony provided by survivors pertaining to their individual needs as victims of genocide and whether these needs were met by Gacaca. This chapter is organized in a hierarchical manner with first-order needs presented first followed by higher-order needs next. This chapter concludes with a parallel section on perpetrator perceptions of the Gacaca process.

Chapter 9 presents respondents’ views on how Gacaca has impacted the present. Within this chapter are sections on reconciliation, influences of Gacaca on identity, lingering issues not yet addressed by Gacaca, and individual discussions of two groups that were not recognized sufficiently by the Gacaca courts.

Finally, Chapter 10 presents a discussion of the results and some suggestions regarding what might be done in the future to encourage further developments on reconciliation and reconstruction.
II. THE ORIGINS AND EVOLUTION OF VIOLENCE IN RWANDA

In this chapter I provide a general historical context in which to understand the thoughts and opinions of those I interviewed in this project. This introduction is included so that the reader better understands the value and limitations of this work. Rwanda’s history, like that of many nations is complex and includes millions of stories and versions of events. Although I am not an historian, I have included prominent works on the history of Rwanda and drawn together what I hope to be a concise overview of events leading up to my work.

A. Pre-Colonial Rwanda

Where the people of Rwanda originally came from is unclear and has been debated since Europeans arrived in the area. Many have offered their own theories about the historical migration of the people that settled in Rwanda. While an account of Rwanda prior to recorded history is unclear, we do know that at the time of European colonization there were three groups recognized by the Germans - Bahutu, Batutsi, and Batwa (since shortened to Hutu, and Tutsi; Batwa is kept the same because this term is used most often in the literature). These native inhabitants of Rwanda lived in relative peace up until colonization due to the fertile lands and safety provided by the hills. Each hill developed its own infrastructure resulting in "micro-monarchies" where a central family or clan ruled (Prunier, 1995; p. 17). As populations on each hill became dense, loyalties began to spill over to other hills.
Eventually, some time prior to the 18th century, a pseudo-feudal society emerged with a relatively weak central monarchy. The monarchy was ruled by a complex hierarchy of administrators headed by a Tutsi *mwami* or king (Mamdani, 2001). Under the authority of the king, local chiefs were empowered to make decisions on the kingdom’s behalf. These chiefs divvied up the kingdoms responsibilities (the kingdom, at the time of colonization, was substantially smaller than the current boundaries of Rwanda), which included collecting taxes, motivating the population to labor, appropriating land and its use, and recruiting soldiers for the central army (Prunier, 1995; p. 11).³

Each chief was given a degree of autonomy to control and gather resources from his jurisdiction (as all administrator roles were given to males). These jurisdictions tended to end where another hill began but this was not always the case. Sometimes chiefs in the peripheries of the kingdom were charged with multiple responsibilities and multiple hills. Those entrusted with these responsibilities of power also tended to be Tutsi (like the *mwami*), but not always. Central control in the early colonial era was very loose and community identification centered mostly around the clans and families living on one’s own hill. This degree of local power tended to correlate with the distance between the hill and the capital region. Local chieftains were free to accumulate tax, divvy up land, and conduct state matters in a variety of ways with little influence by central state authority. According to Mamdani (2010) civilian labor for the betterment of the monarchy, while required, was less exploitive than colonial policies that followed in the 20th century and resulted in some form of salary for the families of those that worked.

³ Chiefs varied in which responsibilities were endowed by the *mwami*. Typically, three categories of chiefs were created to administer different objectives: the chief of men, chief of landholding, and chief of pastures.
Throughout the mid-19th century the mwami’s monarchy extended only a short distance from the seat of his throne. It wasn’t until a particularly aggressive monarch named Rwabugiri emerged that this would begin to change. While Rwabugiri was not the first Rwandan to try to consolidate and expand his base of power, he was one of, if not the most, successful at it (Prunier, 1995).

B. Colonial Rwanda

It was in the context of central expansion by the mwami’s court that the first European arrived in Rwanda. The Germans had claimed Rwanda in 1891 and only indirectly intervened into Rwandan affairs during this time. As Germans began visiting their isolated African colony, they were amazed by the seemingly advanced government system that was present in Rwanda. Back home in Germany, the trend in anthropology was to look at humans through the canon of eugenics. The historian, Mahmood Mamdani (2001) has argued that although group identity may have originated in some form from cultural or economic realities within Rwanda prior to the 19th century, group divisionism that eventually culminated in the 1994 genocide was created during colonial rule. Prior to European subjugation, group identity and membership were somewhat permeable; an individual that was Hutu could become Tutsi and vice versa. Colonial rulers and their implemented policies galvanized differences around power and political identity in the late 19th and early 20th centuries. Mamdani explains that understandings of group membership were influenced by scientific racism and scientific bureaucracy. The popularity of eugenics and social Darwinism during German and then Belgian rule racialized the people of
Rwanda. Hutu, Tutsi, and Batwa became viewed as distinct separate racial groups at this time.

For the next half century, racialized understandings of group membership were engrained into the ideology and institutional fabric of Rwandan society. In Mamdani’s words, “racial ideology was embedded in institutions, which in turn undergirded racial privilege and reproduced racial ideology” (2001; p. 87). Early visitors, including leaders of the Catholic Church, assumed that the group making up the majority of the political elite, the Tutsi, must be of a superior race and deserved to rule (Mamdani, 2001; p. 89). Thus, it was under this lens that German colonizers allowed the mwami and his court to govern as they saw fit. Supported by their German backers, the central court slowly pushed outward into unincorporated areas until 1919 when Germany relinquished control of the colony to Belgium (Prunier 1995).

The Belgians were unsure how to govern Rwanda and did very little for the first half decade (Bornkamm, 2011). Inevitably, the Belgians decided it was best (and easiest) to adhere to the status quo and back the mwami’s Tutsi rulership. The financial backing of the Belgians allowed the central court to further extend its control and resulted in the removal of nearly all local Hutu chiefs. Also at this time came an expansion of the compulsory work program that existed in pre-colonial Rwanda. The pre-colonial version required each hill to produce a certain amount of goods for the central court. The nature of work on each hill was divided up by local leaders, thus allowing for a degree of local control (i.e. local leaders and families that lived on the hills could establish who would work; they could take turns or even assign labor duties to those that had violated rules within the community). In Colonial Rwanda, however, mandatory work requirements were expanded to all citizens,
regardless of age or gender. This reduced local control and centralized authority to the state structure (Gourevitch, 1998; p. 57).

With Belgian rule came other consequences that would manifest through perceived racial divide years later. The influx of Belgian political and legal practices influenced Rwandan power-brokers to create and use legal codes to expand power (Prunier, 1995). Legal codes were used by power elites to encourage the development of capitalism and private ownership. Laws were created under the backing of the Belgian rulers resulting in disproportionate aid to Tutsi-elite. Additionally, like the Germans before them, the Belgians believed that the Tutsi represented a superior race and were genetically better than their kinsmen. Anthropologists were invited from around the world to study the different groups. To cement the differences between the two groups, the Belgians handed out unalterable identity cards that listed the group membership for all individuals. These moves by the Belgians would legitimate the construct of racial difference.

Meanwhile, in 1931, Belgian-approved Mwami Mutara III⁴ was installed as the head of state. One of the first moves by Mutara was to bring the Catholic Church into Rwanda. With the encouragement of the mwami, priests from the Catholic Church came in waves to convert the population as they set up the first school systems within Rwanda. To gain entry to the schools, individuals had to convert to Christianity. As space was limited, Tutsi-elites were given preference for a seat.

The conversion of Rwanda to Christianity helped fuel the perceived racial divide during the 1920s, 30s, and 40s. Religion was seen as a means to gain economic and

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⁴ Known to the local population as the “King of the Whites.” (Prunier, 1995; p. 31).
political advantage in addition to the moral teachings of the church. (Prunier, 1995). With the realization that the church created a means of social and economic advantage, many Hutus flocked to Christianity. While Tutsis were given preference for placement in the church-schools, the sheer number of Hutu citizens that began studying and worshiping at the churches resulted in many gaining admittance. The social and economic advantages gained by these Hutus resulted in the emergence of an underground Hutu-power group that would play a role in the Rwandan genocide during the 1990s. Prunier (1995; p. 35), describing the social atmosphere in Rwanda at this time, states that Rwanda was now “centralized, efficient, neo-traditionalist, Catholic, and brutal.”

The social distancing and unequal power dispersion between social elites and the peasantry continued for another two decades until the balance of power radically shifted. Around 1950 a wave of pan-African thought on independence began trickling into Rwanda disrupting the hegemonic control of the state. Also at this time, the churches, now comprised mostly of Hutu parishioners and led by lower-class white priests more sensitive to the Hutu plight, began advocating for a shift in political power (Prunier, 1995). These shifts in the collective Hutu consciousness began to result in consolidation of different Hutu clans into an overarching Hutu-identity.

In 1957 the Hutu Manifesto was written by a group of Hutu-elites that described Rwanda’s history as being one of Tutsi-domination and prejudice (Lemarchand, 1970). This document fed off the race ideology of the time stating that indeed, the Hutus and Tutsis were different races and that the foreign born Tutsi population had invaded the Hutu homeland (Newbery, 1988). This document, encouraged the international community to put pressure on Belgian colonizers and Tutsi political leaders and drew the
remaining Hutu population together. The mwami’s central government, meanwhile, also believed it was time for an independent Rwanda and began protesting Belgian control. Belgium, now losing its control on the Tutsi-elites, employed a drastic tactic to maintain control of its colony: it switched its support to the Hutu powerbase.

In 1959 the first wave of ethnic violence occurred in Rwanda when a member of the Hutu political party PARMEHUTU\(^5\) was assaulted by members of the Tutsi UNAR political party. This assault began a wave of inter-ethnic violence resulting in over 300 deaths, many, who were not affiliated with either party and were caught in the middle (Prunier, 1995). Most of the violence at this time was perpetrated by radical Hutu groups that evaded punishment by the Belgians who turned a blind eye. This violence continued over the next four years as over 100,000 Tutsis were displaced into the neighboring countries (Bornkamm, 2012; p. 11)\(^6\).

Between 1961 and 1962 elections were held across the country resulting in a near unanimous decision for Gregoire Kayibanda of the PARMEHUTU party (Prunier, 1995). Belgium, conceding defeat, relinquished control the following year and Rwanda, for the first time, was an independent nation.

C. Post-Colonial Rwanda

Initially, after independence, Kayibanda formed a coalition government to gain support from the international community (Mamdani, 2001). For the first two years, the transition was peaceful as groups became acclimated to new political and social structures.

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\(^5\) Parti du Mouvement et d’Emancipation Hutu

\(^6\) These displaced Tutsis would make up the bulk of the Tutsi diaspora who would return after 1994
In 1963, however, Tutsi rebels from Burundi who had been displaced during the first wave of ethnic violence invaded Rwanda. These disorganized rebels were easily defeated, however, Kayibanda used the invasion to eliminate his political opponents and tighten control over the country through a new wave of violence, (Prunier, 1995).

Under the weight of totalitarian oppression, Rwanda developed slowly over the next decade. Tutsis were barred from participating in political endeavors but were otherwise allowed to hold social positions of traditional power at the local level. Hutu extremists, while supporting Kayibanda at first, grew discontented with Kayibanda due to the lack of economic opportunity for Hutus. Kayibanda’s hold over the country began to loosen in the early 1970s.

Nearby, in Burundi, Rwanda’s sister country, a coup attempt by Hutu-extremists failed resulting in violent retaliation by the Tutsi military leaders⁷. In 1973 the extremist military government killed over 200,000 Hutus, forcing millions to flee from the state, many in the direction of Rwanda (Lemarchand and Martin, 1974). Tutsi revenge in Burundi was met with Hutu revenge in Rwanda as a new wave of violence erupted across the state. During the confusion caused by the massive influx of refugees in 1973 and growing disapproval of Kayibanda by Hutu power-brokers, Major General Juvenal Habyarimana overthrew Kayibanda and declared himself president of the Second Republic of Rwanda.

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⁷ Prior to independence in 1962, Burundi and Rwanda shared a historical past and were collectively called Ruanda-Urundi before independence.
From an outsider point of view, the Habyarimana rulership was a model for other African nations to follow; Habyarimana stabilized the Rwandan political cleavages and international isolation that had formed during the Kayibanda years providing stability within the region (Melvern, 2000). While internal violence within Rwanda stopped, the minority Tutsi population was increasingly marginalized through exclusion from political, social, and military leadership positions. While Haybarimana declared himself president, his rule was anything but democratic. During the 1970s and early 1980s, Habyarimana’s regime was able to consolidate state power through propaganda programs that placed value on moralism, work ethic, and development. All projects and directives during these years were rationalized as a new moral order for a better Rwanda (Prunier, 1995; p. 78). Through this rhetoric, Habyarimana and his elites were able to legitimize totalitarian power and policies to the population while maintaining popular support of the civilian population (99.98 % of the "democratic" election in 1988) (p. 78).

In the mid-1980s, state control began to break apart. First, Rwanda’s economic system took a major hit due to the decline in price of Rwanda’s major exports, coffee and tea, and a drought that struck Rwanda in 1988 (Prunier, 1995; p. 87). The political elite, refusing to give up their lavish lifestyles, began heavily taxing already poor citizens while selfishly hoarding foreign investment. To keep civilians in line, Habyarimana and his political party, the MRND (Mouvement Revolutionnaire National pour le Developement), expanded legal rules and tightened enforcement of moral codes to paralyze a population that was ready for a political change.
Meanwhile, in Uganda, displaced Rwandans had found a home with a guerilla military group seeking to oust Ugandan President Milton Obote. Yoweri Museveni, the resistance leader, promised that those who served with the guerillas would gain citizenship following a successful coup. Finally, after five years of civil war, Obote was forcibly removed from office allowing Museveni to seize the presidency. Unfortunately for the Rwandan military members, Museveni did not keep his promise; under pressure from his new constituents, Museveni denied the Rwandans citizenship rights.

In 1990, Tutsi members of Museveni’s guerilla operation, led by military commander Paul Kagame, abandoned the Ugandan military and created the Rwandan Patriotic Army (RPA). Desiring a return to Rwanda after being abandoned in Uganda, the RPA launched a surprise attack into Rwanda in October of the same year. The international response to the attack was hostile as France, among other countries, had befriended Habyarimana and the MRND regime. Assisted with military aid and foreign soldiers from France, the Rwandan government halted the advances of the better trained RPA insurgents (Prunier, 1995). Still, the RPA had taken a large section of northern Rwanda that the Rwandan military was incapable of winning back (Bornkamm, 2012; p. 14). After two years of fighting, the two sides entered into peace talks finally settling on a truce that would create a coalition government. This truce, called the Arusha Accords, was signed in August of 1993, ceding power from the Habyarimana regime to the RPF (the political wing of the RPA).
D. Rwanda: Genocide

The beginning of the Rwandan civil war in 1990 allowed a powerful group of elite Hutu extremists called the *akazu* originating from clans in the northwest to gain political and social influence across Rwanda. The *akazu* were made up of a number of politically powerful individuals that viewed the Tutsi population as foreign invaders. Starting in the north near their historical power base, the *akazu* began to rally peasants to its cause blaming any and all misfortune in Rwanda on the Tutsis. Through the combination of propaganda by the *akazu* and fear of invasion by the RPF, groups of Hutus began targeting Tutsis with violence. This marked the beginning of the genocide in October of 1990 (Des Forges, 1999). By November, the *akazu* had begun spreading their propaganda through newspapers, culminating in a document called the ‘Hutu Ten Commandments’ that demonized the Tutsis and called on the Hutu population to disassociate themselves from interacting with them.

Meanwhile, to court foreign dignitaries and investors, Habyarimanda had begun liberalizing the state, allowing for additional political parties and independent news media. The *akazu* used this to its advantage by legitimizing the Hutu Power movement along political lines. With political power legitimized, the Hutu Power movement created the infamous Radio-Television Libre des Collines (RTLM) that would begin spreading hate messages over airwaves throughout Rwanda (Mamdani, 2001; p. 209). Another institution that emerged at this time was the independent militia called the *Interahamwe*. Under the ruse of national protection from insurgency, the *akazu* and their Hutu Power political group began arming and training civilians. Guns were somewhat rare in Rwanda, resulting in most of the population being armed with machetes instead.
In 1993, after the passing of the Arusha Accords a tragedy once again struck Rwanda’s neighbor Burundi, destabilizing everything that was accomplished with the peace settlement. Burundi, comprised of a similar composition of Tutsi and Hutu, had just held a peaceful democratic election where Melchior Ndadaye was proclaimed the winner. This event was unusual in that it was the first time that Burundi had had a political leader that was Hutu. Unfortunately, within a year, Ndadaye was assassinated by Tutsi extremists causing a flood of Hutus to once again flee into Rwanda (Des Forges, 1999; p. 134).

Together, the popularity of the emerging Hutu Power movement and civil disruption in neighboring Burundi led to a climate within Rwanda that was very conducive to genocide. “Over several years, the government put in place the ideological framing for radicalization, and the organizational planning for genocide” (Doughty, 2012; p. 2). Waves of violence set off in 1993 were motivated by hate messages from extremist radio broadcasts perpetrated by the armed *Interahamwe*. These waves of violence foreshadowed what was to come the following year.

April 6, 1994 marks what most consider the beginning of 100 days of bloodshed that would result in more than 800,000 Tutsi deaths. While flying back on a personal plane to Kigali from Tanzania, President Habyarimana and Burundian President Cyprien Ntaryamira were shot down by an unclaimed missile resulting in the death of all aboard. Within hours of the attack, the *Interahamwe* sprang to action setting up roadblocks across the country. The following day interim President Agathe Uwilingiyimana was killed along with 10 Belgian peacekeepers. The murder of the Belgian peacekeepers would play a
pivotal role in the genocide as international support was withdrawn in fear of losing soldiers in the coming bloodbath (Des Forges, 1999).

For the next two months the *Interahamwe*, civilians, and military personnel hunted down any Tutsi that could be identified. Violence occurred in all spaces of civilian life: homes, churches, city streets, and schools. Tutsis fled into the countryside, hiding in bushes, trees, and ditches. Few were spared as mobs of Hutus tirelessly hunted down the fleeing minority population. Because Rwanda was a land of very few roads due to its hilly terrain, roadblocks became killing sites for many of the Tutsi. Collectively, all those that had murdered civilians were labeled as *genocidaires*. These individuals would be the ones prosecuted by the *Gacaca* Courts years later.

It wasn’t until July of 1994 that the killing stopped. This was due to the RPA infiltrating the country and capturing Kigali. As the RPA approached Hutu Power strongholds, *genocidaires*, along with family and friends, fled westward toward Zaire fearing that the RPA would seek revenge. Some of these fears were justified. Allison Des Forges alleges the RPA killed up to 30,000 Hutus, including civilians, as they liberated the country (1999). Over one million refugees crossed the Zaire border setting up huge refugee camps just south and north of Lake Kivu\(^8\). Finally, the last Hutu Power stronghold was captured on July 18, 1994 marking the closing of the Rwandan genocide.

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\(^8\) Lake Kivu forms a large natural border with the Democratic Republic of Congo (Zaire in 1994).
III. RWANDA: AFTER GENOCIDE

A. Civil Society Following Atrocity

Following the RPA victory, an interim coalition Rwandan government was formed. Pasteur Bizimungu was selected as interim-President while Paul Kagame, the former military leader of the RPA, would serve as Vice President and Minister of Defense (Bornkamm, 2012; p. 19). These leaders began to modify and modernize the Rwandan constitution in order to create democratic ideals that emphasized global human rights norms. With the assistance of a massive influx of foreign aid, the government of Rwanda was able to stabilize the region and begin recovery from the massive social cost of the genocide. Despite these positive trends, Rwanda was still a place of intense poverty, health concerns (malaria and HIV/AIDS), huge amounts of orphaned children, and a large number of widowed women (Biruta, 2006; p. 153-162).

Although sources disagree as to how many were killed and displaced during the genocide, we can provide a rough estimate of the social situation immediately following the violence. There were 8,139,272 individuals living in Rwanda at the onset of 1994 (CIA World Factbook, 1993). Of those 8.1 million, 85% of the population was Hutu, 14% Tutsi, and less than 1% Batwa; meaning there were approximately 6,918,381 Hutus and 1,139,498 Tutsis and 32,557 Batwa within Rwanda (Lewis and Knight, 1995; p. 93). During the one hundred days of violence some 800,000 (65.5% of the total) Tutsis and 9767 Batwa (30% of the total)

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9 This number is somewhat misleading because the number of immigrants from Burundi is unaccounted for.
10 The Hutu and Tutsi numbers are an approximation multiplying the proportion of the population by the total population number. Lewis and Knight (1995) stated that the Batwa made up approximately 0.4% of the total population in Rwanda according to the census in 1991. The 330,000 is an estimation multiplying the total population by Lewis and Knights 0.4% estimation. The Batwa population is commonly cited as 1% to account for round errors in measuring Hutu and Tutsi populations.
were killed (Gourevitch, 1998; Lewis and Knight, 1995; p. 93). During the RPA insurgency of Rwanda, approximately 30,000 Hutus were killed by military forces and nearly 2 million Hutus were displaced; most fleeing west into the Democratic Republic of Congo leaving approximately 4,888,381 Hutus still in the country (Prunier, 1995; p. 312). Philip Gourevitch states an extreme estimate of 3,000,000 Hutus that were involved in the killings. This number is probably too high as Straus notes the 1991 census put only 2.8 million Hutus in the country between the ages of 18 and 54. While not all assailants were between these ages, it is reasonable to assume that most of those responsible were somewhere in this age range. The number of perpetrators is most likely less than 2,000,000 which would make sense when compared to the two million prosecuted during the time frame that *Gacaca* was used. As Human Rights Watch notes, the numbers prosecuted by *Gacaca* are somewhat inflated due to recording errors and multiple prosecutions for some defendants (2011; p. 25). It can also be assumed that many of the remaining perpetrators fled during RPA takeover or perished prior to adjudication.

As a result, the composition of Rwanda immediately following the genocide was still mostly Hutu with a small minority of Tutsis that survived the genocide. As before, Tutsis and Hutus (re)settled next to each other on the same tightly packed hills. This time, however, neighbors experienced a terrifying new social role as victims and perpetrators shared the same markets and common areas. While those affected by the genocide resettled into the Rwandan countryside, many of those displaced prior to 1994 began to return.

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11 Because of rounding errors, the sum of Hutu, Tutsi, and Batwa populations do not exactly match the total population of Rwanda.

12 The Democratic Republic of Congo was called Zaire in 1994.
As the RPA began to organize and take full control of the country, perpetrators were rounded up and placed into tightly cramped jails and prison cells. By 1998 the number of prisoners awaiting trial for genocide was approximately 130,000 (Human Rights Watch, 2004; p. 10). Over the years, hundreds of thousands of the Tutsi diaspora returned to Rwanda, many for the first time. Some of the displaced Hutus and their families have also returned. Today, the population of Rwanda has ballooned to 11,689,696, far exceeding the 1991 numbers (CIA Factbook, 2012 estimate).

B. Military in Post-Genocide Rwanda

After liberating the country from Hutu Power rule, the state faced a new challenge. Across the border in Zaire lay a large militia that was armed and, much like the RPA insurgents, wanted Rwanda back. In eastern-Zaire, a region that was already unstable, conflict ensued between different militia groups for control of resources and rights to live. In Rwanda, from 1994 until 1998, the Hutu militia groups would strike the North and West Province of Rwanda resulting in many untold deaths. Finally, in the late 1990s, Rwanda invaded Zaire (now called the Democratic Republic of Congo after Laurent Desire Kabila took control of the state) not withdrawing until 2002 (Longman, 2002; Stearns, 2011). Today, tensions exist between the Democratic Republic of Congo (DRC) and Rwanda. The United Nations has alleged that President Kigame has been supporting rebels within the DRC causing instability and violence within the region (McGreal, 2012).
C. Political Climate

The political climate of Rwanda today is mixed with seemingly incongruent ideals of democracy and authoritarianism. The only political party with any real power within the state appears to be the RPF who are represented in all facets of government (Bornkamm, 2012; p. 20). This was evident as Paul Kagame became president in 2000. Former President Bizimungu, attempted to create a rival party but was subsequently arrested for inciting rebellion (p. 20). Non-government sanctioned media is banned in the state along with any print media casting political leaders in a negative light (Straus and Waldorf, 2011; p. 10). Despite this tight control, it is unclear whether this political climate is conducive to restoration for the population.

Many, living inside and outside Rwanda, feel that the government has drastically improved living conditions in the state and should be commended. The economy has seen unparalleled growth bringing in foreign private investors that have encouraged business entrepreneurship within the capital city of Kigali. Primary and secondary schools now educate more students than ever before while universities have begun to provide advanced degrees for an emerging educated class. Journalists Philip Gourevitch and Stephen Kinzer have written complimentary pieces about the unique approach Kagame and the RPF have taken to develop Rwanda (see Kinzer, 2008; Gourevitch, 1998). At the other end of the spectrum, scholars like Tim Longman, Susan Thomson, Lars Waldorf, Felip Reyntjens, and many others have argued that not all is as it seems in Rwanda. These authors claim that Kagame and the RPF party are similar in ideology to African leaders of the past that suppressed civil society to maintain power (Longman, 2011; p. 41). Conditions have improved within Rwanda but at the cost of suppressing free speech, controlling elections,
limiting the press, and constraining political parties (p. 31-41). One of the more important developments pertaining to this research project is the banning of political talk concerning ethnicity and “genocide ideology” (Waldorf, 2011; p. 48).

According to Waldorf, the RPF has “conflated” the terms genocide ideology and genocide denial. This conflation has led to the creation of a set of laws that could be abused by the government elites (2011, p. 49). These laws, first constructed in 2003, punish individuals for up to 20 years for publicly “negating” truth during the 1994 events or “inciting” genocide in the future through writing, speech, or images (Republic of Rwanda, 2003; article 4). In 2008, Rwanda passed an additional act that punished expressions of genocide ideology (Republic of Rwanda, 2008):

“The crime of genocide ideology is characterized in any behavior manifested by facts aimed at dehumanizing a person or a group of persons with the same characteristics in the following manner:

1. Threatening, intimidating, degrading through defamatory speeches, documents, or actions which aim at propounding wickedness or inciting hatred.
2. Marginalizing, laughing at one’s misfortune, defaming, 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.
3. Killing, planning to kill, or attempting to kill someone for purposes of furthering genocide ideology” (Republic of Rwanda, 2008).

These vague laws have been used to suppress political opposition and counter-discourse in Gacaca hearings for the past ten years (Waldorf, 2011; p. 55). Some examples of voices silenced include international media organizations like the BBC, Human Rights Watch, and selected members of opposing political parties within Rwanda (Waldorf, 2011, p. 56-59).
D. Life for Citizens after the Genocide

Life for the survivors immediately after the genocide was harsh and filled with sorrow. Hoziana, one of the interviewed women who is described later in this document, described post-genocide Rwanda as a truly hopeless time (March 2013). Between April and July of 1994, Hoziana experienced unimaginable savagery at the hands of Interahamwe forces and was fortunate to live. She told me that when the genocide ended she didn’t know what to do except return to her home to see who had survived. When she arrived at the village she recognized one of her neighbors, a Hutu woman whom she had known for many years. She asked this woman if she knew what had happened to her children. The woman shook her head and told Hoziana that all eight of her children had all been killed.

For the next few months Hoziana searched the village for remnants of her family. She told me that “every day I would wake up and begin looking through the fields for my children. I would dig holes and uncover dirt...It was our daily work to look for our people. I never found them” (March 2013). Now this woman lives her life as if patched together with the scars of the past. She adopted a young girl that was orphaned by the genocide. They have been living their life in the same village where her family was killed. The girl has grown up and recently gave birth to her own daughter. They had both recently learned that she and her daughter are HIV+. She told me that “life is very hard here...the roof leaks and people sometimes break into our home. They take what we have.”
After the genocide survivors and some non-survivors existed in a constant state of fear; as one respondent told me, when he came back to his community following the genocide he thought that everyone he saw was involved in the genocide (Adrien, December 2012). He told me that he felt he could not trust anyone and that he risked victimization at any minute.

Jean Hatzfeld wrote about life for Rwandans after the genocide and characterized it as filled with tension and fear. When survivors were finally liberated by the RPF and returned to their homes, they had to make sense of a reality that had been corrupted by genocide. One of the voices that Hatzfeld captures is a woman named Francine. Francine described feeling alienated, afraid, and angry. She had a hard time identifying and trusting others in the community. She felt isolated even from other Tutsis that had avoided the genocide. Those that had not hidden in the same marshes as she did would never know what life was like after 1994 (2000; p. 40).

For those accused of genocide-related crimes, life was also difficult. Following the genocide, the RPF rounded up all the individuals that were accused of participating in the genocide. Within this group, however, little differentiation occurred; killers were housed in the same places as property-crime offenders, younger children were housed with grown men, and most problematic of all, innocent men and women were detained as collateral damage.

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13 I use non-survivors to refer to "Hutus who lived in Rwanda in 1994 and who were not targeted during the genocide" (Rettig, 2008; p. 48).
Life during detention, although deliberately avoided as a topic of conversation by respondents, was described on occasion. Belancile, a woman from the Southern Province, described her experience this way:

One of the men that I knew was a killer was taken to prison with me. He was a violent man and was kept in the same cell as me...It was so hard being in there with men like that. The situation was very bad. The [cells] were dirty and cramped. I had to sleep standing up because there was no room. I stood in urine for hours every day. When it rained, the [cell] would fill with water because there was no protection.
IV. JUSTICE AFTER GENOCIDE

A. Origins of Gacaca

According to Clark (2008), many western scholars and even administrators within Rwanda describe the Gacaca courts as being an indigenous dispute resolution device that was used across Rwanda in many rural villages prior to colonial rule and up until the 1994 genocide. This is only partly correct. As historical facts have been customarily handed down orally across generations in Rwanda, it is unclear exactly when these courts came into existence and exactly what form they took. Scholars describe Gacaca as an organic process and not a “static” legal mechanism that has been modified over the years to fit the local spirit of communities (Clark, 2010). This discussion, of the traditional “form” of Gacaca then must be understood in general terms and with a critical eye.

At the end of the 19th century, communities would gather on lawns, grass fields, or any wide open spaces to resolve disputes. The location of these gatherings would give the courts their name as Inkiko-Gacaca or “grass courts.” Most disputes were very minor and tended to be concerned with family conflicts and disagreements on land issues. Male community elders would listen to both sides of the dispute and then make a judgment as to how best resolve it. If a sanction was needed it tended to be aimed at reconciling families and restoring the standing of the at-fault party (p. 52). Restitution and/or community work by families found to be at fault were preferred methods of “punishment” at this time in Rwanda. The Gacaca courts were only used when needed and were slightly different depending on local rules and norms. Major crimes were handled by the king and were very rare in pre-colonial Rwanda (Prunier, 1995).
As the Germans at the beginning of the 20th century, and later the Belgians between 1920 and 1960, began expanding control in Rwanda, the Gacaca system became more institutionalized (Clark, 2010). Two major changes to the traditional form of Gacaca was the appointment of (mostly Tutsi) administration instead of village elders and an encouragement of community members to attend hearings (Clark, 2010). The Gacaca courts were kept semi-unofficial but were recognized by the Belgians as a legitimate court system that would operate alongside Belgian-style courts. Being more familiar with the local courts, most Rwandans (and especially the rural population) would use the Gacaca courts and were, at best, skeptical of the Belgian courts (p. 38).

Following independence in 1962, the Gacaca system took on another change and became embedded in local politics as mayors and other administrators became involved in the courts (p. 54). At this time Gacaca operated on a regular schedule and took on executive functions allowing for the investigation of crimes and collection of evidence. These additional changes continued the evolution of Gacaca as a state-run rather than a local family/community based justice mechanism.

From independence until the beginning of the 1990s, the Gacaca courts were used less frequently by the population as civil war and ethnic violence began to occur across the country. Organized justice apparatuses began to break down, thereby allowing mob justice to take its place. The Gacaca system, while still used occasionally, became a secondary method to settle disputes and crimes. This would last for the next thirty years.

It wasn’t until after the genocide, in 1994, that the leaders of Rwanda began deliberating the possibility of using Gacaca as mechanism to achieve justice in Rwanda.
While initially dismissed by these new leaders on the grounds that it did not conform to international norms of justice, the possibility of using the courts gained support when the International Criminal Tribunal of Rwanda and Rwandan National Courts were slow in the judgment of alleged perpetrators. According to Human Rights Watch, only 1292 persons had been tried in the National Court system by 1998, leaving over 100,000 alleged perpetrators still awaiting trial (HRW, 2011; p. 14). At an upkeep cost of nearly $20 million the government of Rwanda could not afford to try all perpetrators of genocide unless they took drastic action (p. 14).

B. **Implementation and use of Gacaca**

Prosecuting cases simultaneously in the national and international courts was inefficient for Rwanda because the political leaders of the time were determined to hold accountable all those that were responsible for the genocide. Unfortunately, these courts could process relatively few cases compared to the 100,000 offenders awaiting trial. Criticisms within Rwanda became abundant as citizens lacked the means to travel to Arusha, Tanzania where the international trials were being held. The ICTR also became unpopular with local Rwandans because high-level perpetrators avoided “direct confrontation with the communities whom they committed genocide crimes and therefore receive insufficient justice” (Neuffer, 2002; p. 377). The national courts were similarly unapproachable for most Rwandans due to the cost of travel and unfamiliar structure of the courts.

Eventually, Rwandan leaders, frustrated by the lack of progress in the national courts and the foreign, impersonal ICTR, decided to look for an alternative justice response
to promote transition for Rwanda. Following these initial frustrations, discussions of *Gacaca* as a viable mechanism of justice gained legitimacy. Rwandan leaders were debating a number of transitional mechanisms that would allow them to process the enormous caseload of perpetrators sitting in Rwandan jails. A truth and reconciliation commission used in South Africa to transition from an apartheid state to a fully functional democracy was one of the alternative methods proposed during these talks. The South African Truth and Reconciliation Commission was charged with “investigating human rights abuses and granting amnesty to miscreants... [while also]...contribut[ing] to broader ‘reconciliation’ in South Africa” (Gibson, 2004; p. 6). To accomplish these goals, a commission responsible for investigating human rights abuses during the Apartheid years (1960-1994) was set up by the new coalition government.14 This commission investigated claims of abuses and invited victims to tell their stories. These stories were presented either in private or in public if the victims were willing. Meanwhile, perpetrators of human rights violations were allowed to petition to receive amnesty. In these amnesty hearings the perpetrator would admit to and describe human rights violations committed under Apartheid rule. If the judges overseeing the commission believed the story, they would grant total amnesty going forward. In cases where the judges did not accept the perpetrators version of the story, the case was dismissed; any evidence gained from it would not be usable in a court at a later period (although these cases could be prosecuted again if evidence was gathered by an independent agency). These amnesty clauses were granted to gather official versions of the truth so that victims may heal and communities may reconcile.

While the South African Truth and Reconciliation Commission is generally regarded as a success, Rwanda’s leaders decided that this model was inappropriate for the magnitude of violence that had occurred within their state. The leaders wanted a system that was Rwandan and would accomplish a number of objectives that were both punitive and restorative. In the end, Rwanda chose an innovative strategy to modify the pre-colonial traditional conflict resolution device *Gacaca* that would, in theory, be able to blend justice with reconciliation and reverse the culture of impunity that had emerged in Rwanda over the past century.

The morphing of *Gacaca* into a more formal, legal institution followed the national trend of emphasizing the importance of law for social control rather than custom (Doughty, 2012; p. 6). Around the time of *Gacaca*, Rwanda was revamping (and expanding) its constitution and creating and ordinances to govern public order.15 The leaders in Kigali conceptualized the new courts as a legal-customary compromise to legitimize the rule of law within the state while also ensuring popular support from the population. As a post-conflict site where government officials had betrayed the trust of its people, the desire to legitimize the rule of law was understandable. Traditional Hutu-powerbases like those in the Northwest were unstable and a large military force lay just outside the national borders in the DRC (Stearns, 2011). At the same time, formal national courts, modeled after the Belgian legal system, were becoming increasingly unpopular because they were associated by the Rwandan population with foreign colonial rule (Jones, 2010; Longman, 2010; p. 50).

15 Some examples include creating a helmet law for moto-taxis, created traffic laws, disallowed panhandling on city streets, and even made plastic bags illegal within the country (Doughty, 2012; p. 8).
Because of these factors, customary rules were emphasized to allow a degree of local control: the most important customary rule being participatory justice (not mob justice). As a participatory local system of justice, the courts allowed citizens to take an active role in judicial proceedings. The Gacaca courts permitted Rwandan citizens to speak out about crimes that occurred in 1994, make judgments on perpetrators, and have more direct influence on the punishment of offenders.

In total, more than 11,000 courts were created to oversee more than 120,000 cases. Each jurisdiction was composed of a general assembly and a group of judges called inyangamugayo (Kinyarwanda term for “persons of integrity”). For each court, nine local citizens were elected to oversee hearings and given a crash course in Gacaca law and procedure. Lawyers, politicians, and police officers were prohibited by law from becoming judges at the courts (HRW, 2011). The general assembly was made up of all residents of the community over the age of 18 to ensure national participation. Higher level courts were also created to oversee more violent crimes and review rulings in case of appeal. Operation of the courts began in 2002 in select regions and expanded to all regions in 2005 (Clark, 2008). By 2008, Rwanda was implementing one of the largest judicial endeavors in history with more than 1,000,000 genocide cases overseen by more than 100,000 judges in 12,000 local jurisdictions (Clark, 2008; HRW, 2011).

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16 At the time, there were approximately 120,000 detainees awaiting trials. However, by the end of the process, this number would grow to nearly 2,000,000.
In October of 2001, elections were held in every cell\textsuperscript{17} across Rwanda producing a total of 250,000 judges (Clark, 2008; p. 67).\textsuperscript{18} These judges served in the cell or sector (the next largest administrative unit, similar to a county) that they lived. According to Bornkamm (2001; p. 38), each judge underwent six-weeks of training on legal rules and \textit{Gacaca} law.\textsuperscript{19} Although judges were supposed to receive six weeks of training, Human Rights Watch reported that some judges received only three weeks of training, and a number of respondents in this study told me that some judges received only four to six days of training (Human Rights Watch, 2011). Nevertheless, by June of 2002, \textit{Gacaca} was inaugurated in a limited number of cells and provinces as a test run for the full implementation that would follow soon after (Republic of Rwanda, 2000). This initial phase of \textit{Gacaca} was only used to gather information – each group community members met once per week to discuss who had lived in the area in 1994, who had committed crimes, and who had been victimized (Human Rights Watch, 2011). By November, \textit{Gacaca} expanded the information-gathering phase nationwide.

C. \textbf{Main Phase of Gacaca}

The main judgment phase of \textit{Gacaca} began in March of 2005 and tried genocide cases in nearly every cell in Rwanda. Originally, genocide cases were divided into four categories ranging from property crimes to planning the genocide. However, in 2004, categories two and three were merged (See Tables I and II below). The nearly 11,000

\textsuperscript{17} The smallest administrative unit serviced by \textit{Gacaca}.
\textsuperscript{18} The Rwandan Government provides a more specific number stating that 169,442 judges served the \textit{Gacaca} courts (http://Gacaca.rw/about/).
\textsuperscript{19} Human Rights Watch (2011) stated a three-week course rather than the six-week course mentioned by Bornkamm.
Gacaca jurisdictions were divided between two levels – the cell and the sector. The cell level was charged with both investigation (not only during investigation phase but also during trial phase) and trials for all category 3 offenders within that cell. The sector level courts handled appeals from lower level courts (and other sectors) along with category 2 cases. Originally, all category 1 cases were to be tried in the national courts and at the ICTR but the Organic Law was amended, sending select category 1 cases (including sexual assault crimes) to the Gacaca sector courts (Republic of Rwanda; 2007; 2008).

<table>
<thead>
<tr>
<th>Category One</th>
<th>Planners, organisers, instigators, supervisors and ringleaders of the genocide or crimes against humanity such as rape or sexual torture.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category Two</td>
<td>Perpetrators, co-perpetrators or accomplices to murder acts; A person who injured others or committed other acts of violence with the intention to kill, but who did not succeed.</td>
</tr>
<tr>
<td>Category Three</td>
<td>Those who committed other acts of serious violence without the intention to kill.</td>
</tr>
<tr>
<td>Category Four</td>
<td>A person who caused damage to property.</td>
</tr>
</tbody>
</table>

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20 http://gacaca.rw/about/
### TABLE II
**GACACA SUSPECT CLASSIFICATIONS AFTER 2004 AMENDMENT (Gacaca Community Justice, 2015)**

<table>
<thead>
<tr>
<th>Category One</th>
<th>Planners, organisers, instigators, supervisors and ringleaders of the genocide or crimes against humanity such as rape or sexual torture.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category Two</td>
<td>Perpetrators, co-perpetrators or accomplices to murder acts; A person who injured others or committed other acts of violence with the intention to kill, but who did not succeed; Those who committed other acts of serious violence without the intention to kill.</td>
</tr>
<tr>
<td>Category Three</td>
<td>A person who caused damage to property.</td>
</tr>
</tbody>
</table>

Both the cell and sector courts were similarly structured, with a general assembly, a bench of judges, a president, and a coordinating committee. Ideally, the general assembly was envisioned to be made up of people over the age of 18 that lived within the boundaries of a particular administrative unit. Because everyone over the age of 18 did not regularly appear, a quorum of 100 community members was set to hold official meetings. Also, although the original number of judges set to reside over hearings was 19, an amendment to the Organic Law reduced this number to nine (Clark, 2010; p. 76). Among these nine judges, one was selected to be president and kept order during hearings.

**D. Gacaca in Action**

If you were to sit in on a Gacaca hearing, the process might look a little different depending on where you were to witness the proceedings. In urban settings, Gacaca was

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21 [http://gacaca.rw/about/](http://gacaca.rw/about/)

22 The coordinating committee handles administrative duties
often held indoors in a place that might look very similar to an American court room. In this courtroom, nine judges dressed in colorful garb (to distinguish them from the General Assembly) would be seated on a bench in the front of the room. The General Assembly would be scattered throughout the courtroom, standing and sitting with friends and family. These individuals were volunteers that lived within the jurisdiction from which the case was being heard. Defendant(s) would be seated next to the judges waiting for deliberation dressed in pink or orange to mark their identity. In the rural setting you might find something more similar (at least in appearance) to the pre-colonial Gacaca where judges, defendants, and hundreds of the General Assembly would gather in a clearing, at the base of a hill, or on the grounds of a church (Bornkamm, 2011; p. 66). These settings were less formal with individuals scattered in no particular order around the judge's bench.

Each Gacaca session began with an introduction by the president of the court to set rules and welcome the community to Gacaca. This was followed by a summons by the judges to identify and notify all parties involved their roles in the trial. It was at this stage that defendants were notified of their charges (p. 66). Next, after all parties were identified, the examination phase began. Although each Gacaca jurisdiction varied by the community, typically each side would take a turn presenting their version of events. During this process, the judges asked defendants and witnesses for clarity or to comment on testimony when it was given. Once all parties had the opportunity to speak, the general assembly had their turn. Members of the general assembly were free to discuss testimony by refuting, affirming, or questioning evidence. When members of the general assembly wished to ask the defendant or victim questions, the judges could intervene and supersede the general assembly's actions. After testimony was given, judges would deliberate
amongst themselves to arrive at a majority decision. Decisions were typically decided the day of the hearing but sometimes went additional days if the case was particularly complex. Sometimes cases would drag out over the month as sessions were held once or twice during the week, causing frequent interruptions. Verdicts were delivered in front of the general assembly at the end of the day or the beginning of the next session. Punishments ranged from community service to life imprisonment and were fixed dependent upon the crime (Republic of Rwanda, 2008).

The *Gacaca* laws allowed defendants, victims, and families of victims to appeal cases when certain conditions apply. For example, the 2007 *Gacaca* Law permitted an appeal “if (1) an ordinary court previously pronounced the defendant guilty and the *Gacaca* court pronounced the defendant innocent, or vice versa; (2) new facts come to light; or (3) the trial-level court misapplied the law” (Rettig, 2008; p. 49). According to *Gacaca* law, appeals first went to the court of original jurisdiction, but were then moved on to the sector or possibly the national courts if the defendant was unsatisfied (Republic of Rwanda, 2008). According to Bornkamm (2011; p. 71), approximately 14-15 percent of cases were appealed to the sector level courts by 2007. Cases in these appellate courts were judged according to the same rules as the courts of original jurisdiction, except that confessions no longer carried a mitigated sentence (Republic of Rwanda, 2007). By law, these courts were meant to launch a (re)investigation into the details of the case, unfortunately, however, the courts often used only the court records from the initial trial (Bornkamm, 2011; p. 72).

One of the most interesting components of the *Gacaca* courts was the role confessions played in the process. Like Western courts, the *Gacaca* courts had a pseudo-
plea bargaining system that allowed reduced sentences when defendants confessed within certain parameters. According to Bornkamm:

“Suspects are offered a considerable reduction in their sentence if they:

1. Give a detailed description of the confessed offense, how he or she carried it out and where, when he or she committed it, witnesses to the facts, persons victimized and where he or she threw their dead bodies and damage caused;
2. Reveal the co-authors, accomplices and any other information useful to the exercise of the public action;
3. Apologize for the offenses that he or she has committed” (Bornkamm, 2012; p. 67).

The confession for a reduced sentence plea deal allowed the courts to incorporate the truth finding objectives of a truth commission while also accomplishing more retributive sanctions.
V. THEORETICAL FRAMEWORK

This chapter outlines the theories and past observations that drive the research questions and expectations of this work. As this project is qualitative, designed to describe local perceptions and explore emerging concepts, it has no formal hypotheses. This work follows an inductive methodological paradigm to describe patterns in how ordinary Rwandans perceive Gacaca following one of the worst tragedies witnessed in human history. This chapter is divided into three sections beginning with a macro-level theoretical overview of transitional justice and ending with specific research on Rwanda’s transitional enterprise. The overarching term, “transitional justice” is presented first to explain how nations that have faced episodes of mass violence and/or state injustice attempt to move away from a problematic past to a more promising future. This section comes first to explain the wide range of national goals that may be important for a successful national transition. The second section outlines how courts and truth commissions are used to accomplish specific transitional goals relevant to my examination of Gacaca. Finally, the third section narrows the lens to discuss contemporary research on Gacaca and how the courts fit into the discussion of transitional justice while also providing some connections to the criminological constructs of restorative and procedural justice.

A. Transitional Justice

Since the events of 1994, Rwanda has been undergoing a process described in the academic literature as transitional justice. Transitional justice is an umbrella term used to describe “the processes designed to address past human rights violations following periods
of political turmoil, state repression, or armed conflict” (Olsen et al., 2010; p. 1). The goals of states undergoing this transition are broadly structured around specific core principles including holding perpetrators accountable for crimes and human rights violations, establishing a record of the past, and providing reparations for victims. Many proponents of transitional justice have also argued that the process can accomplish additional or complimentary objectives like reconciling individual and national divisions, restoring dignity to victims and communities, instilling faith in the rule of law, establishing democratic rules of governance, and promoting security and peace (Thomas et al., 2008).

Although the transition of states from totalitarian rule and state violence to more peaceful democracies has been traced to the origins of democracy itself, the modern framework of transitional justice originated in the early 20th century. According to Teitel (2003), modern transitional justice has developed in phases. The first phase occurred in the aftermath of World War I and World War II. Following these wars, the sovereignty of Germany and its allies was eroded. In the power vacuums that were created, the allied nations created mechanisms, laws and structures that encouraged movement toward democratic ways of governance. Beginning after WWI and culminating with the Nuremberg and Tokyo Trials modern transitional justice was born as an international liberal-legal reaction to mass violence; unfortunately, the momentum toward international responses to mass violence slowed with the onset of the Cold War.

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23 This list is compiled from the International Institute for Democracy and Electoral Assistance document, Reconciliation after Violent Conflict – A Handbook by Bloomfield et al. (2003).
24 See Elster (2004) for a detailed argument tracing the roots of transitional justice back to the formation of democracy in Greece.
During the Cold War, the expanse of international law was halted as the United States and the Soviet Union wrestled for global influence and control over territories that were destabilized following the World Wars. When the Soviet Union fell, political leadership within states that were controlled by the Soviets or those allied with the Soviets were removed. New leaders in post-conflict states were forced to create ways to differentiate themselves from the political abuses that occurred frequently during the maintenance of the Cold War hierarchy. To establish credibility, new regimes chose more pragmatic and local approaches creating “contextual, limited, and provisional” transitional mechanisms that they argued encouraged reconciliation and restoration rather than punitive responses emphasized during transitional justice’s first phase (p. 78).

Currently, transitional justice is undergoing a third phase and moving away from contextual and local development of transitional mechanisms. The international community has normalized transitional justice through the lens of human rights law and influenced by globalization (Teitel, 2003; p. 91). In this current phase, transitional societies are pressured to select from what McEvoy (2007; p. 412) calls a “template” of transitional options believed to be appropriate for nations to more successfully move from past violence to peace and democracy. The growth and normalization of transitional justice over the past two decades has been punctuated by the creation of more permanent international transitional structures including the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal of Rwanda (ICTR) and most significantly, the International Criminal Court.
While each goal mentioned in this chapter’s first paragraph may be important to transition a conflict state to a peaceful state, nations are bound by practical and theoretical limitations in implementing measures to secure these goals. Practical hurdles confronted by transitional societies include, among other things, heavy financial burdens, minimum thresholds of technical knowledge, and a lack of manpower to enforce state policy. In addition to the practical limitations, some of the transitional justice goals are comprised of what might be opposing values. As a result of this perspective, scholars and national leaders have clustered into two general camps, those that prioritize retribution and deterrence and those that prioritize reconciliation.

A number of mechanisms have been developed to accomplish this. Prosecutions, truth commission, memorialization, lustration, reparation, amnesties, and pardons are among some of the mechanisms that states have employed (Hinton, 2011; p. 4). In the current transitional justice phase, the most common mechanism that is used is prosecution.

Transitional prosecutions are said to show that a transitional state embraces the rule of law to redress harm “with the application of general, preexisting norms” and a commitment to fairness through due process (Minow, 1998; p. 25). Minow contends that prosecutions “transfers the individuals’ desires for revenge to the state or official bodies” (p. 26). The major goal of prosecution, therefore, is retribution and deterrence. Under this perspective, failures to address past injustices will lead to reoccurring cycles of violence, cultural norms promoting vigilante justice, and reduced importance of law (Olsen et al., 2010; p. 17). Additionally, human rights advocates have argued that the use of retributive
mechanisms like trials can legitimate newly elected leaders and their democratic values (Benomar, 1993).

Prosecutions/trials have been conducted by both domestic and international institutions. International courts were constructed to try cases using an international legal precedent known as global jurisdiction originating in part from the Nuremburg and Tokyo trials (see Randall, 1987; Bassiouni, 2001 for development overview). International courts operating under the powers granted by universal jurisdiction have operated independently from the state undergoing transition or in conjunction with these nations (and thus not necessarily relying on universal jurisdiction). A more recent example of where the international and state courts worked together is the Special Court for Sierra Leone that was jointly created by Sierra Leone and the United Nations to try militia leaders who organized human rights abuses prior to 1996 (Schabas, 2003). Another somewhat recent example of prosecution was Argentina’s prosecution of more than 500 members of the military junta responsible for the disappearance and murder of some 20,000 people.

Despite the abundant reasons to use trials following mass violence, not all social scientists and legal scholars are in favor of their use. The most common criticism of the use of trials involves practical challenges; specifically the massive financial contribution necessary to implement courts that emphasize liberal-legal practices. Societies recovering from violence and political mismanagement seldom have the necessary resources to create the infrastructure necessary for mass adjudication. When these nations do have the necessary resources, many choose not to implement formal courts because social realities
within the country may actually lead to further division and violence within the transitioning state.

In addition to practical challenges, trials may hold counter-values that hinder social healing within transitioning societies. Trials may enhance societal rifts and discourage the population from having discussions about the true events leading to the mass violence (Olsen et al., 2010; p. 19). Furthermore, modern conceptions of courts are characterized by formal rules of conduct controlled by some central authority. In places like Rwanda, where state authority and centralized nodes of power are historically mistrusted, a court transitional apparatus can be viewed as inappropriate.

A second major goal of transitional justice is to rebuild relationships between antagonistic groups. In the academic discourse, this process has been described as reconciliation. Priscilla Hayner (2002; p. 161) defines this concept as “building or rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday.” The building or rebuilding of relationships is necessary for transitional justice so that the type of conflict that initially occurred will not be replayed again in the future and to ensure (at the very least) peaceful coexistence in the future. This process may occur at the interpersonal level or nationally, through state sponsored initiatives.

The first step in this process is typically to obtain accurate records of events. In many transitional states, gathering more accurate records of events can only be done outside the court. For example, in South Africa, reconciliation was prioritized through a truth commission that allowed perpetrators protection for admitting to crimes:
“to achieve unity and morally acceptable reconciliation, it is necessary that the truth about gross violations of human rights be: established by an official investigation unit using fair procedures; fully and unreservedly acknowledged by the perpetrators; made known to the public, together with the identity of the planners, perpetrators, and victims” (Explanatory Memorandum to the Parliamentary Bill; in Minow, 1995; p. 57).

For victims and victim groups, a record of transgressions is often thought to be necessary to begin the healing process and protect harmed populations from revisionist constructions of events that may follow mass violence. Healing is believed to only begin if victims are “given the chance to tell their stories and to have them acknowledged officially” (Minow, 1998; p. 61). This truth recognizes harms caused to victims and facilitates a response by the population.

In some ways, both trials and prosecutions attempt to reconstruct the past by identifying who the perpetrators were, what they did, and who they did it to (Chapman, 2009). However, formal procedural rules exist in trials that might inhibit dialogue around violent events (e.g., evidence rules, presumption of evidence, etc.) (Thoms et al., 2010). To prioritize the establishment of a record of the past, many transitional societies have used truth commissions either as the sole transitional mechanism or in combination with trials (Thoms et al., 2008). Some scholars have stated that a record of the truth promotes forgiveness and reconciliation within the state (Gibson, 2004). Reconciliation and forgiveness occurs when parties that share a troubled past create a common understanding of how the violence manifested allowing for a culture of tolerance (p. 501).

Truth commissions have been commonly used over the past century but vary in their implementation. Some, like the South African Truth and Reconciliation Commission, are oriented by the belief that the truth can only be revealed in the absence of coercion.
Following this logic, South Africa traded amnesty for truth. Other truth commissions have provided blanket amnesties where all perpetrators from the past are ineligible for prosecution, hypothetically allowing for an open dialogue of events. Still another type of truth commission operates alongside courts creating a record of events while the state prosecutes some individuals for crimes committed. Truth commissions and amnesties are sometimes preferred to criminal trials because of the fragility of the state. Proponents of these policies argue that “scarred and divided societies need to face the truth about their recent history, but there should then be a process of healing that draws a line between the unfree past and the democratic future” (Benomar, 1997; p. 33). Some human rights advocates see transitional states as being fragile and needing reconciliation and amnesty policies rather than criminal trials so that new leaders may maintain power within the state.

Another critical element of a truth commission is the governing body of the commission (Hayner, 2002). Some proponents of truth commissions believe that commissions should be independent of the state. This reduces the chance that investigators will be biased or that the truth will be deliberately constructed in a way that furthers state objectives. Others, however, believe that the truth commission should come from the state to prove to the population that the state is holding itself accountable for past misdeeds.

Although there are many perceived benefits of using trials or truth commissions scholars have also argued that prioritizing either or trying to promote both justice and truth might be problematic. For example, reliance by transitioning states on adversarial
prosecutions may create an environment where perpetrators withhold or pervert information about their crimes in order to avoid punishment. Victims in these societies must rely on lawyers to battle to legitimate the crimes committed against them. When prosecution fails, victims are denied this recognition and may feel further victimized. Additionally, many formal prosecutions based on liberal-legal precedent ask that the victim plays a secondary role in the legal process; in these trials, victims that provide testimony can be perceived as instruments in the process rather than actors that have been harmed.

Drawbacks might also be inherent within truth commissions. First, according to Hayner (1994), truth commissions are often limited by what may be investigated. When truth commissions lack the flexibility to investigate a wider range of abuses, incomplete narratives of events may be constructed, in effect, silencing harms committed on segments of the population. Second, truth commissions often operate in political and social environments where accurate records are hard to come by. In 2001, researchers Chapman and Ball argued that truth commissions face a number of limitations when gathering records. Most truth commissions, explain the authors, draw primarily on the testimony of victims. This testimony is based on public memory which is “likely to be influenced by a variety of interpretive factors, including community, cultural, or traditional myths and personal fantasies (2001; p. 6). Extensive criminological and legal research suggests that recollection of oral history is more often than not unreliable, and should be regarded as a social construction (Tonkin, 1995). Not only do individuals not remember events correctly,

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25 In addition to problems with memory and testimony, these authors also argue that truth commissions are limited by the resources and scope of the commission, training of staff, differences between legal and scientific “truths,” limitations in data sources, biases in reporting, and other issues.
often, different individuals will perceive the same events in drastically different ways (Chapman, 2009; p. 98; Loftus, 1979).

Aside from the difficulties involved in creating a single record of truth are the actual consequences of truth-telling and truth-hearing for victims. Empirical research has revealed that while some victims of violent crime benefit psychologically from truth-telling and truth-hearing, others are re-traumatized (Brouneus, 2008; 2010). Additionally, research has revealed that higher levels of violence, like sexual violence, may also play some role in how victims react to exposure to truth-telling or truth-hearing rituals (Brouneus, 2008).

While many different levels of reconciliation exist, the most effective form of reconciliation is a dialectic action where the person or group causing the harm apologizes for their crime, where the person harmed by the action accepts the apology and perhaps even forgives the person for what they did (Quinn, 2009). Many times the apology-forgiveness dialectic is strengthened by a restorative attempt by the transgressor where she/he offers something in place of what was lost during the harm. In other words, the person who committed the harm tries to make up for the victims loss in some way; whether building a new home, giving restitution, or offering some other service.
B. *Gacaca*: The Hybrid Transitional Courts

While Rwanda initially attempted to form a formal court system emphasizing deterrent and retributive justice, lack of progress on prosecutions led to the creation of the *Gacaca* courts. Rwanda’s use of *Gacaca* as a mechanism of transitional justice was unique to transitioning societies in that it combined elements of both courts and truth commissions into a hybrid institution. To accomplish this, Rwanda’s justice apparatus became a pluralistic structure combining local informal justice with national and international courts that emphasized a range of both retributive and restorative goals. The international and national courts (described briefly in the history section) mostly followed international norms of conduct and procedural rules resulting in a very slow process with relatively few cases being processed. These courts would take over a century to get through the massive caseload and were not relevant to the average Rwandan (Longman, 2010). The third court, the hybrid local court known as *Gacaca* has been the most important transitional mechanisms in Rwanda relying on participation by millions of average Rwandans in its functioning.

When Rwanda chose the *Gacaca* court as its transitional mechanism, officials declared that it would accomplish a number of goals: 1) reveal the truth about what had occurred, 2) hasten the justice process, 3) end the culture of impunity, 4) reconcile and unite the inter-group cleavages within Rwanda, and 5) prove that Rwanda could settle its own problems (Meyerstein, 2007; p. 473). Achievement of so many goals, including many that were potentially contradictory, was a highly ambitious aim for the Rwandan government, especially considering its political, economic, and social climate at the end of
the 20th century. When the courts began in 2002, Rwanda hoped that the Gacaca courts would be a blend of retributive and restorative justice (Jones, 2010; p. 36).

Ten years later, on June of 2012, the Gacaca courts officially closed. In total, 1,958,634 cases were tried with 1,681,648 convictions (See Table III). What we know for certain is that the Gacaca courts have processed an astounding number of cases. We also know that approximately 15 percent of those tried were acquitted. Additionally, through a number of presidential decrees and reduced sentences given by Gacaca officials for admitting to crimes, many perpetrators have been released from prison.

<table>
<thead>
<tr>
<th>TABLE III</th>
<th>CASE DECISIONS AT GACACA FROM 2002 – 2012 (Gacaca Community Justice, 2015)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convicted</td>
</tr>
<tr>
<td>Category I</td>
<td>53,426</td>
</tr>
<tr>
<td>Category II</td>
<td>361,590</td>
</tr>
<tr>
<td>Category II</td>
<td>1,266,632</td>
</tr>
</tbody>
</table>

That the Rwandan infrastructure was able to prosecute so many cases is a unique accomplishment; never have there been so many perpetrators judged for their crimes. If retribution was the only goal of Gacaca, the process could be viewed as a success. However, due to the history of the Rwandan conflict and intensity of inter-group terror, success of Gacaca can only be determined if the courts encourage the restorative components of reconciliation, healing, and forgiveness. The remainder of this section will discuss how Gacaca fits into the framework of Rwandan restoration.
F. **Reconciliation and Transformation**

Transitional and conflict resolution scholars have proposed that societies affected by mass violence depend on certain micro and macro prerequisites to transform into a peaceful democracy. Paul Lederach, in 1997 proposed that reconciliation occurred when top, middle, and grassroots leaders invested resources into four value-based components: truth, justice, mercy, and peace. He argued that these four components must be prioritized for societies to transform into places of peace. Although his model leaves some of the constructs open to interpretation, he describes truth as a component containing the elements of acknowledgement, transparency, revelation and clarity. His justice component shares similarities with restorative justice that is focused on addressing harms rather than punishing and contains elements of equality, righting relationships, making things right, and restitution. The component of mercy falls heavily on survivors and includes elements related to acceptance, forgiveness, support, compassion, and healing. Finally, the component of peace includes elements related to harmony, unity, well-being, security and respect. As the reader can see, these components include both objectives and procedures that must be accomplished with reconciliation as the end goal.
G. Promoting Peace through Transformation

Central to the four values proposed by Lederach is the idea that relationships need not only to be restored but transformed into something new and more sustainable. Lederach's view of this transformative justice borrows and expands upon the ideas of restorative justice. Restorative justice, according to Braithwaite (2002; p. 11), is described as a "process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future" (Braithwaite, 2002; p. 11). This view of justice sees harm rather than the violation of law as the focus of justice. This perspective also moves away from contemporary perceptions on the importance of retribution, deterrence, and rehabilitation to rebuilding relationships that have been negatively impacted by actions of individuals or groups. Harm takes place physically, psychologically, and emotionally and any justice related measure should be to specifically address these harms and rebuild the fractured relationship (Archilles and Zehr, 2001). The assumptions of this perspective are significantly different than how we deal with crime in America. If conflict is a result of fragmented relationships, primarily punitive measures that punish wrongdoers are ineffective because these measures do nothing to rebuild or create meaningful new relationships. This idea is vitally important when discussing reconciliation. If we assume that peace building requires closing the gap between groups so that their history of conflict is transformed into the creation of relationships, contemporary legal practices will not work in the context of mass violence.

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26 See Erin Daly’s article on transformative justice for a full explanation on the difference between restorative and transformative justice (2001).
Lederach’s values of truth, justice, mercy, and peace can not only be found in the outcomes achieved in relationship building but also in the procedures used. In Rwanda, the practice of Gacaca holds some procedural rules that, in theory, seem to prioritize Lederach’s idea of peace-building as its major objective. Scholars and human rights advocates, however, have criticized some of these procedures because they have removed due process safeguards and have resulted in reported human rights violations. Some of the due process rights that Gacaca appears to violate include a lack of evidentiary rules, varying standards of proof, and absence of representation for the accused (Daly, 2002; p. 356; Human Rights Watch, 2011). According to Human Rights Watch (2011), the Gacaca jurisdiction allowed individuals to be tried more than once when additional evidence was gained and when additional witnesses emerged, resulting in double jeopardy. Additionally, when defendants came to Gacaca hearings they were not given any support to confront evidence against them. Sometimes, even when defendants had the means to pay for defense consultation they were prohibited from using them (p. 44). In this project, I also found some issues that were caused by the lack of due process safeguards. These findings are discussed in Chapter 7.

At the same time, however, the Gacaca court procedures are imbued with potential for many of the transformative values described by Lederach. Scholars supporting transformational and restorative justice have suggested that procedural shifts that emphasize addressing physical, psychological, and emotional harm rather than punishment might be beneficial overall. Restorative processes that provide spaces where stakeholders who have been affected by harm can interact are suggested. Restoration (and
transformation) occurs when victims, offenders, and other stakeholders are all actively involved in restoring the conflict (Umbreit et al., 2005).

Braithwaite (2002) identifies certain core requirements necessary for successful restorative processes (see Table IV).

<table>
<thead>
<tr>
<th>Restoration of human dignity</th>
<th>Restoration of the environment</th>
<th>Restoration of empowerment or self-determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restoration of property loss</td>
<td>Emotional restoration</td>
<td>Restoration of a sense of duty as a citizen</td>
</tr>
<tr>
<td>Restoration of injury to the person or health</td>
<td>Restoration of freedom</td>
<td>Space for apology</td>
</tr>
<tr>
<td>Restoration of damaged human relationships</td>
<td>Restoration of compassion or caring</td>
<td>Space for mercy</td>
</tr>
<tr>
<td>Restoration of communities</td>
<td>Restoration of peace</td>
<td>Space for forgiveness</td>
</tr>
</tbody>
</table>

These components relate very closely with Lederach’s proposed transformative values and at first glance, the structure of Gacaca seems to offer transformative potential. For example, Gacaca provides significantly more opportunities for stakeholders to interact. Trials were held in local communities and allowed physical space for individuals to meet (Bornkamm, 2011; p. 66). These areas of interaction were open to the entire community.
and were located within the community, and thus held the potential for community-wide engagement.

*Gacaca* also promised the potential for more equal distributions of power to begin to heal fractured relationships, whereas hierarchical power reinforces views on status and privilege and differentiates stakeholders from one another. In environments more conducive to restorative processes and outcomes, formal and informal power should be disbursed more evenly amongst stakeholders, including the one that committed the harm. This should be done to bolster voices that typically are silenced in formal, punitive processes (Braithwaite, 2002). A decentralized power base of the justice apparatus creates a system where outcomes and practices are negotiated and participatory. In a participatory system of justice, equal perceptions of power and ability to speak, listen, and discuss testimony is essential. Participants in court proceedings are more likely to view the process positively if they are allowed to participate in interactions and feel they have an impact on what should be done [in legal proceedings] (Tyler, 2000; p. 121). Additionally, this opportunity to voice one’s thoughts during proceedings may be related to feelings of dignity and respect; both important characteristics of restorative and procedural justice (Tyler, 2000; p. 122).

H. **A Lens to Frame Rwanda and Restorative Justice**

This image of *Gacaca* as a restorative mechanism relies on two elements: 1) its conception as a method of democratic local justice and 2) a system that is focused on addressing harm and repairing relationships rather than issuing punishments for violations against law and the state.
The first element concerning democratic and local power implies that there must be a “nuanced understanding of what justice, redress, and social reconstruction look like from place-based standpoints” (Shaw and Waldorf, 2011; p. 6). In other words, to understand whether justice is achieved we must ask the local population how they were affected and whether mechanisms “worked” for them (p. 7). In the broader literature this is termed “particularism” and is sometimes seen as being a contrast to universalism where global norms are constructed as “human rights.” Some scholars incorrectly use ideas of universalism to construct identity with simplified, dichotomized labels; as perpetrators and victims, missing the more complex transient identities that actual exist in areas of conflict (Ross, 2011). Because of this simplified understanding of identity, local, particularized views of justice have become popular. This view of justice has been supported by many scholars who believed that a de-centralized, informal, bottoms-up judicial process would engage community members of different groups to work together throughout the process (See Lundy and McGovern, 2008; Apuuli, 2009; p. 14). Support from scholars regarding local norms and origins of power in the Gacaca courts also stemmed from growing approval for traditional local community justice procedures that have been gaining recognition elsewhere in sub-Saharan Africa over the past two decades.

Using a local lens, Gacaca represents a popular forum of restorative justice in that it promises an important venue for many members of Rwandan society to congregate, discuss, and challenge previously held truths related to the 1994 genocide and also Rwandan society in general. These spaces of interaction become collective events or “socio-legal rituals” where community members can gather and share in a collective experience. In the literature, this idea follows Durkheim’s (1915) discussion of collective
rituals and has been used to describe the transitional justice mechanisms in a variety of academic works (Rime et al., 2011). During social rituals, new norms of behavior and thought are established; sometimes resulting in a re-establishment of morality (Kanyingara et al., 2007). In Rwanda, these norms are supposedly grounded in reconciliation and group cohesion (Honeymon et al., 2004; p. 8).

The reason many scholars viewed the Gacaca courts as having such restorative potential was that the procedural framework provided a space for discourse and individual reconciliation between assailants and those harmed (Clark, 2010). In theory, these court hearings, and subsequent spaces of interaction would be filled with restorative components that could begin to repair the harm done across all Rwandan society. This logic is drawn from Durkheim (1915) who states that collective rituals allow assembling members of society to share in collective experiences and meaning to create shared values. These shared values promote solidarity through the creation of group symbols and expressions.

Restorative values are embedded in both the procedures used and the outcomes of justice initiatives. Research on the importance of the procedures of justice has only recently become popular in certain research circles and holds promise for restorative benefits. Empirical tests have demonstrated that outcomes, while important, are not the only factor that matters to individuals involved in legal proceedings. In fact, people were often more concerned with how they were treated during legal proceedings than the actual outcomes of these proceedings (Tyler and Lind, 1992). Procedural justice mediates/moderates satisfaction with all types of justice but is especially important in the
construction of values vital to restorative justice. In Rwanda, values emphasized and created during *Gacaca* hearings were dependent on both the absence of corruption (and other miscarriages of justice) and perceptions that policies and actors were required to follow accepted legal/social norms in legal settings.

In Western societies, where the majority of research on procedural justice has been done, citizens are relatively aware of formal legal norms to base their legal interactions on. In Rwanda, Western conceptions of due process rights and even present-day Rwandan procedures may be less salient and/or possibly inappropriate (at least at this time). Research analyzing the procedural elements of the courts must first identify the existing norms of the local population. Landon Hancock (2011; p. 131) hypothesized that the “higher the overlap between the processes of transitional justice mechanisms and local cultural expressions of procedural justice, the more that such mechanisms will be perceived as fair and just by local populations, even by those who may not benefit—or indeed may be burdened—by their operation.” At what Hancock calls the “folk” level, it appears that the *Gacaca* courts have the potential for a high degree of procedural justice.

I. **Challenges to Restoration**

The degree to which *Gacaca* has held up its promise as a restorative mechanism has been debated since its inception in 2002. In a broad examination of *Gacaca’s* procedures, Nicholas Jones (2011; p. 42) using Zehr’s Restorative Justice Continuum, states that *Gacaca* exists as a process that should, in theory, encourage restoration. Other researchers

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27 Procedural justice will also be important in understanding power dispersion during court proceedings.
evaluating the Gacaca courts view Gacaca similarly; as being primarily an instrument of restoration (See: Tiemessen, 2004; Harrell, 2003). Despite these initial positive assessments, many scholars have been very critical regarding the restorative accomplishments of Gacaca. These scholars have argued that the nature of the courts allowed for inconsistencies and outcomes that have compromised the integrity of the courts (Waldorf, 2006a). These challenges to justice must be more closely analyzed to interpret the ground level impact of Gacaca on normal citizens and are outlined below.

First, Inyangamugayo (elected judges) shared a number of characteristics that may have affected their ability to guarantee procedural fairness and regulate restorative norms during proceedings. The procedural components thought to be affected by characteristics of the judges are what Tyler (2002; p. 122) refers to as neutrality and trustworthiness. Neutrality is the degree to which authorities are unbiased and legal practices are consistent and transparent (Tyler, 2009). Trustworthiness is the degree to which authorities show empathy and concern, listen, and try to be fair with those involved in the legal process.

According to Bornkamm, (2011), judges received about six weeks of legal training on Gacaca law.28 This, compared to western legal institutional norms, is hardly any preparation at all. As Corey and Joireman (2004; p. 83) point out, this minimal amount of training may have led to inadequate skills that were necessary to interpret testimony and sentence correctly. Second, many alleged that the judges were not impartial during hearings (Thomson, 2011). Judges were elected from and by the population of each community. This meant that the judges, like the population that would comprise the

28 Although my research shows significantly less training
General Assembly, may themselves have been affected by events during the genocide. Unlike western legal courts, *Gacaca* relied on some judges that were also victims or perpetrators (though the National Jurisdiction of *Gacaca* did its best to remove all judges that were found to have committed genocide-related crimes). Human Rights Watch (2011) was especially critical of *Gacaca* stating that judges were functioning as state-sponsored agents rather than local autonomous leaders. This potential emotional and/or political attachment may have led to biased rulings against perpetrators or others enemies of the state. The concept described by Tyler as neutrality defines as the degree to which authorities are unbiased and legal practices are consistent and transparent (1998).

According to Landon Hancock (2011), this would be the greatest challenge to procedural fairness during *Gacaca* hearings.

Finally, judges were volunteers and were not compensated for their services (outside of small stipends and travel fares). The most common occupation for Rwandans (and similarly for *Gacaca* judges) is farming with per capita income of $560 (Bureau of African Affairs, 2012). *Gacaca* judges typically worked twice per week at *Gacaca*, thus cutting into revenue for their family by reducing their time spent harvesting crops (HRW, 2011). The burden of fulfilling their promises to the state and their community in *Gacaca* and producing enough food for their family made *Gacaca* judges ripe for exploitation from both local citizens and the state (Corey and Joireman, 2004; p. 85). Local citizens could threaten to denounce judges (accuse judges of being involved in the genocide) that did not act in accordance to their views. Regarding the state, Susan Thomson (2011; p 379) found that judges that did not act according to government demands risked losing health benefits, subsidized school fees, and sometimes risked legal repercussions.
Despite these legitimate concerns, western scholars are not at the point where they have an adequate understanding of local norms associated with neutrality and truth. In western nations where legal norms are established, written, and relatively known, perceptions of trustworthiness is often granted to authorities based on their position and legal status. Traditional societies differ in this regard perceiving individuals as trustworthy in relation to their personal characteristics (Moore, 2003). Regarding neutrality, a lack of formal training may have resulted in a more egalitarian perception by general assembly members and other spectators. Additionally, the emotional attachment between judges and victims may be beneficial to those harmed during the genocide and allow judges to provide more sympathetic and empathetic rulings. Unlike typical due process courts where judges are impartial and exist outside the emotional climate of the hearings, some judges at Gacaca share in the collective pain of victims and communities. Hancock argues that Gacaca judges may have “contextual competence,” meaning that “their deep understanding of the local context and the goals of Gacaca in promoting reconciliation alongside meting out punishment call for a different standard for evaluating judges” (2011; p. 141).

The second challenge to the implementation of restorative justice in Rwanda was pertaining to the participatory nature of Gacaca. In a restorative system of justice, equal power to speak, listen, and discuss testimony is essential (Braithwaite, 2002). Participatory justice mechanisms allow for a flattened hierarchy where community residents and stakeholders can more directly negotiate ways to address harm. The government of Rwanda claimed that the Gacaca jurisdiction “is a system of participative justice whereby the population is given the chance to speak out against the committed
atrocities, to judge and to punish the authors with the exception of those classified by the law in the first category who will be judged and punished by the ordinary courts according to common law rules” (National Service of Gacaca Jurisdictions, 2012). This statement is revealing and perhaps demonstrates what was found in this research. Restorative justice mechanisms are reliant on participatory systems of justice only when the objective is to address harm and not to punish. In this way, Gacaca only looks restorative because of a flatter hierarchy. If the goal of punishment remains, then Gacaca will fail in transforming relationships.

Some of the restorative potentials of Gacaca have already been reported on with dismal results. Reports at the initial stages of Gacaca described a situation where many individuals were hesitant to speak in fear that revenge violence would take place by the accused or the accused’s family (Corey and Joireman; p. 85). Rettig (2008) reported that a culture of silence (called ceceka) had developed in Rwanda as a result, suppressing voices and instilling doubt into the population. This culture of silence carried over into court proceedings where individuals were afraid to speak out on the accused’s behalf fearing that they would, themselves, be implicated in participating in the genocide (Rettig, 2011).

Additionally, the court mandates also disallowed certain things to be said during proceedings. For example, Gacaca did not hold jurisdiction over war crimes committed by RPF soldiers against Hutu civilians and discouraged individuals from speaking out about these occurrences (Corey and Joireman, 2004; p. 87). This silencing, along with general

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29 The first category references those involved in planning the genocide. These individuals were originally excluded from participation in Gacaca but were later transferred to the Gacaca courts under Organic Law No 16/2004
limits on free speech within Rwanda, has silenced Hutu witnesses from participating in the courts (Jones, 2005; p. 84). Together, these occurrences may have resulted in unequal participation based on political, economic, or historical population characteristics.

Despite these criticisms, Clark (2010) argued that popular participation in the courts allowed perpetrators, victims, and the community to come together in a physical space to reconcile (2008). Here, Clark described how the procedural component of voice and neutrality allowed for the possibility of positive outcomes toward reconciliation. Karekezi made a transformative hypothesis in 2000 when analyzing the formal procedures of Gacaca stating that Gacaca would likely empower groups that were traditionally silenced, in this instance, women (2001, as cited in Clark, 2010). Clark found a gender effect during his local analyses stating that “women overall drive most discussion in the General Assembly [of the Gacaca hearings], expressing their views more forthrightly than men who often have to be cajoled into speaking” (2008; p. 132).

Max Rettig (2008), in his case study of one community in Rwanda, found that most civilians who had participated in Gacaca supported the process. He found that in the beginning, a majority of Rwandans had confidence in Gacaca and believed that it had functioned well. Rettig used a follow-up survey and found that support waned as the process wore on but was generally still supported by the population. Similarly, Hancock hypothesized that the Gacaca process had initial success because procedural mechanisms were locally created in accordance with Rwandan culture (2011). As the process became institutionalized, however, attendance and approval rates dropped (though they were still
high). The institutionalization, he hypothesized, moved power away from local views and into centralized state authority figures.

J. Other Restorative Concepts

Trauma, while not specifically the focus of this dissertation, is important to consider when considered along with how individuals engaged with the process view the procedural and substantive mechanisms of *Gacaca*. Re-traumatization sometimes occurs when individuals re-confront a past filled with violence. Qualitative and empirical research in Rwanda and other transitional societies have revealed a complex finding; only some of participants are distressed during witnessing *Gacaca* hearings (in Rwanda), engaging in truth commissions, or being a participant in other transitional mechanisms where truth is revealed (Funkeson et al., 2011). In accordance with research on post-traumatic stress, those who experienced the greatest violence in the past were most likely to feel the effects from it again during *Gacaca* hearings (Brouneus, 2008; Corey and Joireman, 2004; p. 85). However, some individuals, regardless or in spite of magnitude of violence experienced firsthand, were resilient and did not re-experience psychotic and psycho-social ailments. In fact, some individuals benefit from witnessing court hearings that re-tell traumatic testimony. The reasons why some individuals stand to gain from hearing truth-telling about traumatic events while others are re-traumatized are difficult to discern. It is reasonable to assume that the process or outcome of court hearings played some mitigating or motivating factor on how events were perceived and ultimately experienced by witnesses. I will discuss some of these issues in Chapter 8.
More recent scholarship has used fieldwork to assess the impact on the ground level for civilians participating in Rwandan Gacaca courts. Because truth telling (through court testimony) can lead to secondary traumatization by stakeholders involved in conflict, academic appraisals of survivor experience during trials and immediately afterward may give a premature view of the process. For example, participation in Gacaca courts may be frustrating for individuals not only due to their attendance at the trials but also with having to deal with traumatic events directly through giving and hearing testimony related to their case. One ethnographic study by Burnet (2010) revealed initial increases in harm and intensification of intergroup tension from participation in the courts that later receded as time wore on.

Another important criminological construct that is important to restoration is shaming. According to Braithwaite (1989), reintegrative shaming is an important mechanism of social control where those responsible for a crime, the community, and those harmed by the crime engage in a ceremony that defines the crime and action as immoral and damaging. Drawing from Braithwaite’s ideas, two outcomes are possible: reintegration which is a positive reconciliatory outcome or stigmatization which is a negative reconciliatory outcome.

The Gacaca courts allowed the possibility of ceremonies where deliberation and dialogue could transpire. The outcomes of these proceedings, however, were still embedded mostly in formal liberal-legal practices; and thus hypothetically marrying restorative justice components with public shaming and punishment. As Braithwaite describes, these shaming ceremonies have two possible outcomes (2002). In the most beneficial scenario, the victim, assailant, and community discuss the crime and its
damaging effects, together coming to a conclusion where the person causing the harm seeks an apology and begin to heal the rift caused by the harmful act. In the best case scenario those affected by the harm would offer forgiveness (not always immediately) and the rift may begin to heal.

The second possible outcome of these shaming ceremonies is what Braithwaite (1989) calls stigmatizing shaming. This form of shaming typically occurs when retribution rather than restoration is emphasized throughout the ceremony and continues afterward. Stigmatizing shaming entails processes and values opposed to restorative justice where the person responsible for the harm is shamed rather than the crime, where a criminal justice institution rules over rather than with the stakeholders, and where counter-values like revenge, punishment, and domination are put forth rather than restorative values like those described in Table IV.

While the research on perceptions and consequences of the Gacaca courts is growing, the breadth and depth of our knowledge is inadequate. What is unclear is to what extent the justice system, and specifically the Gacaca court system concentrated on goals necessary for reconciliation and how these goals were perceived at the ground level. With the inclusion of formal, liberal-legal policies and punishments with retributive objectives, are there too many goals promising too much return? If trials are “a sign of a commitment to redress harms with the application of pre-existing norms...indicate[ing] the administration by a formal system committed to fairness and to opportunities for individuals to be heard in accusation and in defense” (De Ycaza, 2011; p. 24), then where does this court system fall in its hybrid retributive/restorative procedures and values? Are
retribution and restoration undermined by taking too broad of an approach? Where does
Rwanda go from here? Where does Rwanda go after justice has been served? This project
sought to answer some of these questions by asking local Rwandans about their
experiences and perceptions of the post-genocide mechanisms used to transition the state
to a more hopeful future.
VI. METHODS AND ANALYSIS

To explore transitional themes regarding individual experiences during participation with the Gacaca courts, this research drew from 57 qualitative, in-depth interviews. The interviews were open-ended and semi-structured. Each interaction was face-to-face and lasted between 45 and 90 minutes. The interviews were conducted with a mostly equal mix of survivors and non-survivors. Although questions were asked regarding survivor or non-survivor status, respondents were not explicitly asked about ethnic identity. Ethnic questions were not asked to protect participants from legal liability due to genocide ideology laws. Table V below describes the breakdown of respondents that were interviewed. I made three important assumptions about interview respondents:

1) Individuals that identified as being targets during the genocide are considered survivors and are most likely of Tutsi-origin;

2) Those that were in Rwanda during the genocide but were not targeted for violence nor prosecuted for their role in the genocide are considered non-survivors; and

3) Those that were imprisoned for their crimes during the genocide are considered perpetrators.

These classifications are in accordance with other scholars’ identification attempts (Rettig, 2008; p. 48-49).

As I was interested in the “common person’s” understanding of Gacaca and post-genocide legacy of Rwanda, I mostly selected individuals that were farmers and laborers. Individuals from this socio-economic level make up the majority of Rwandan citizens.
Interviews were conducted in three provinces within Rwanda: the Central, Southern and Eastern Provinces. Respondents were sampled from separate provinces to ensure variation within Gacaca jurisdictions was accounted for. The Central Province contains the capital city of Kigali and makes up the urban and political center of Rwanda. While researchers have reported that perspectives within Kigali may resemble an “elite” perspective influenced by state-promoting rhetoric. (Ingelaere, 2009; p. 520), most of the respondents for this project were similar in socioeconomic standing to those interviewed elsewhere. Participants from the Southern Province were included because of the high levels of violence experienced during the genocide and because this province has been characterized as one of the poorest in Rwanda (Megwalu and Loizides, 2010). Rettig (2007) also found growing discontent with the Gacaca courts within this province as years passed. This area is important to study because it is away from the city-center and is likely to be less influenced by political thought, while also harboring many individuals that were both victim and perpetrator. Finally, the Eastern Province was selected because this area has traditionally seen less attention by the academic literature despite seeing high levels of violence in the area directly south of Kigali.

A. Sampling

At the beginning of this project, I chose to only interview survivors and non-survivors that were not convicted at Gacaca. I initially decided this because I wanted to concentrate on the population that had been most affected by the genocide and, hypothetically, would have the most investment in seeing the process to obtain “justice” accomplished. I felt that by narrowing my sampling pool to mostly survivors and some
non-survivors, I would be able to use my limited resources to fully explore these perspectives. As the interview process began, I started to reflect on narratives and themes about the perpetrators and realized that while my intentions were good, by limiting the discussion to only this group of stakeholders I was inadvertently silencing an entire group of people. I decided to edit my original approved IRB and expanded the sampling framework to include those tried at the Gacaca courts. Unfortunately, this adaptation was approved while I was already in the field and thus limited the quantity of perpetrators interviewed.

Potential respondents were recruited in two ways. Approximately a third of the respondents were recruited through convenience sampling with the help of a trained interpreter. Individuals that lived in the communities being researched were approached by the interpreter and myself and asked to participate in the research study. To determine if the individuals wanted to participate, the IRB-approved recruitment letter was read aloud to introduce the project and determine respondent eligibility. If the individual wished to participate, a place, date, and time for the interview was set. The only information that was recorded was the locations and times of the meetings. Names of respondents were not written down in order to protect their identities.

The second method used to gather potential interviewees was through a respondent-driven sampling strategy (snowball sampling). Upon completion of interviews I asked respondents if they could identify other persons who would be knowledgeable about affairs at Gacaca and who might be interested in being interviewed. If the original respondent knew of people that might be interested in speaking with us, we had that person call the new person by phone. This person would identify him or herself and very
briefly describe me and the project. The person would then hand over the phone to the interpreter who would once again introduce the researcher and the project using the IRB-approved recruitment script. If the person agreed to meet, a date, time, and location were set. Individuals were sampled until the emergence of new themes started to wane. At this point we stopped contacting new individuals and stopped with 57 completed interviews; substantially more than the suggestion saturation threshold of 12 suggested by Guest et al, (2006) and more than the typical saturation point of 31 described by Mason (2010). A breakdown of the sample can be found in Table V.

<table>
<thead>
<tr>
<th>TABLE V: SAMPLE DESCRIPTION</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Inyangamugayo General Assembly Perpetrator</td>
<td>14</td>
</tr>
<tr>
<td>Male</td>
<td>34</td>
</tr>
<tr>
<td>Female</td>
<td>23</td>
</tr>
<tr>
<td>Survivor</td>
<td>25</td>
</tr>
<tr>
<td>Non-Survivor</td>
<td>32</td>
</tr>
</tbody>
</table>

Following the advice of other qualitative researchers within Rwanda, I chose respondents from locations outside Kigali. Research has shown that individuals within the city center are particularly aware of pressure to give positive affirmations regarding state

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30 Thirteen of these males were alleged perpetrators
initiatives (in this case *Gacaca*); therefore, I reasoned that selecting individuals that resided well outside the city-center would be less influenced by these pressures (Thomson, 2011; Ingeleare, 1999). I acknowledge that this sampling strategy detracts from the generalizability of the overall report but I believe this was necessary to provide unique viewpoints of experience with *Gacaca* and its legacy.

Interviews were conducted at places of convenience and comfort for all respondents; typically these locations were homes, churches, or other neutral sites. A flexible interview script (Appendix B) was used to initiate conversation with the help of a paid interpreter when conversations were conducted in Kinyarwanda (about 90 percent of the sample; the other 10 percent were done in English). Questions were topical, constructed to address research questions and explore themes on *Gacaca* procedure, accomplishments, weaknesses, and other important perceptions. During each interview I took detailed notes related to the interviewee’s verbal (and nonverbal) responses.

### B. Methods Rationale

I chose to conduct qualitative interviews for this project for a number of reasons. First, as noted by Sonis (2009; p. 197) “qualitative research is ideally suited to answering research questions that have to do with meaning, interpretations, and social processes – topics that are difficult (if not impossible) to research with standard questionnaires or surveys.” Researchers that have done work in Rwanda have noted that attitudinal surveys rarely obtain valid responses due to limits on free speech (Waldorf, 2006b). Additionally, similar qualitative interview designs have been successful in Rwanda and other transitioning societies (See Stover 2005; Clark, 2009; Phakathi and Van Der Merwe, 2008).
Second, open-ended interviews are the most practical way to gauge individual Rwandan experiences, as developing rapport with individuals was necessary to discuss sensitive material. Interviews allowed me and the respondent to build a relationship and partake in a more conversational dialogue compared to what would be experienced using a survey instrument or other quantitative method. These devices create distance between the researcher and the respondent and take away from the necessary relationship-building that is important for this work. Third, qualitative research provides respondents an opportunity to speak about their experiences in their own words. Finally, this conversational design allowed respondents to talk through their past experiences and jog memories of specific events that occurred before, during, and after *Gacaca*.

C. **An Examination of Methods Philosophy**

In order to best understand the strategies of analysis for this practice, I believe a short discussion about the guiding research philosophy is necessary. One of the major criticisms of empirical work done on transitional justice (especially in developing nations like Rwanda) is that researchers arrive in the host country with legal and social expectations of normative behavior. As an outsider to Rwandan culture I believe it is imperative to try to understand things from the respondent’s frame of reference. With that in mind, the research questions and interview techniques follow what is known in the literature as a responsive interview technique (Rubin and Rubin, 2005; p. 30).

The first characteristic of the responsive interview style is that interviews are viewed as an exchange between the researcher and the respondent rather than a static script. To accomplish this, a responsive interviewer is flexible and conversational. In
instances where respondents are emotional or forthcoming about possibly traumatic events experienced during trials I tried to be sympathetic and stopped interviews or tried to pursue a less emotionally straining dialogue. In instances where respondents contradicted themselves or appeared confused I tried to stay nonjudgmental; instead I gave an approving nod of the head rather than point out inconsistencies. Because this project deals with memory around possibly traumatic events, some respondents had a hard time recalling events or emotions. I tried my best to make the experience a positive one by being as encouraging as possible. I also tried to make respondents comfortable by allowing them to talk about issues they chose; I only lightly guided the conversations toward Gacaca-related themes. Because I tried to make the dialogue respondent-driven, sometimes we discussed topics that were not specifically about Gacaca. My analysis does not discuss most of these unrelated topics but in some cases the respondent chose to speak about the genocide or other issues. When these others issues seemed relevant to this research topic, I included as closely as possible the respondent’s words matched to emergent themes (described more in the analysis). Overall, I believe that my interview philosophy translated well to the population of interest and respondents felt comfortable in our conversations.

The second characteristic of responsive interviewing is careful self-reflection. In considering this characteristic, I recognize that I have inherent biases and opinions that may influence interview questions and interpretations. Although these biases can never be removed, I tried to minimize their influence by asking three questions: “Why I am asking this question? Do I expect the respondent to say something in particular? Why do I believe that?” By continually asking these questions I monitored the conversations I had with
respondents and tried to think about where the questions I asked came from and whether these questions came from places that were not motivated solely by the respondent. Although this process was challenging, I believe that I was able to follow Geertz’s advice and recognize that at the end of each interview session, as well as the end of this project, it was my interpretations that were written and it was up to me to respect the views of the people that have shared so much (2001; as cited in Rubin and Rubin, 2005; p 37).

As I stated earlier, because interviews were, in part, respondent-led, they often delved into issues that were not explicitly addressing the research questions. Many respondents felt the need to share with me what had happened to them during the genocide. These were stories of trauma, pain, and survival. For the most part, I have tried to avoid writing details of these very personal stories because this is a project about Rwandan attitudes, feelings, and beliefs about how the Gacaca courts were administered, what they accomplished, and how they still impact citizens today. When respondents told me about their experiences during the genocide, I asked whether they wanted this information shared with American readers. Many told me “yes,” perhaps hoping that citizens around the world would learn about their plight and the burdens they still face. Those that did not want their stories shared are not described in this report.

Descriptions of the traumatic events that befell many of the respondents are my own interpretations of their words and therefore reflect my own understanding of events. Some of the more personal and emotional accounts of these stories have been removed to provide individuals protection from identification and to keep the focus on findings related to collective memory and understandings of how the genocide was tried in Gacaca courts.
In reality, of course, an understanding of events that occurred during the genocide are linked to how the courts were perceived and are included, when possible, in this work.

D. **Analysis**

Although 57 interviews took place, not all of the respondents are quoted in the findings. Only selected quotes or paraphrased statements were included. Other respondents provided corroborating testimony allowing more confidence in certain themes that emerged.

Analysis was divided into two phases. The first phase involved data preparation encompassing transcription, memoing, and coding. All 57 personal interviews were transcribed and coded. The second phase took place after data had been collected and entailed a description of events and comparison of themes and concepts (Rubin and Rubin, 2005; p. 201).

Hard copy notes from interviews were transcribed within 24 hours into electronic versions and were saved on a password-protected laptop. During and immediately after transcription, important thoughts, ideas and interpretations were drawn out of the interview notes and recorded into a memo file. In accordance with suggestions by McCormack (2000), this memo file helped me formulate subsequent questions, reflect on feelings about interview sessions, and eventually turned into core ideas and themes.

Between each interview, starting with the first, I identified concepts, themes, and events that were described by respondents during interviews. I attempted to clarify concepts, themes, and events as I went through the interview process. For the most part, this method was successful and I was able to build upon interviews that were often
fragmented and turn them into a coherent narrative of experience and perspective during *Gacaca* hearings. I was guided in my construction of themes partly by the literature on transitional justice and partly on emergent themes unique to my respondents. For example, I was cognizant of looking for meaning around the power structure at *Gacaca* and used this label during identification and coding. When new concepts and themes emerged, I created new codes starting with general broad codes and ending with more specific nuanced codes as I compared interview notes across respondents.

Phase 2 began once I started grouping together themes into categories. Categories were then summarized and depending on the nature of individual responses, I weighted information depending on where the information came from and how often it was stated. For example, because corruption was a commonly noted challenge to *Gacaca* from survivors, non-survivors, and perpetrators, I tried to provide as much breadth on the subject as possible and give groups equal weight. In other cases, however, I relied more heavily on survivor perspectives because they had less to lose by being forthright on certain subjects. For example, when survivors challenged government narratives, I tried to give more weight to these opinions because their testimony would normally not subject them to punishment under the genocide ideology sanctions that were present in the country at the time. Perpetrators that described *Gacaca* as being infallible were not always given as much weight because their voices were most likely influenced by perceived danger they faced from stating critical remarks (Waldorf, 2006b).

Finally, once core concepts and categories were constructed and synthesized, I developed themes into an overall narrative of experience, expectation, and perception of
local Rwandans with the Gacaca courts. This overarching narrative forms the basis of this dissertation.

E. **Presentation of Data**

In Chapters 7, 8 and 9, respondent narratives are presented around key themes. In most cases, I have tried to explain themes using the original voices of those I interviewed. This was very challenging because quotes were translated from Kinyarwanda to English (except in a few cases where interviews were conducted in English) and may have been altered slightly in their meaning. These voices were also merged together into thematic categories. When I started this project I envisioned having each respondent’s stories stand alone, with their narratives separated and synthesized later around key ideas. This was altered as the project was underway for two reasons. First, I interviewed significantly more individuals than I had anticipated. I simply could not share all of their stories in the depth and breadth that I desired. Second, because I used a responsive interview method, individuals that I spoke with had the latitude to discuss whatever topics they wanted to. Of course, I steered the conversation when appropriate but I also wanted to prioritize respondent agency with this project.

The results are presented around key themes with individual voices added when possible. I have chosen to quote words and phrases verbatim as they were interpreted and insert them where relevant. This may make the results section somewhat choppy but I have done my best to keep ideas orderly and on point.

I also avoided explicitly retelling stories of trauma that occurred during the genocide in order to protect the identity of respondents and to concentrate on perceptions
of the courts instead of the original trauma. In some sections, however, I decided to tell, as closely as possible, the entire story of those I spoke with. In my opinion, these stories make necessary connections between the original trauma and current complications around concepts like identity, marginalization, and attitudes toward sexual violence.

F. Limitations of Methodology

Like all work in the social sciences, this project has a number of limitations to address. Some of these limitations are inherent in any sociological inquiry while others are unique to my project. First, this study used an availability or convenience sample to gather perceptions on the Gacaca courts. The use of this sampling strategy may have resulted in selection bias and a narrative that describes unrepresentative views of the Gacaca process. While the population of Rwanda is over 11,000,000, the actual number of individuals that participated in Gacaca is unknown, with few records kept that documented attendance. As Sonis (2009; p. 198) states, “the development of an appropriate sample is the most challenging aspect of research with survivors.” Because of the nature of my questions and my own limitations on resources, a random sample was not possible. Findings and recommendations that I offer are limited in their generalizability to those that I interviewed. Although I attempted to minimize selection limitation by choosing respondents that varied in their region and gender, their views do not necessarily represent the views of other people elsewhere.

Second, due to the nature of the subject and the political climate in Rwanda, respondents may have felt constrained in their ability to speak freely. Thomson (2010; p. 374) argues that the policy of national unity and reconciliation “disguises the government’s
efforts to control its population by using the language of ethnic unity and social inclusion while working to consolidate the political power of the Rwandan Patriotic Front.” Although I took measures to build rapport with respondents, according to scholars that have done work in this area, I cannot reasonably expect unbiased answers from individuals, since asking and answering too many probing questions about socio-political realities since 1994 can draw the unwanted attention of the Rwandan authorities (Ingelaere 2010; Thomson 2010; 2011).

To confront this challenge I structured my questions as open-ended and neutral as possible so that respondents did not feel that any questions were leading. Additionally, I adhered strictly to the promise of confidentiality and de-identified all data derived from the study. As described earlier, the format and style of my interviews helped build rapport and feelings of safety with interview respondents.

Another potential issue with validity is that findings in this study relied on memories from court hearings. Some memories may have carried symbolic importance to participants and led to negative associations that exist outside the context of the courts. When respondents were distressed, I tried to remind them that we could skip questions or end the interview at any time. Additionally, I had the assistance of two interpreters that had more contextual knowledge of the experience of survivors. These individuals helped me craft and phrase questions that were sensitive from a cultural and survivor perspective.

A third major limitation was that the interviews were, for the most part, conducted through an interpreter. Although both interpreters that were used for this project were professionals and had worked with other researchers in the past, meaning may have been lost from the narratives of the sample respondents. I urged both interpreters to try to
preserve the exact phrasing of narratives but some words and phrases do not translate well into English. I have chosen to quote interpreted words and phrases as if they were the words of the respondents, but this is not in fact true. As you read through this report, remember that the words of many of the respondents were translated by the interpreters into English and some of their meaning may have been altered or lost.

Finally, this study was not an assessment of the multiple goals of transitional justice. This project was exploratory in nature and tried to understand the local justice process and how this impacted participants' perceptions of the courts. As a pilot study, validity and generalizability are compromised. However, I hope that this work becomes the entry point for a larger research project that will use more appropriate sampling techniques or empirical methods.

G. Clarifying Terms

*Genocidaires* – at certain points this term is used to refer to perpetrators. This term is also understood by Rwandans and was used in interviews.

*Ibuka* – According to Bornkamm, “Ibuka is a collective of several organizations and the most important representative of victim’s interests” (2012, p. 139).

*Inyangamugayo* – Refers to community leaders and judges of the *Gacaca* courts. In Kinyarwanda, this term is translated as “persons of integrity.”

*National Service of Gacaca Courts* – The administrative body of the *Gacaca* courts

*Non-Survivor* – Like Rettig (2008; p. 48) I use non-survivors to refer to “Hutus who lived in Rwanda in 1994 and who were not targeted during the genocide.”

*RPA and RPF* – The RPF differs from the RPA after the genocide when returning Rwandans transitioned from a military force to a political force. I attempted to use RPA when I referred to this group prior to the transition. Thereafter, I use the term RPF.
Survivor – For this study I refer to all individuals that were targeted during the genocide. Not within this definition, however, are excluded populations like the Batwa and children born out of rape who were obviously not alive during the genocide.
VII. REFLECTIONS ON THE PROCESS AND EXPERIENCES AT GACACA

To understand how courts were experienced at the local level, I asked a series of questions, calling for respondents to reflect on how they were involved at Gacaca, how they viewed “common” experiences during court proceedings, and what the process of testimony looked and felt like. Although I stressed to respondents that they should describe the “typical” case, respondents often described important moments that stood out in their memory. Some of these moments are described in the following sections because they have made long-lasting imprints on the memories of those that participated in the process.

This chapter on procedure starts with self-reflections on what Gacaca looked like, who was there, how often it occurred, and what costs were related to participating. Second, because laws were amended to allow for sexual assault cases at Gacaca later in the process, a brief description of these courts is addressed. Third, building on the description of the courts, a section is included that explains how decisions were made by judges and what factors were important in this decision process. Fourth, in order to properly frame how judges made decisions, a longer discussion of testimony is included to provide the reader an overview of some of the strengths and limitations of the justice process. Finally, other procedural aspects of Gacaca such as safety and security and notification of witnesses is included.
A. **Frequency and Composition of General Assembly Attendance at *Gacaca***

*Gacaca* hearings took place nearly every week in most villages across the country. Charlotte, a survivor from the Southern Province, explained that *Gacaca* happened almost every week within her village and sometimes twice, depending on who was being tried and what the offenses were (November 2012). Although attendance at *Gacaca* was required many individuals “hid” from authorities on *Gacaca* days (Rosine, December 2012). Each community varied in the degree to which attendance was monitored, with some communities sending out authorities to locate and fine those that did not attend. Because villages differed in how attendance polices were enforced, the number of individuals that came to *Gacaca* also varied. Interviews revealed that the amount of time Rwandans actually participated at *Gacaca* ranged from a handful of days to hundreds of afternoons spent at trial. Emmanuel, a survivor from the Central province, attended the fewest court appearances, only two, over the entire *Gacaca* duration. On the other end of the spectrum, several survivors reported that they had attended so often they had lost count.

When classifying who the participants were at *Gacaca*, survivors were described as the most likely to report consistent attendance. Survivors were also the most likely to attend *Gacaca* at neighboring communities. There are multiple reasons why survivor attendance was high; I discuss one of the major reasons in the “identity” section in Chapter 9. Non-survivors exhibited more variation in their attendance at *Gacaca*, citing a myriad of reasons why they did or did not attend on a regular basis. Some complained that *Gacaca* ran too often and that it interfered with revenue-producing jobs (Oreste, February 2013). Others told me that attendance was not always required and that they attended cases where they knew the individuals who were accused (Sylvere, January 2013).
Although survivors were more likely to attend *Gacaca* than non-survivors, they typically made up only a minority at the court. Their overall presence was low for two interrelated reasons. First, the loss of Tutsi-life during the genocide was so great that many villages were entirely devoid of its Tutsi members following the genocide. Second, survivors did not always resettle in the villages that they were displaced from during the genocide. There could be many reasons for the decision to move to a new location, but one of the most likely reasons was described by the survivor, Josiane. She told me that when people returned to Rwanda, they didn’t want to go back to the place they lived before. There was too much emotional pain at these places. According to her, many clustered in areas where there was a strong Tutsi-presence. Those that resettled in their original villages sometimes found that fellow survivors were extremely few in number. Those who resettled into new areas that were more survivor-dense (such as Kigali) found larger number of fellow Tutsis. Despite this clustering, Tutsis were still few and made up a small percentage of the overall population. Therefore, attendees at *Gacaca* were composed of mostly non-survivors.

Survivors and non-survivors were not the only people to attend *Gacaca*. Individuals that moved to Rwanda after the genocide sometimes attended *Gacaca* but did so rarely. Those that did attend, according to Josiane, did so because they were curious or wanted to know more about what happened during the genocide. This angered some survivors who interpreted their absence as indifference; for example, Pierre, a survivor from the Central Province, remarked, “[the diaspora] did not care about [survivors] or participate in *Gacaca*. Most did not even come. They did not value *Gacaca* like [survivors]. Many of them look at what happened in the genocide as a story and not as something that really happened. I
don’t think these people took away anything from *Gacaca.*” Pierre’s negative sentiment about the returning diaspora was shared by other survivors and is discussed in more detail in the section on Identity (Chapter 9).

Respondents explained that most of the individuals that attended *Gacaca* were familiar with each other and had lived together in the community for many years. A survivor from the Southern Province named Penelope, for example, regularly attended *Gacaca* in a community located approximately 20 minutes ride (by moto) outside an urban area and “always knew the people that attended *Gacaca.*” Respondent Janvier stated that he attended cases in Kigali in order to learn the truth about what happened to his family and he also attended *Gacaca* in his local community to provide testimony regarding crimes he witnessed as a survivor. For the most part, respondents told me that they attended *Gacaca* at the cell level because it was located within the community and did not require transportation costs or long commutes. Infrequently, however, individuals were asked or voluntarily elected to travel to sector *Gacaca* because of an important case or because a respondent had information relevant to the case.

B. **How Gacaca Looked**

The local cell *Gacaca* cases (the ones I was most interested in) were convened within the boundaries of local communities in spaces where residents could very easily travel by foot (although what was convenient for community residents was not always convenient for those outside communities; travel between communities, unless along major transportation routes, required an automobile). These spaces varied substantially; some courts took the name *Gacaca* literally and were convened in a large open field of
grass so that more residents could gather to hear the cases. Other courts, however, were conducted in buildings, around structures, in the shadows of trees, along roads, near cemeteries, or even in the market area. When I asked one man where the local courts were held, he laughed at my question and walked a few steps away and said, “Here we are!” (Interview with Parfait, January 2013)

The actual placement of Gacaca was sometimes designated for pragmatic reasons or because the layout of the land was conducive to a highly attended public event, however, these were not the only considerations. Some Gacaca courts were chosen because they represented a symbolic place where many Tutsis were killed. According to Fabien, when a perpetrator was brought to those locations, they would have to physically, emotionally, and spiritually face both the people and the place (January 2013).

One of the things that I was interested in understanding more about for this project was how the people were arranged during Gacaca proceedings. I believed that understanding how Rwandans physically organized themselves would provide insights into reconciliation and community building efforts. Although I was not able to attend Gacaca hearings because they closed in 2012, I was able to ask respondents about how groups interacted and even where they sat during trials. Although some respondents couldn’t recall (for example Oreste, a non-survivor from the Southern Province said he couldn’t remember who attended or where people sat or stood) many could (January 2012).

Individuals who attended Gacaca physically organized themselves by traditional ethnic identity. In other words, Hutus sat with other Hutus and Tutsis sat with other
Tutsis. (Interview with Justin, January 2013). It was as if “everyone had official positions” (Interview with Oreste, January 2013). Not only did ethnic group members sit or stand together during trials, they also tried to make sure there was space between groups. One of the respondents helped me draw a diagram that showed the spatial arrangement at court (Appendix B).

C. **Practical Cost of Attendance**

Interviews revealed that there was a major limitation with *Gacaca* that prohibited many people from attending and contributing. Because *Gacaca* happened for so many years and so often (typically during daytime) farmers and laborers had to miss work in order to attend. This, according to the survivor, Charlotte, meant that families had to sacrifice earnings and time to be present; because farmers were not wealthy, “the family suffered and often went hungry” (November, 2012). Most of those who were interviewed worked long hours to provide food for their families and stated that *Gacaca* became a burden as the process wore on because it depleted saved resources due to missed labor, however, very few of the interviewees replied that this prevented them from attending. In fact, Olivier, a non-survivor from the Central Province, reported that in many cases “everyone from the village would come to *Gacaca* and, sometimes, people that didn’t live in the village would be there...even when the perpetrator’s family came” (February 2013).

When asked how many people, on average, attended *Gacaca*, Cedrick explained that it varied but sometimes “the entire district would come to *Gacaca*; more than 300 people” (November 2012).
D. **Informal Participatory Courts**

One of the unique aspects promised through *Gacaca* was that decisions would be made locally and that the process would be democratic. Most liberal-legal courts in the western world expect the judge and jury to exist outside the community in order to prioritize neutrality and objectivity. These legal power brokers typically have little emotional attachment to the people at the trial or the community where crimes may be committed. In Rwanda’s *Gacaca* courts, however, judges were nominated from within the community. Furthermore, those nominated and elected to be judges did not stand out from their peers in their educational or economic status. Traditionally, *inyangamugayo* were village elders that were held in high esteem by the community. In present-day *Gacaca*, although village elders sometimes were nominated as judges, the age range was much more diverse (e.g., one interview respondent was 22 years old). *Inyangamugayo* were selected, according to survivor Immaculee, because they were known to be “truthful” and were familiar with community residents and events (January 2013). Another survivor named Constantine told me that the name *inyangamugayo* was still respected and symbolized a position of honor but did not necessarily have the same esteem it once had (January 2013). In present-day Rwanda, *inyangamugayo* were selected because they knew everyone in the community and, more importantly, they agreed to contend with the burden that the role of *inyangamugayo* required.

Charlotte, one of the first *inyangamugayo* that I interviewed, confirmed the importance of community knowledge in selected judges stating that all of the *inyangamugayo* in her court knew each member of the community and vice versa. She believed that this familiarity was positive for communities because they were able to take
into account the historical context of the people and place where the crime was committed. She also felt that judges were able to keep their work objective and separate their personal lives from their role as inyangamugayo (November 2013).

E. The Special Court

The Gacaca jurisdiction had a special provision that allowed the adjudication of sexual violence crimes (Organic Law No 13, 2008). These court proceedings were held behind closed doors in the village or near the area where the “regular” Gacaca cases took place. Penelope, a survivor who had her case heard at the special court, described these locations as confidential or “secret” areas where only the judges, the person being tried, and the victim could have access (January 2013). For the most part, the judges for these cases were the same as the ones that ran the regular Gacaca courts unless the case was at the regional level. In these cases, inyangamugayo were selected from nearby cells to serve on the regional sexual violence cases.

Prior to these cases being heard, letters were sent out two weeks prior to the trial to the alleged perpetrator and victim. The specific meeting location and time were noted on the letter along with directions stating that the victim and the perpetrator were allowed to bring one other person to give them support. In Penelope’s case, the room where the case was heard was approximately 15 feet wide by 20 feet long (Penelopee, January 2013).31

If survivors did not wish to be present in the same room as perpetrators during trial proceedings, Gacaca law allowed testimony to be presented through a written statement.

31 This was my estimation after Penelope described the room.
Constantine explained that she used this option to provide a written statement alleging sexual violence by a man from the village that took place during the genocide. She explained that “some of the women that went to court faced the person that raped them [in person], but [she] could not. It is a very difficult thing to testify against the person that raped you” (January 2013).

Celine, a counselor for survivors, spoke about this issue in more detail; she told me that victims did not want to continually face trauma while at Gacaca (March 2013). Providing testimony (or refuting testimony by others) required survivors to face their crimes for a second (and sometimes third time or fourth time). She called this “indirect victimization.” She told me that at the sexual violence courts, survivors were forced to do something even more demanding. In these cases, the women who were called on to testify were “direct victims” where they were required to confront perpetrators face-to-face. Although women wanted to give judges their testimony, the proposition of encountering perpetrators directly was daunting.

The only persons allowed to be present at or speak in these cases were the inyangamugayo, the survivor, the perpetrator, and an extra support person accompanying the survivor and/or perpetrator. This process was intended to protect sexual violence victims by creating a more controlled environment where testimony would be kept secret from the community (Human Rights Watch, 2011). Unfortunately, interview results revealed that information from these cases did not remain secret. This information is expanded upon in Section 9.6.
F. *Inyangamugayo* Training

Respondents reported different accounts as to the number of days that were committed to training for new *Inyangamugayo*. For example, Constantine reported that she undertook “two weeks of training” and “more when the Gacaca law was amended.” However, when asked the same question, Clement reported five days total (Interview, February 2013). Still another account put the training at 12 days: six days at the cell and six days at the sector (Pascal, February 2013). These conflicting statements demonstrate the time spent training was inconsistent and short in duration. These statements also indicate that follow-up training and professional development was limited to periods following modifications of legal statutes and was not attended by all *Inyangamugayo*.

When asked about the type of training *Inyangamugayo* received, respondents explained that the training covered only legal material that made up the *Gacaca* law and specific rules and procedures that would be used in hearings (Constantine, January 2013). When I asked about what material should have been covered, Constantine stated that she wished *Gacaca* prepared *inyangamugayo* to better handle emotional and psychological distress that survivors might encounter during court proceedings. According to her, the training did not provide information on or skills for dealing with trauma or hostilities that arose at *Gacaca*. Fortunately, she said that at least in her court, the survivor support group, Ibuka often sent volunteer counselors that would help when someone felt “traumatized.”

According to Theogene, a lawyer who helped train *inyangamugayo*, the decision to use the *Gacaca* courts was the right decision, however, the actual trial process was

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32 See “Clarifying Terms” above or http://survivors-fund.org.uk/what-we-do/local-partners/ibuka/
inappropriately carried out because of failures within the inyangamugayo. Theogene told me that there were two related reasons why inyangamugayo were not equipped to handle the cases (January 2013). First, inyangamugao were community appointed. In theory, he suggested, this was a good decision because it allowed communities to share in judicial powers, but there were unintended consequences. When local communities chose the inyangamugayo to represent their area, few considered the provisions set forth by the National Service of Gacaca Courts and selected individuals that “were uneducated and could not read or write.” To Theogene, this was a major concern because they were unable to use the appropriate reference documents provided to them. Many were also unable to provide written records of court testimony for review during appellate court cases.

Respondents felt one of two ways when asked about whether training promoted the use of appropriate processes and outcomes. First, those interviewed explained that judges were often overwhelmed by their role and that the two weeks (or five days) of training were insufficient. For example, Gaudence, a legal observer who worked for a non-governmental organization described situations where judges were unsure of the Gacaca statutes and had to suspend trials to review the guidelines. She also felt that on days when there were more than one case, inyangamugayo were unprepared and sometimes had to delay cases or rulings.

G. **Decision-making Power**

After a case had been heard, inyangamugayo would discuss the facts away from the General Assembly. The deliberations would generally take “about an hour” at which time, if a consensus was reached, the inyangamugayo would return with their decision (Interview
with Clement, February 2013). When asked whether this amount of time was enough to fully consider verdicts, Clement stated matter-of-factly, “Yes. Most of the time the decision was not difficult and we were able to follow the law and make the correct ruling...sometimes, when a case was confusing or there were different stories about what happened, it would take much longer.”

In most cases decisions boiled down to a final vote by the inyangamugayo of guilt or innocence. Inyangamugayo Corneille told me that often the head judge had the most say in cases and he or she could sway close votes. Corneille explained that he was the head judge at an appeals court in the Central Province and tried to stay as objective as possible. In many cases, he told me, his decision would become the majority decision. He believed that this was a positive thing because his fellow judges were biased in their rulings. However, in cases where he did not attend, there were problems; in one such case he found out that a judge had violated Gacaca law to release a guilty offender. This person was the Gacaca secretary and had personally known the alleged perpetrator. He changed the official decision of the case from guilty to innocent in the official documents. The perpetrator was released because of this deliberate administrative error. Corneille found out about the change “a little while later” and pushed for a new trial. A year later this case came back to the appeals court and the person was convicted. The secretary was removed from her position for unethical behavior but was not further punished (February 2013).

1. Decision-Making at Gacaca: Truth Weighted by Group Membership

Although the Gacaca courts promised a democratic process where all testimony was weighted equally, interviews with judges and some general assembly members revealed
that an individual’s testimony was ranked by group membership. Charlotte explained that judges viewed the validity of General Assembly testimony by group membership. There were certain individuals who were allowed to speak and whose voices were viewed as being more truthful than others. In her court, survivor testimony was viewed as the most valid. Validity then followed in order from representatives from the diaspora (if they participated), to non-survivors who were not connected to the genocide (as of yet), to family members of the accused, and finally, to accused perpetrators. She also alluded to a gender difference between male and female non-survivors. She stated that many non-survivor men were looked at suspiciously by survivors because many believed that all the Hutu men had some role in the genocide; women, according to her, were also involved but did not directly harm Tutsis in the same way. Charlotte explained that there were no gender distinctions for survivors because “they were all victimized” (November 2012).

Charlotte also explained that the word of judges in individual case deliberations was weighted by group membership. Because she was a survivor, she had the most power at the court because it was “proven” that she had not taken part in the killings. On the other end of the spectrum, those that were suspected of being allied with Hutus or those accused of crimes frequently had their testimony silenced or worse. Another respondent, Emelyne, tried to provide an example of this weighting process. She told me that even though she was a survivor, she was afraid to speak out during court proceedings on behalf of non-survivors. She recanted a story of a trusted Hutu man in the community who had stood up during a trial and declared that one of the individuals accused of crimes was innocent. This man, she stated, was sent to prison for six months because of what he said (February 2013). There is the possibility, of course, that there was other evidence against this man
and he was sent to prison for a legitimate reason, however, the fact that some people, even survivors, felt afraid to speak out at courts because they supported individuals that were accused reveals that there were severe limits on the potential of democratic and open deliberation during court proceedings.

It is important to note that the power dynamics in one court may not be the same dynamics that are found in other courts. For example, Gaudence, the NGO observer mentioned earlier, told me that many cases were one-sided and depended on whether the village was composed of mostly survivors or the family and friends of those that participated in the genocide (December 2012). The survivor, Pierre, made a similar observation stating that each community was different. Most of the time, trial outcomes depended on who lived in the area. When there was a majority of Hutus in a community, that community received “Hutu justice.” When there was a sizeable Tutsi population, that community received “Tutsi justice” (January 2013).

2. The Role of the General Assembly in Decision Making

Gacaca was described by policy makers as a participatory justice process that would empower communities to judge cases on the ground where the actual harm was done. From this perspective, policy makers assumed that the community would be represented not only by locally elected judges, but also by the General Assembly. Within this discussion, there are two relevant questions with answers that emerged from interviews. First, from a procedural perspective, scholars have questioned the degree to which Gacaca was truly participatory asking what rights, privileges, and powers did community members have to have open dialogue and influence the outcome of trials? The second question deals with the
perceived effects that the *Gacaca* courts had on empowering communities. Respondents addressed both questions in this section.

Interviews with *inyangamugayo* revealed that, sometimes, the General Assembly held significant power during cases. Once again, however, the power that was derived from the General Assembly depended on the composition of the community. According to Mignonne, speaking opportunities at *Gacaca* were dominated by Hutus in her court. She stated that “the voices of the survivors were not heard because Hutus would tell their stories and prevent Tutsis from speaking.” Fortunately, Mignonne told me, she was strong and was respected by the other judges so when this happened, she was able to quiet these individuals and provide opportunities for survivors to give their voice (February 2013).

The degree of power that was granted to the General Assembly was important in many jurisdictions because some *inyangamugayo* relied heavily on feedback provided by the local population. For example, the *Inyangamugayo*, Charlotte admitted that sometimes the judges were unsure of what ruling to make and would “look at the faces in the crowd” to evaluate if testimony was correct or to help them decide on which way to decide cases. She told me that her village had a higher number of survivors than other places and she felt that she could trust their views and memories of what happened during the genocide (November 2012).

H. **Testimony at Gacaca**

Respondents noted that dialogue at *Gacaca* was mostly respectful. According to Charlotte, sometimes people at *Gacaca* were reluctant to speak but even if they didn’t say anything, many still came and listened (November 2012). There were, however, examples
given where testimony was contested and violence broke out. In these cases, Gacaca hearings were suspended or delayed. Although Cedrick told me that most hearings in his cell were peaceful and participants treated each other with dignity, other places were not so respectful (November 2012). Adrien, an inyangamugayo from the Central Province, told me that in cases that he helped preside over, people cared very little about the laws constructed to ban harmful derogatory speech and would taunt and ridicule each other (December 2012). To provide order during these cases he and his fellow inyangamugayo had to call in security from the National Service of Gacaca or local government.

Testimony about events during the genocide was given publicly at Gacaca in front of all those that attended; as stated before, most of those that were present were individuals that each individual was familiar with. This created an atmosphere that, depending on the person and circumstances, made it easier or more difficult to speak about sensitive matters. In high profile cases (those that were particularly heinous or involved a person who had political, economic, or social power) people from outside the community came. According to Cedrick, the case where he testified against a group of killers drew over 300 people. He stated that it was very hard to speak in front of that many people about such personal events but he knew he had to do it. At first, he was very nervous and felt “so many emotions.” He had never spoken in front of such a large group before but in this instance, he “felt he must because it involved the perpetrator who killed his family members.” He explained that although he was initially frightened and emotionally distraught at the prospect of speaking about these monstrous actions, he gained strength as he testified and by the end, was pleased that he “stood up to the killers and showed the entire community he had fulfilled his responsibility” (November 2012).
For some General Assembly members their participation in *Gacaca* was the first time they had been back to an area since the genocide. Respondents explained that in these cases, it was very difficult to speak because they felt isolated and knew no one in the community. They were afraid that they would not be able to say aloud the crimes committed against them or that no one would listen to their stories. One such situation happened for the survivor, Gervais; fortunately the end result was positive:

I decided to give testimony during the first *Gacaca* case that happened in the village where I lived during the genocide. I think there were over 100 people including survivors, perpetrators, perpetrator’s family members, *inyangamugayo*, and others. I couldn’t recognize the people that were present because I had lived there when I was a child and hadn’t been back since the killings. I was very afraid to speak but I knew that I had to. I was one of the first to mention the things I had witnessed and it seemed like everyone had forgotten what had happened. When I started to tell my story, people began to remember who I was and recognized me as a child from the village. I felt much better then because, at first, I felt very alone….As people began to support my stories I was able to face the person that killed my mother. Before that day, I was always afraid of facing this man, but when the people in the village recognized me and supported me, I became comfortable. I knew that they would agree with my testimony...In the end, I was proud that I faced this man and because of my testimony, he was punished at *Gacaca* for his actions (December 2012).

Although Gervais felt relieved after providing testimony, not all respondents had such a positive experience. One unintended consequence that resulted from *Gacaca*, perhaps due to the informal nature of the courts, was testimony that revealed harms that were outside the jurisdiction of *Gacaca*. According to survivor Justine, when women that were victimized during the genocide gave testimony, they would become very emotional and speak “about many things” (February 2013). Community members were unwilling to stop the women from speaking even when they revealed information that could not be considered in these cases. For example, *Gacaca* courts were not originally intended to try cases of sexual violence.
When *Gacaca* began, cases of sexual violence were tried at the national or international courts. In 2008, when *Gacaca* gained jurisdiction over sexual violence cases, a separate format was implemented (as mentioned above). Cases of rape were to be tried behind closed doors so that the community was not made aware of issues that might endanger or stigmatize women in the community. Unfortunately, at the community courts, many women were either unaware of the difference between the courts or were unable to separate rape victimization narratives from other victimization narratives. As Justine described it, when survivor women started to tell their stories, some would speak about everything, even rape (February 2013).

I. **Safety and Security**

Many survivors and General Assembly members spoke about security at the courts and noted how important it was for *Gacaca* to be a safe space for participants to give testimony, for *inyangamugayo* to make rulings, and for groups to share dialogue about events that occurred during the genocide. Interview results indicated that *Gacaca* was generally a safe place for individuals to give testimony and discuss issues, but there were limits on what people felt they could say. Edmond, a survivor from the Southern Province, told me that people were afraid to talk at *Gacaca* because survivors and perpetrators were fearful of each other. Survivors were afraid that if they made accusations or spoke someone’s name that they might be threatened, hurt or killed. Likewise, non-survivors were afraid of being accused of crimes if they said the wrong thing during court proceedings (February 2013).
In addition to security issues concerning testimony, transportation to and from the court was an area of concern. Survivors indicated that they felt fear at home or in the community prior to cases where they were supposed to give testimony and as they were walking to the courts. There was no security (and presumably few resources) provided by the National Services of *Gacaca* to protect individuals in transit or while they waited for trials. Because of real or imagined fear, some survivors would create “safe groups” to walk with to court proceedings. Survivor Mignonette, for example, would meet up with other survivor women and walk together to the court proceedings (February 2013).

Survivors reported feeling especially afraid while *Gacaca* was in its main phase. Hoziana, the woman who is described in Chapter 4, told me that survivors were in danger every time they attended *Gacaca*. She had personally known two women who were killed just prior to when they were supposed to give testimony against an alleged Category I offender. When Hoziana and I were discussing this topic, we were sitting in the shade on a small bench outside the district municipal office. Abruptly, in mid-sentence, Hoziana sprang to her feet and pointed at a slender woman who was coming out of a small shop. She whispered, “That woman was poisoned before she gave testimony at *Gacaca*. The poison did something to her and now she is ‘mad.’” When I asked how she knew this was due to poison, Hoziana said that a neighbor told her who made the poison and he was one of the people involved in the genocide (February 2013).

Survivors told me that the places where they lived were not truly communities. Some no longer associated with others and lived solitary lives. For example, after the

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33 When communities stopped processing depended, in part, on the backlog of cases and whether new evidence was revealed.
genocide, Mignonne returned to the community where her family had been murdered; she told me that although she was born there and it was her home, she now felt alienated, alone, and fearful. Mignonne described the survivor experience during the Gacaca process as being a “transient” life where survivors would try to avoid other community members as much as possible:

> I tried to avoid all the families and [Hutu] people and try to hide away from them. I felt very bad about them then and they felt the same for [survivors]. They would say such terrible things to us. I thought that maybe they might come to my home and hurt me (February 2012).

Inyangamugayo also spoke about fear of victimization leading up to or resulting from Gacaca decisions. When I interviewed Adelphine, she told me that survivor judges faced the highest likelihood of being the victim of a crime. She felt fearful each time her court convicted a person because she had known an inyangamugayo who was killed after her court found an important Hutu man guilty of genocide-crimes. She felt that someday she might also be targeted. In fact, some of the men that she ruled as guilty at court threatened her and said that they would find her and cause her harm. She felt that if she didn’t protect herself and pay close attention to her surroundings “[perpetrators] would kill me if they had the chance” (December 2012). Unfortunately, although the courts have since ceased operating, Adelphine believes that she still might be a target. She is fearful when she is alone at night and thinks about being victimized all of the time.

Corneille also spoke about inyangamugayo safety concerns. He was the head of an appellate court and ruled on many cases while Gacaca was active. When I asked him about whether he faced any risks being an inyangamugayo, he told me that all inyangamugayo faced the possibility of being victimized. During and after court cases, Corneille had been
threatened by General Assembly members. He told me that in at least three instances he was attacked by relatives of perpetrators. Fortunately, he had so far avoided serious injury but even now he thought about these attacks and still avoids areas that are dimly lit or near communities where he knew the families of perpetrators lived (February 2013).

J. Secondary Traumatization

Another serious consequence that has been linked to Gacaca is individual psychological stress and trauma that occurred for many participants during court proceedings. Survivors explained that attending and giving testimony at Gacaca was emotionally and psychologically challenging because individuals were forced to confront perpetrators face-to-face (Interview with Celine, March 2013). For many survivors, the first time attending Gacaca was also the first time that they would speak to members outside their immediate family about what had happened during the genocide. The prospect of facing the people responsible for such harm was daunting. For example, Pierre, an older man from the Central Province explained that he was a volunteer for an organization dedicated to assisting survivors. He knew the emotional perils of attending Gacaca because he was a survivor as well. When individuals felt they could not speak because of fear or distress, Pierre would go to Gacaca on the person’s behalf. During our interview Pierre told me he went somewhat often because many survivors asked him for this service; they told him they were not ready to meet the perpetrators. They also told him that they were afraid of going to the Gacaca location because it was held at the very place where they had witnessed loved ones killed (January 2013).
A woman named Francoise also spoke about trauma she felt when *Gacaca* began. During the genocide this woman was severely physically injured and was placed in a Rwandan hospital after she was found by RPA soldiers half buried in a field outside of Kigali. To encourage recovery, the soldiers transported the woman to a local hospital where she stayed for what she described as “a very long time.” Eventually, the doctors released Francoise from their care and she returned to her home in the Central Province. She told me it took her seven years to begin to cope with what happened to her and when she thought she finally started to make peace with what happened, *Gacaca* started and she felt all the progress she made was gone (March 2013). There were two reasons why *Gacaca* had such a negative effect on Francoise: first, she had heard that the government was going to release some of the perpetrators and was afraid that some of the men that had hurt her would come back to the village and harm her again; second, she had learned that in order for the men who hurt her to stay in prison, she would have to testify against them and was afraid of seeing them in person.

Francoise recalled going to bed one night in “2002 or 2003” and being unable to get up the next morning. She told me that she laid in bed that entire day and when the next day came, she was again unable to get up. This went on for at least a week; she was unable to eat and drank only water. Her neighbors became concerned and called a doctor, who, upon seeing Francoise, had her immediately transported to the hospital. She stayed there for over a month and refused to eat. She couldn’t remember how long she was at the hospital or when or how she was finally released, only that this period was one of the darkest times in her life (March 2013). Surprisingly, Francoise has since made a dramatic recovery; the rest of her story is covered in the “Reconciliation” section.
Another survivor, Peneloppe, reflected on a traumatic experience that occurred during a Gacaca session. She remembered attending Gacaca during its “middle years” (in this community this was likely in 2004 or 2005) and seeing, for the first time, the man who had been responsible for the murder of her family members. He was there with his wife and children. When it was her turn to tell the community and the judges about what happened during the genocide, she recalled looking at this man and seeing “anger in his eyes” and thinking that he “wanted to kill her and all the other survivors that were at Gacaca” (January 2013). Although she was able to testify against this man, she still recalls how terrified she was at that moment.

These reflections on fear, anxiety, stress, and discomfort all reveal some degree of psychological distress or trauma. Trauma was a word well known to all those I interviewed. It seems to have rapidly entered into the Rwandan lexicon and was generally understood as any psychological, emotional, and in some cases physical response that was triggered by memories from the genocide. Interviewed inyangamugayo told me that they could recognize trauma because people in the General Assembly would “cry uncontrollably or fall down” (Interview with Godelive, November 2012).

Survivors explained that trauma typically was felt through key events or “triggers.” After comparing interview responses, I categorized the triggers into three categories: 1) while survivors were preparing to give testimony at the courts and reflected on genocide events, 2) when survivors heard others speak about graphic violence during court proceedings, and 3) when survivors personally gave testimony about experiences during the genocide. Although not all court hearings would elicit feelings of trauma, it was a
frequent occurrence and was more likely experienced in particular situations, as noted by Edmond here:

I have felt traumatized during the commemorations and even at Gacaca. When survivors gave testimony I would feel it. For example, stories about perpetrators hitting babies against walls makes me feel trauma…Many times I didn't feel like talking to other people at Gacaca because the memories would come back to my mind (Interview with Edmond, February 2013)

In some cases, manifestations of trauma came out in uncontrollable ways; survivors became highly emotional and might scream, cry, or scream deafeningly; he or she might flail his or her arms wildly and even flee frantically from the location. According to Justine, when these behaviors occurred, medical practitioners, if they were present, would rush over to the traumatized person and inject them with sedatives. She told me that these sedatives were the same ones they used during national days of mourning when large groups of survivors would become “traumatized” together. Justine told me that she had once been injected in the thigh. She recalled that the needle caused a sharp pain and she began to scream loudly…then, nothing; she awoke four hours later with no memory of what happened after the injection and a slight soreness in her leg (February 2013). Josianne also spoke about the use of sedatives and said that this practice happened often and that she too had been subjected to the “treatment” (February 2013).

Narratives on the subject of trauma and pain during Gacaca was also noted by non-survivors, though less common. Emelyne, told me that she felt very distraught when her husband was convicted at Gacaca. When the inyangamugayo gave their ruling, she expressed to me that she was shocked by the ruling and felt immense emotional pain. In front of the General Assembly, however, she did her best to hide her emotions. She told me
that Rwandans cannot express anger or sadness about the conviction of someone that was accused of a crime. If she did, others would mock and ridicule her; she could even be shunned by the community for her sorrow (February 2013).

K. Corruption

According to respondents, one of the greatest challenges to the process of Gacaca was where inyangamugayo or general assembly members were influenced by non-judges through social or political pressure, threat, or bribery.

Respondent perspectives about Gacaca generally grew more cynical as the process wore on. According to Felix, Rwandans were mostly positive about the prospect of Gacaca when it was first described to the population. According to him, many were pleased that the government seemed committed to trying a traditional conflict resolution mechanism that gave responsibility and power to local communities. When the courts began to gather information and try the first cases, judges appeared dedicated to their role and adjudicated cases seriously and honestly. As time wore on, however, some judges began to resent their burden and began to look for ways to use their position for economic gain or power. Rumors about judge corruption began to spread and many of those that were regularly attending Gacaca lost resolve. Especially important, according to Felix, were the cases held against the genocide organizers (Category 1 cases). At the beginning, Category 1 offenders were mostly individuals from the old regime who were universally condemned by survivors and returning diaspora members. Later in the process, however, many of those accused of these crimes were people that held positions of power within the current government. Some people suspected that these individuals were targeted not because of
their involvement in the genocide, but by the threat they posed to the current government: “Someone is making sure that these people are going to prison...someone is behind this change” (Interview with Felix, November 2012).

Felix further explained that many of the Rwandans who regularly attended Gacaca, gave testimony, and listened to the sentences administered saw examples of corruption at the local and regional courts. He explained that Rwandans began to see Gacaca less as a mechanism to achieve truth and justice and more as weapon to gain or keep power. For a system that was explained as a local community-based justice practice, many respondents felt betrayed and lost faith in the courts.

Often, judges were influenced by social and political pressure. According to Felix, inyangamugayo were not always swayed by money but by their relationship to stakeholders at the trials. According to him, judges often ruled with “partiality and corruption” (November 2012). Other respondents told me that they too believed that some inyangamugayo could not make objective decisions because they were friends of the perpetrator or the perpetrator’s family (Interview with Edmond, February 2013). Likewise, Jean Pierre stated that many of the judges were biased in their rulings because they were related to the perpetrators by birth and “they were still allowed to pass judgment” (December 2012).

Because Gacaca increasingly became associated with the taint of corruption, some survivors took it upon themselves to attend as often as possible to safeguard their testimony. One of the survivors interviewed, Gervais, described a situation where he was called upon to testify at a distant location. He traveled to the destination on multiple
occasions at his own expense to give testimony about the role three men had in killing his family members. After giving his testimony, however, Gervais was afraid that the judge would rule in favor of the perpetrators because there were not many survivors in the town. He told me “I knew that one of the perpetrators and judges were friends. If I didn’t keep coming, they would find a way to get the man free” (December 2012). In this case, a survivor felt he had to give up his entire income to travel back and forth from the towns to ensure that his testimony was not dismissed.

Pressure to convict or exonerate also came from individuals who held local political power. Gaudence, an NGO worker, described an event where a man was falsely convicted because of a personal vendetta against a family:

A group of survivors blackmailed a man to give false testimony [at Gacaca] about a person’s involvement in the genocide. The group knew that the person that was responsible was actually this man’s brother but was hiding in the Democratic Republic of Congo. The survivors wanted punishment and didn’t care if they convicted the wrong person, so long as they were able to get revenge against someone. The false testimony was delivered and this man was given 15 years in prison. This man filed an appeal stating that there was evidence of bribes and was given an appeal. [However], on appeal, the court asked only the man to attend and refused to bring in other witnesses or those that spoke on behalf of this man. They convicted again, but this time, gave him 25 years [an increase of the original 15 year sentence]. During the first trial, there were many conflicting testimonies and some survivors that were not related to the first group became convinced that this man was innocent. They filed letters after the appeal conviction and eventually, these letters reached the national jurisdiction and the man was finally release after spending eight years in prison (December 2012).

For those seeking settlement for personal vendettas, Gacaca became an effective tool for revenge. Felix explained that Gacaca was used by both survivors and perpetrators and because of jealousy that followed the genocide. Some Hutus, explained Felix, that were not involved at all in the killings prospered in the “new Rwanda” and survivors became
envious of them for their success. They felt that these people “did not deserve to be successful” (November 2012).

Jealously did not just affect intergroup relations; sometimes, individuals used Gacaca to settle within-group scores. For example, Emelyne told me that her husband was convicted at the last Gacaca case in her village. Her husband was a Hutu who had protected her (a Tutsi) during the genocide. However, even though she claims he was not involved in any way with genocide crimes, someone from the community had accused him of participating. According to Emelyne, her husband had gone to the city one day to get things from the market. While he was away, Interahamwe men approached the house and ordered Emelyne and Emelyne’s mother outside the home. The men recognized her as the wife of a Hutu and chose not to take her or her children; instead, they took her mother. When her husband came back to the home, he found the family in tears and learned about what happened. Emelyne explained that he became very angry and left the house to track the men down. He followed their trail but when he reached them, it was too late and the mother had been killed.

Late in 2010, Emelyne and her husband learned that he had been accused of being part of the group that killed her mother. When the case went before Gacaca, she and her husband testified about what had happened and claimed innocence. In the end, however, it did not matter - three Interahamwe men who were already incarcerated testified that Emelyne’s husband had been with them during the slaying. The trial lasted for two weeks and he was ultimately convicted and sentenced to 18 years in prison. Among that group was her husband’s brother. Emelyne told me that this man had been opposed to their
marriage because she was a Tutsi. She suspects that it was he who bribed others to set up the false accusations.

Emelyne wanted me to know that Hutus who did not participate in the genocide were targeted by corrupt inyangamugayo and those already convicted for three reasons. First, those who were convicted felt what she described as jealousy and wanted those not implicated to be punished like they were. Second, some Hutus felt betrayed by individuals like her husband who did not help during the genocide. They sought revenge by falsely accusing innocent Hutus of genocide-related crimes. Finally, in her husband’s specific case, Emelyne felt that some members of the Hutu community still felt intergroup animosity toward him because he was married to a Tutsi (February 2013).

Although many respondents noted the impact of overt external corruption, inyangamugayo themselves described how their own personal biases impacted rulings. Many of the inyangamugayo that were elected were survivors and were targeted during the genocide. Many of these individuals were still angry, fearful, and sad about the treatment of their families and their kin and held explicit biases toward alleged perpetrators. Constantine, an inyangamugayo from the Central Province, stated that the duties of an inyangamugayo brought intense “emotional burdens” on survivors. According to this woman, “it is hard not to favor some people [in Gacaca rulings]. It is hard to be a survivor and then be asked to be unbiased when ruling on cases” (February 2013).

Fear also played a role in the occurrence of corruption. Gaudence explained that “people would avoid telling about who was responsible [during the genocide] because they were afraid for their lives.” When I asked her whether the threats were genuine, she
vehemently nodded and explained that “the fear was real. People could die before they could testify at Gacaca or as punishment for testifying” (December 2012). Felix also believed that testifying at Gacaca was dangerous, noting that people could be killed for their actions or could find themselves being accused of crimes as a repercussion. He explained, “some accusations happened to get revenge against people for testifying or to threaten others so they would not testify” (November 2012).

Threats also were issued in relation to monetary gain. As individuals began to see Gacaca as a means to gain resources, some used their testimony as leverage to gain financial support. During the case against Emenlyne’s husband, a man approached them and said that he would testify on his behalf if they would give him 50,000 Rwandan Francs. Emelyne and her husband refused and took the matter to the Gacaca district administrators. These individuals said that they could not do anything because there was no proof of the bribery attempt. A short time later, however, when the case went to trial, the man who sought the bribe testified against Emelyne’s husband and said that he had seen him with the Interahamwe group before the mother’s death. Emelyne once again went to the district officials to report the misconduct and it was once again dismissed. She has appealed to the regional jurisdiction but has not yet heard anything (February 2013).

As already mentioned, one of the reasons why corruption became more common as Gacaca wore on was the excessive economic burden placed on inyangamugayo and general assembly members. According to Gaudence, “Gacaca was very effective during the first two years of Gacaca. At this time, people did not know they could be bribed. Later, people determined that they could get something for being a judge.” Similarly, Gervais described
situations where inyangamugayo became corrupt because they were never paid for their services. “It was volunteer work and most were very poor” (December 2012). According to the inyangamugayo, Clement, some inyangamugayo worked one or two full days per week which took away time from their own jobs. They suffered financially by serving as judges and some decided that they were owed something because of their sacrifice (February 2013).

Corrupt inyangamugayo who sought to gain resources from their legal power would take information they learned during judge deliberations (such as the likelihood of convicting an offender) and would approach perpetrators’ family members offering a change in their vote in exchange for money. According to Adrien, two judges from his court were removed for taking money in exchange for their decisions. When I asked Adrien how many judges were exposed for corruption, he said, “most were caught but some inyangamugayo were very careful and their corruption was never proven” (December 2012). Adelphine, a judge from the Central Province confirmed that bribery was a legitimate concern at Gacaca cases. She told me that only four out of the nine judges who started with her completed their time at Gacaca without being removed from corruption (December 2012).

Likewise, General Assembly members faced financial burden through constant attendance at Gacaca. Felix explained that bribery became more probable through both the financial burdens that were placed on survivors when they missed work to attend trials, but also the cumulative hardships survivors faced psychologically; “as years went on, many Hutus would pay survivors to say that they were traumatized when it was their turn to
speak. This was not far from the truth because they were traumatized! They did not want to speak at Gacaca anymore and some decided it was better to take the Hutu’s money” (December 2012).

For both inyangamugayo and general assembly members, one of the most challenging barriers to truth were found in trials against wealthy alleged perpetrators. Almost all of the individuals who were interviewed for this project were farmers, laborers, or shop owners and cases against wealthier Rwandans provided substantial constraints on the justice process. Pierre explained that wealthy defendants were hard to charge and convict because people were afraid of them or knew they had resources and would succumb to bribery. He provided this example:

A wealthy Hutu from our village was responsible for organizing the Interahamwe not far from here. People in the village knew who he was and during the information-gathering phase, mentioned his name as one of the organizers. Many people wanted him to be arrested but he paid people to say he was not involved or to keep silent on his role. For many years, this man lived in the village and escaped facing his crimes. Eventually, he was arrested. When his case came to Gacaca, instead of being tried as a [tier 1] case, he was tried as a [tier 2]. He was convicted but only received a small sentence. He should have received a long sentence like others that organized the genocide (January 2013).

When Pierre was asked how he knew he was corrupt, he stated, “I know because two members of this man’s family came to me and offered six million Rwandan Francs to keep silent and I refused.” He continued, “this man was originally sentenced to 18 years in prison, but just a month ago, I saw him in our village. He was released! I think the 6 million that was offered to me was given to some of the judges” (January 2013).

Fabien also spoke on this issue and explained to me that there was a Rwandan expression for the complications in trying wealthy offenders. He said “we have a term for
the ‘big’ men; we say ‘Kagura Umusozi.’ It translates as ‘to buy a small mountain.’” When I asked what this meant, Fabien told me that it means “I am the boss in this village. I am the one who killed innocents but I am not going to accept the punishment. The powerful made the weak admit that they had done what the powerful had actually done. They did this by giving them money and supporting their family” (January 2013).

Finally, one respondent provided an alternative understanding as to the degree of Inyangamu gayo corruption. Justin, an accused perpetrator who was later released, told me that although many people believe that the Gacaca courts were corrupted later in the process, this was not true. Inyangamugayo were more likely to be corrupt in the beginning. It was only because awareness of corruption increased that people felt that the process was corrupted later on. Early in the process, many judges were elected that were later found to be perpetrators. According to Justin, during the data collection phase (prior to the main phase) these judges would make sure that information “disappeared.” These judges protected other perpetrators and, as a result, many individuals who committed genocide crimes were not tried. For those that they could not help, they warned and told them to leave the country; which they did (March 2013).

Although interviews revealed that corruption took place, perhaps commonly, it is important to note that while corrupt actions are a major barrier to achieving justice in Rwanda, many respondents felt that there were scores of judges who sacrificed for their communities and countries and were never corrupted. Many of the judges who were interviewed in this project were extremely proud of their work and told me that it was an honor to serve the country as an inyangamugayo.
1. **Responding to Corruption**

In many cases, when the National Services of Gacaca found out about cases of corruption, the judges were immediately removed and criminal sanctions were lodged against that person. However, respondents described occurrences when this did not happen. Gervais explained that sometimes citizens who had power within towns were allied with the perpetrators’ families and would not report biased or corrupted rulings. In those cases, he told me survivors would become hopeless and would stop attending. When survivors stopped attending, then testimony might be discarded and individuals would be released or given a light sentence (December 2012).

L. **Notifying Witnesses**

Another area of concern related to the process of Gacaca was the lack of notification of stakeholders regarding times and dates of specific hearings. Theogene told me that one day a man came to his home and told him that he must attend Gacaca on a specific day. When he asked this man why he was being summoned, the person did not know. Theogene told me that at this time, he didn’t see anything unusual about the summons and did as instructed. He went to Gacaca like he had many times before, but this time he was brought up on charges of crimes related to the genocide. From a due-process perspective, this event was troubling for multiple reasons. First, Theogene did not prepare any statements or notify any witnesses because he did not know the nature of the summons. Additionally, since no lawyers were allowed to represent clients at Gacaca, this man had only his word against prepared testimony. Ultimately, he was sentenced to seven years and spent a

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34 Human Rights Watch, 2011
portion of that time in prison until his case was overturned when it went to the appeals court (January 2013).

M. Summary

Despite the hardships mentioned above, judges and General Assembly members often compared Gacaca with what they heard about the ICTR and National Courts.35 Speaking about this comparison, Cedrick, stated that “Gacaca made an amazing achievement. If cases had continued to be judged by international or national courts, it would have taken them more than 100 years to try them all” (November 2012).36 Similarly, Gervais explained that many survivors were frustrated with how long it was taking to bring killers to justice and when Gacaca started, she was “happy because that meant that, finally, trials were actually happening” (December 2012).

Even Emelyne, whose husband was sent to prison through Gacaca, felt that the courts could have been a very beneficial process (and were for some) had the individuals who held power been more virtuous. She expressed mixed feelings toward the outcomes achieved; on one hand, she believed that the individuals who killed her mother were made accountable for their crimes, but, at the same time, her husband was accused and convicted of crimes he did not commit (February 2013).

35 Only one interview respondent had attended trial at the national courts, while none had attended a trial at the ICTR.
36 The “hundred years to try all cases” was quoted by at least three interviewees. This statement was used on numerous occasions by media and political leaders in Rwanda.
VIII: LOCAL DEFINITIONS OF JUSTICE AFTER GENOCIDE

Survivors and non-survivors described their perspectives about what justice should look like at Gacaca. These individuals, not surprisingly, offered a wide range of goals that they had hoped Gacaca would achieve. Among these objectives were the desire to see offenders punished, to learn the truth about what occurred during the genocide, to set the record straight as to accuracy of events, to gain monetary or symbolic reparations, to heal, to reconcile inter-group differences (both personal reconciliation with families in the community and national reconciliation between groups), to forgive, and to be forgiven for genocide-related crimes. Some respondents even spoke about the importance of macro state objectives like the promotion of national unity and recognition from the international community that Rwanda was self-determining and capable of alleviating social conditions within the country.

A. The Importance of Receiving "Truth"

In post-conflict societies, governments sometimes perceive their justice options as a choice between a) maximizing prosecutions and punishment or b) creating an environment where perpetrators are more likely to admit what they have done to create a more accurate record of what occurred during conflict. This choice between truth and “justice” is experienced, not only at the macro-political level, but also at the local level. When respondents were asked about what they hoped to have achieved at Gacaca, many respondents stated that finding out the truth about what occurred was of primary importance. Individuals explained that accurate records of what occurred during the
genocide were important for two main reasons; first, to find the locations of the deceased so that those who lost their lives during the genocide could be more appropriately remembered and mourned, and second, to begin to make sense of what occurred. According to the *inyangamugayo*, Charlotte, many survivors came to *Gacaca* solely for the purpose of finding out what happened during the genocide. To her, survivors needed a record of what happened because that was the only way that survivors could begin the healing process. Many survivors, she explained, felt trapped and in pain. The truth was the only thing that could “set [survivors] free.” To her, the truth was viewed as contingent for higher-level healing and perhaps other positive outcomes like forgiveness and reconciliation (November 2012).

1. **Relationship between Truth and Trauma**

Although revelations of the truth was viewed as being instrumental for healing and other higher-level objectives, it also caused a tremendous amount of pain for survivors. Many respondents went to *Gacaca* to find out the truth about events. When they arrived, however, they often heard stories exposing the horrendous deeds that were done to people that they knew and loved. Rosine, a survivor from the Central Province, explained that when she went to *Gacaca* for the first time, she was forced to psychologically re-confront the horrors she experienced during the genocide. When she testified against people she believed killed her family, Rosine admitted she felt trauma beyond description and, at the time, felt like she had made a mistake by coming to the court. Fortunately, she kept attending *Gacaca* and eventually learned the truth about what had happened to her family members. She now believes that hearing the truth at *Gacaca* allowed her to begin to cope with the trauma she faced during and after the genocide (December 2012).
Testimony also caused trauma for individuals who testified against family members. Charlotte stated that during the genocide, she had witnessed her godfather “give up” two Tutsi boys to the Interahamwe. During the information gathering phase of Gacaca one of the perpetrators had told authorities about what her godfather did and he was arrested. When his case came up at Gacaca, the judges who were presiding over the case asked the general assembly if anyone besides those already convicted had seen him turning the boys over. Although the man on trial was very close to Charlotte, she spoke up in front of everyone and stated that she was there and that her godfather was guilty; he had helped the killers and given the two Tutsi boys to the them. She told me that when she said this at the court she “had a great pain in her heart” and her godfather turned away from her, no longer able to look at her. Charlotte said that she was now glad she spoke against her godfather because “[she] is now known as being the most honest person in the village and that people respect her.” Still, she is not without regrets. Because of her testimony against her godfather he went to prison. He was recently released and now lives nearby. They communicate, but when any topics come up that remind him of the genocide he becomes quiet and can no longer talk to Charlotte. She explained that because of her testimony, new rifts were formed and she is sure that this happened in other cases (November 2012).

Survivors that I interviewed understood that telling and hearing of testimonies was necessary, but that truth came at a cost. Respondents reported feeling a wide mix of emotions when testimony was given. For example, the survivor Hoziana explained that “it is difficult to listen to these terrible things again. We lived through the genocide in 1994 and we must live through it against each time at Gacaca” (February 2013).
Trauma also manifested collectively. Sometimes, explained the survivor Rosine, when testimony was particularly graphic or described a heinous action, “many survivors reacted together.” They “became traumatized as a group and the courts would have to stop and wait for the women to be removed or recovered.” When I asked her if this happened often she told me that it didn’t occur very often but happened more frequently near the dates when the genocide began in 1994 (April) (December 2012).

Gaudence explained that trauma manifested, not just in sadness, but also anger. She described one trial she witnessed where a woman who had been listening to an alleged perpetrator’s testimony collected a large rock from the ground and struck him in the face with it (December 2012). Violent actions like this most often manifested when an alleged perpetrator refused to admit to what they had done or when someone was suspected of lying.

Both giving and listening to testimony was difficult for survivors, but most felt it was necessary. Many looked at the telling of truth at Gacaca as both a ritual and burden that all survivors must confront. The survivor, Gervais reflected on this idea when he stated,

I went to Gacaca because I was the only person that could speak against the killers of my family. When it was my turn to speak, I remember that I was very afraid. I couldn’t look at the man. I looked down and told everyone what he had done. When I said this, the man said to everyone there, ‘I don’t know this boy.’ I started to become discouraged but some people that were there that recognized me started to speak, and explained that I was there and that I knew what took place. I became more confident and started speaking again and finally finished my testimony....I am sure that if I did not speak against this man, he would have been freed. I am glad that I testified but it was very difficult (December 2012).

Testimony given at the courts, when perceived as truthful, provided another positive outcome for survivors. From the statements at Gacaca, some survivors were able
to determine where their family members were killed or buried. Survivors often attended Gacaca solely for the purpose of locating the bodies of their loved ones so that they could properly bury and mourn for them. Rosine, for example, explained that she felt indebted to her lost family members and told me that the only way she could begin to “make it up to them” was to find their remains and give them a proper burial. When survivors felt that the truth was revealed, many explained that they initially felt remorse but, as time wore on, wounds began to heal. For those who did not “receive the truth,” feelings of anger and fear replaced healing (December 2012).

2. Validity of Testimony

All of the interview respondents explained that lies were common and problematic during Gacaca hearings. Respondents told me that lies were told during admissions of guilt to motivate judges to give reduced sentences. Survivors explained that because of the incentives granted by the justice system for these reduced sentences, perpetrators rarely revealed the full extent of their crimes; instead, they admitted to lesser crimes to receive a mitigated sentence. Respondent Fabien was one of the most pessimistic interviewees on the topic of the use of reduced sentences in exchange for “admittance of guilt.” He stated sarcastically “it is not bad to kill a Tutsi, it is bad to admit to kill a Tutsi.” Here, Fabien indicates that because inyangamugayo were instructed to take into account admissions of guilt for sentencing, it gave incentives to perpetrators for admitting something, so long as it was not murder. Charlotte described the reality of truth-telling at Gacaca as closer to “half-truths” that were admitted by perpetrators to “avoid dealing with the pain that [perpetrators] caused and reduced the punishments they received” (January 2013).
Many of those interviewed supported this view and they went further to state that the family members of the accused also created partial lies or supported the partial lies of the accused to ensure a reduced sentence. For example, Gervais said that that family members of the person he accused at Gacaca “defended the killer and lied to the court.” When asked about what, specifically the lies entailed he told me “they denied everything and tried to cover up for him. [His family] told everyone that he was sleeping when the alleged attacks occurred. I know that he was there because I saw him!” (December 2012).

Respondents varied somewhat in how pervasive they thought the false narratives were but most said that lies were a real problem and occurred in a substantial portion of cases. Gervais felt that one quarter of the testimony given at Gacaca was false while Janvier stated that half of all Gacaca statements were lies.

Most survivors felt that non-survivors (and more specifically, those accused or related to the accused) were the major culprits of false testimony; however, interviews with non-survivors suggested that lies were also told by survivors for a variety of reasons. The most common and pragmatic reason given by non-survivors was that some Gacaca participants (both judges and those giving testimony) provided narratives that most directly benefited the speaker or his/her family. Non-survivors described situations where survivors or family members of survivors would charge innocent individuals with the motivation of getting revenge against a symbolic or assumed assailant (Interview with Bruno, March 2013). In these instances, the need for vengeance was described as being more important than possible sanctions from perjury. Jerome, a laborer who now lives in the Southern Province, provided an example of this occurrence. Jerome told me that the daughter of a man who was killed in his village accused him of the murder. In this case, the
daughter accused a dozen or so people of involvement in her father’s death. When the case went before *Gacaca*, other community members who were there testified that the number was actually fewer and that Jerome was not involved (although he was later convicted of a less serious offense). When I asked Jerome why he thought the woman accused him he told me that he believed that she was angry about what happened during the genocide and was lashing out at all the men who lived near her family’s home (March 2013).

A separate (and controversial) topic related to providing a record of events at *Gacaca* concerned crimes against Hutus. A few respondents told me in interviews that there was no outlet for describing criminal actions committed by government forces following the genocide. According to Felix, because of the genocide ideology laws, conversations about “Hutu-victimhood” were “taboo” and could only be spoken about with one’s most trusted allies. These conversations, according to Felix could definitely not occur at *Gacaca* because genocide ideology laws were strictly enforced and if someone disobeyed these laws, individuals could be arrested or “perhaps die for it” (Felix, November 2012).

Finally, a third way that truth may have been compromised during *Gacaca* hearings was through strong cultural norms that prohibit speaking out against one’s neighbors, friends, or family members. In Rwanda, this term is known as *ceceka* and was described by the survivor, Emmanuel, as “a culture of silence that is encouraged and rewarded” (March). Another survivor, Fabien, also mentioned the importance of this norm when he stated that there was a “system where individuals would keep silent about what they had witnessed,” and that these rules meant that, “you were never to mention someone’s name” (January 2013). Respondents stated that *ceceka* was practiced by those giving testimony and even
judges if the pressure was strong enough. In these cases, vital information about what had occurred in 1994 would be kept a secret and never revealed even if it meant, according to the non-survivor, Theogene, convicting an innocent person or exonerating a guilty one (January 2013).

B. The Importance of Punishment

Survivors frequently explained that punishment was needed for them to move on from the violence that affected them. When respondents explained their rationale for the need for vengeance, three main themes emerged.

First, many respondents felt that perpetrators were able to escape punishment by being absolved of crimes during Gacaca hearings or fleeing the courts altogether. When asked about the goals of Gacaca, the survivor Rosine explained that she had hoped Gacaca would punish all the people responsible for the genocide. To her, Gacaca could not succeed because the people who had been responsible for atrocities against her loved ones had fled and would never stand trial for what they had done. The denial of the opportunity for what this woman perceived as justice damaged her in a way that was irreparable (December 2012).

Second, respondents felt that when inyangamugayo sentenced offenders, the punishments did not match the crimes. In many survivors’ perspectives, perpetrators were given light sentences. Survivor respondents wanted Category 1 and 2 offenders to receive “long sentences that more accurately fit their crimes” instead of the “15 to 20 years” the inyangamugayo gave them (Interview with Pierre, January 2013). The survivor Janvier felt (and continues to feel) that perpetrators were allowed to “kill as many as possible without
being punished” (January 2013). When I asked Josiane, a women whose story is detailed in the next chapter, about appropriate punishment, she looked down at the floor and quietly told me, “I think that punishment at Gacaca was not fair. The perpetrators should have the same fate as my family. They are no longer alive so why should these men [still be alive]? The government is telling us that we should have unity and reconciliation but if it were up to me, I would kill them” (February 2013).

The final theme that emerged from this study, often related to perceptions of inadequate sentences, was frustration with those who were incarcerated prior to Gacaca’s formation. In these cases, perpetrators were retrieved from jails and prisons to stand accountable for their crimes. When these individuals were found guilty (and most were), they often received sentences that would inevitably set them free in the near future because the sentences were commuted because of time served. If a perpetrator were given a 15-year sentence, he or she would essentially be liberated because of their time already spent in prison. Many respondents did not feel that this represented justice and were discouraged that Gacaca stood as the mechanism that set killers free. As Gervais reflected,

I see Gacaca as something that did not help survivors...I went to Gacaca to find justice and when I spoke against a man that had killed my family, he was sentenced to 19 or 20 years in prison. This man had been in prison since 1994 and was never made accountable for what he did. Now, it is getting near the time he will be released. This man did not face the punishment he deserved (December 2012).

C. Restoration as Reparation

According to respondents, one of the most important needs for survivors was to be restored to pre-genocide conditions. Survivors acknowledged that their family members
could never be replaced, so many felt that restitution was the only way to begin to repair the damages that were inflicted. In total, twelve survivors stated that reparations were important. Unfortunately, most interview respondents told me that although reparations were promised through the national and *Gacaca* courts, few actually received any form of economic support from the perpetrators or government. According to Fabien, the “ultimate failure of the people in politics is the failure of reparations...these people have done nothing...only a few people have been made to pay anything back” (January 2013).

In the rare occasion when reparations were included in a ruling, survivors felt it was selectively used only for Category III offenders. Survivors like Fabien and Edmond told me they were outraged because it seemed that only those convicted of property offenses were ordered to pay reparations. Many survivors appear to be angry at offenders and the government because individuals are sentenced to prison or to work camps that do not directly benefit survivors (Interview with Fabien, January 2013). Another survivor named Mignonette told me that “the people that have lost the most are those whose family members were taken. How can we ignore these people? There are many children in Rwanda who lost their mothers and their fathers. They cannot pay for school or clothes. Every community has these people. Why isn’t the government helping them” (February 2013)?

When I asked respondents why reparations were seldom used, a non-survivor named Marie told me that judges couldn’t identify how much was stolen. Marie felt she understood more than others about legal problems because her husband was found guilty at *Gacaca* for participating in the killing of a boy at the end of the genocide (March 2013).³⁷

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³⁷ Marie also told me that she believes that her husband was innocent and was only accused later on because he had testified against another Hutu.
Because many individuals who were later imprisoned for genocide-related crimes would speak openly around her and her husband, she overheard them speaking about pressure put on others to confirm stories and conceal truth about what was taken or destroyed. When it came down to determining who was responsible for what, proof was difficult to obtain because people were deliberately concealing or modifying accounts. Because the truth was deliberately concealed, judges couldn’t identify specifically what perpetrators had stolen or taken from survivors.

Some respondents had heard that a few lucky survivors had received some sort of payment from offenders but this was rare and the reparations were meager. Although survivors are frustrated, many still have hope. Gervaise explained that he had heard stories where offenders who took property during the genocide would bring back some or all of what they stole;

One person that I heard about brought back two goats. Another brought back doors....In my own case, the man that stole from my family came to see us when we moved back and although he had nothing, he came to tell us he was wrong for what he did and that someday he would repay us. Unfortunately, this man has never come back but I hope someday, he will bring back the things he stole then (December 2012).

This research revealed mixed feelings about the capacity of Gacaca to repair harm that was caused by the genocide. Survivors rarely received reparations for crimes committed during the genocide (as detailed above), but according to some, they also received little reward for telling their narratives (Interview with Cedrick, November 2012). Others, however, told me that the ability to provide testimony gave survivors a platform to tell their stories of what happened during the genocide and have a meaningful impact on the outcome of trials (Interview with Rosine, December 2012).
One of the foundational characteristics of restorative justice is the rebuilding or transformation of relationships that have been damaged by crime. To describe the challenges in repairing relationships through *Gacaca*, I wish to share the story of Jean Luc (March 2013).

Jean Luc is a Hutu man who lived, prior to the genocide, in a small village in the Southern Province. In April of 1994, Jean Luc heard from neighbors that violence was spreading across the country. At the time, however, he did not know that the violence was one directional against the Tutsi population. He was very worried for his family and became even more worried when he saw some of his neighbors packing their things and leaving their homes. He decided it was best to be proactive and moved his family toward the FAR base located outside his village.

When he arrived at the base, he was approached by a Tutsi woman who had fled as the violence came closer to the village. She told him that she had run when she saw a group of men entering the village armed with weapons. She was able to get out of the village but that her husband was still there when she left and she feared that he might have been harmed. She asked Jean Luc if he would go back to search for her husband. This woman and her husband were a friend of his family and he agreed to go back.

Jean Luc traveled back to the village by himself and when he arrived, he saw groups of armed men searching homes.\(^\text{38}\) When he arrived within the village borders he came across a group of men (all strangers) who were cooking a bull that had been recently

\(^{38}\) In most places in Rwanda, the *Interahamwe* and militia members would use roadblocks to stop movement by fleeing residents. The hills of Rwanda were difficult to traverse and citizens had to rely on the roads for movement. The roadblocks provided a very efficient method of control and surveillance. However, in the South, the land is much more flat and the reliance of roadblocks was less efficient. *Interahamwe* or militia groups had to rely less on the roadblocks and more on direct pursuit of individuals.
slaughtered. These men stopped Jean Luc and asked him to show his identification card. He did as he was instructed and the men appeared to be satisfied with his records. Jean Luc was curious about what the men were doing and asked the man who stopped him what was happening. The man said, “don’t you know this is a Tutsi bull?” and offered Jean Luc some of the meat, which he accepted, and he moved onward to the home of the man he was in search of.

The home of the man he searched for appeared to have been looted with no traces of any living person. After searching this house, Jean Luc expanded his search to the homes of neighbors, knowing that this family was well liked and may have sought refuge elsewhere. In one of the homes he searched, he finally found the husband who was naked, confused and alone. This man recognized Jean Luc and pleaded with him to find his children who were sent to another neighbor’s home for shelter. Jean Luc agreed but first fetched him some clothes. He then went to where the man directed him and found his eight children scared, but still alive. The Hutu family that had been hiding the children, although well intentioned, wanted Jean Luc to take all the Tutsi children away because they feared for their own lives.

Jean Luc managed to get all eight children back to their father by pretending that the children were his. He escorted them through an *Interahamwe*-controlled roadblock and out of the city to where their father had agreed to meet (he also escaped the village). They traveled together to where the wife was hiding and the family was united. Although united, the family was still in grave danger as long as they were still in Rwanda. From that point, Jean Luc made two successful trips to Burundi guiding the family safely across the border,
one time as the “husband” of the wife and “father” of three of the children and the other as the “brother” of the man and “uncle” to the last five children.

Jean Luc’s own family had made the trip across the border earlier and they, together, stayed in Burundi until 1995. When they heard it was safe to come back (radio messages began arriving urging Rwandans to return home because it was safe), they returned. Within one year, however, Jean Luc told me that the RPF came to his village and had learned that during the genocide, Jean Luc had taken the property of a Tutsi, the bull meat. He was arrested and taken to prison in 1996. He stayed in prison for seven years and after admitting that he had taken the meat, he was released in 2003.

In 2006 Jean Luc was called to Gacaca to speak about what he had done. He admitted to taking another’s property and asked for forgiveness from the person that owned the bull. Although many in the community spoke on his behalf about his positive actions during the genocide, the inyangamugayo sentenced him to eight years; fortunately, because he had already spent so long in prison, he was not sent back to prison.

When I asked Jean Luc to share his thoughts about Gacaca, he told me that the inyangamugayo did not have any options. They gave him the lowest sanction he could receive based on his crime. The judges were “only following the law;” and they were prevented from considering that he had helped save people during the genocide. It only matters, according to Jean Luc, “what the law says.” He told me that he is proud of his actions and that some people in the community still talk about him as a savior and not a genocidaire. Even the man whose bull was killed has since released any anger toward Jean Luc as they currently meet to “share drinks together.”
I present Jean Luc’s story in conjunction with the topic of restorative justice in order to demonstrate how the emphasis on promoting the rule of law may have detracted from restorative processes and objectives in the Rwandan case. Repair and redress may have occasionally occurred as an outcome or may have arisen through the process of giving testimony but based on the interviews from this project, restoration appears to be a secondary objective.

D. Healing

The capacity of the transitional justice mechanism to heal has come under question after recent research has revealed that providing or listening to testimony in post-conflict situations may lead to retraumatization, isolation, and insecurity (Brouneus, 2008; 2010; Mendeloff, 2009). People I interviewed revealed an intense need for healing and restoration for survivors and fractured communities, but respondents infrequently associated this with Gacaca. For some, healing was linked, at least initially, to the capacity of survivors to find out what occurred during the genocide and locate the deceased so that proper respects could be made. Jean Pierre felt Gacaca was successful for him because he was able to locate the remains of his family and bury them. He explained that for years prior to hearing testimony at Gacaca he was unable to speak to anyone about his family or what happened to him during the genocide. When family members were finally located, he told me that he felt a burden had been lifted off his shoulders and that he began to speak to people that were close to him again and begin the healing process.

The survivor Rosine also believed that testimony given at Gacaca allowed her to begin to heal. When Gacaca started, she felt alienated and alone. She was angry at many people because, as she stated, she was not sure who had been the perpetrators of the
crimes against her family members. When she was at Gacaca, a man testified that he had seen who killed her family. When the men who were identified were brought in front of the court, they admitted what they had done and asked for forgiveness from Rosine. She could not initially forgive these men and was happy when they were sentenced to prison for their crimes. While at the trial, however, Rosine felt she had started the healing process. For the first time since the genocide, Rosine was provided a venue to speak about the harms that she and fellow survivors faced during the genocide. She explained that this linked survivors together with the history of victimhood that they shared. She kept attending Gacaca, not only to give her testimony to notify others of what happened during the genocide, but also to share the responsibility of being present at Gacaca together with other survivors. Without Gacaca, Rosine reflected, she would not have been able to open up to others (December 2012).

Although some felt that Gacaca contributed to healing, others noted that healing was not possible. I interviewed Peneloppe in February of 2013 in the Southern Province. When I sat down to talk to Peneloppe, she immediately started to tell her story about the genocide. I had to stop her so that I could go over the informed consent but when she agreed to participate, she launched into a harrowing and traumatic story detailing how she survived the genocide. Peneloppe’s entire family was killed in April of 1994 and she only survived because she was spared by the killers because she was female and young. She was forced to become a slave for one of the Interahamwe men and was sold to other men between April and July of 1994. When the RPA advanced southward from Kigali, she was abandoned by the slavers and finally liberated. When I asked her about healing within the survivor community she told me that this would never be possible for people like her; “I
feel nothing now. I am not happy. I am not sad. I no longer have these emotions” (January 2013)

From these perspectives it is easy to see how trauma and healing were important considerations when running Gacaca hearings. In many court cases, counselors were provided by the government or non-governmental organizations to help survivors when they felt the effects of psychological distress. Unfortunately, following the closure of Gacaca in 2012, provisions for trauma care were reduced and communities were left without support (Interview with Celine, March 2013). The reduced capacity to provide support is problematic for three reasons: 1) the number or released perpetrators is increasing as individuals are reaching the ends of their sentences. Survivors are faced with confronting their assailants without psychological resources available; 2) according to Celine, “survivors wanted Gacaca to achieve different objectives and because objectives were complex, many were disappointed;” and 3) Gacaca participation asked survivors to draw an reserve emotional and psychological resources to tell everything that happened during the genocide; survivors were required to reveal all of this information in front of individuals that had caused harm. According to Celine, survivors felt “naked” in front of the perpetrators because they were forced to reveal their most hidden emotions while perpetrators “thoughts remained secret” (March 2013).

Celine also felt that the focus of Gacaca was on perpetrators with little attention provided to survivors. Perpetrators were trained at prison and at reintegration camps how to respond, what to say, and how to act. There was very little training for survivors. They were expected to know what to do and have the strength to provide testimony on
numerous occasions. Victim support was not something, according to Celine, that individuals in power positions concerned themselves with.

E. **Forgiveness**

At the beginning of the *Gacaca* process, the National Unity and Reconciliation Commission (NURC)\(^\text{39}\) sent representatives to many Rwandan villages to speak about the courts. One of the issues that was covered was forgiveness. According to the survivor, Janvier, the NURC came to his village and “taught” survivors how to forgive and explained why it was important for them to forgive perpetrators who admitted what they had done during the genocide. He felt that this education program was helpful for him and other survivors in the village to begin to forgive perpetrators (January 2013).

The NURC also encouraged *inyangamugayo* to provide opportunities for forgiveness at *Gacaca*. When Category 1 or Category 2 genocide-related crimes were tried, *inyangamugayo* urged perpetrators to admit to what they had done and ask for forgiveness. When perpetrators did admit to violence, the *inyangamugayo* would ask the survivor or the person victimized if they would like to forgive this person (Interview with Janvier, January 2013). Forgiveness was urged only in violent crimes because *inyangamugayo* were trained that these cases were the most important for reconciliation and that forgiveness would encourage reconciliation between groups (Interview with Janvier, January 2013). The survivor, Jean Pierre also felt that forgiveness was only encouraged for certain cases. He

\(^{39}\) The NURC was created by the Rwandan government after the genocide with the mission to "promote unity, reconciliation, and social cohesion among Rwandans and build a country in which everyone has equal rights and contributing to good governance" (www.nurc.gov.rw/index.php?id=84; retrieved on March 25, 2015).
told me that there was no space provided for forgiveness in Category 3 offenses (property-crime offenses) because NURC did not view this as a priority (December 2012).

From the perpetrators’ perspectives, apology and forgiveness were cited as very important outcomes related to Gacaca. While in prison, respondent Marius told me that he was approached by “men from the government” (most likely representatives from the NURC) who spoke to him about the importance of admitting to crimes and asking for forgiveness (March 2013). Marius told me that the government men also taught a handful of detainees how to have informal hearings similar to Gacaca within prison. Marius called these individuals “first learners.” It was here, at the prison Gacaca where some of the alleged perpetrators began to admit their crimes (March 2013).

All of the perpetrators interviewed as part of this project who admitted that they had committed crimes expressed how important it was for them to be forgiven for what they did. It is significant to note that the sample of interviewed perpetrators is not representative of all offenders because their sentences may have been shortened after they had confessed to their crimes at Gacaca or they may have been released because the evidence was lacking. Nevertheless, for this sample of perpetrators, “receiving” forgiveness at Gacaca was something that weighed on the minds of the handful of those with whom I spoke. For example, Evode, a perpetrator who was convicted of a Category 2 offense, told me that he had confessed to his crimes first in prison and then later at Gacaca. He explained that he wanted to do it at Gacaca because he felt deeply sorry for what he had done and wanted to personally tell the family members of the person he had killed that he

40 Those who did not confess and committed Category I or II offenses are still imprisoned and were not available for interviews.
was wrong and he wanted to make things right. When his Gacaca case was publicly heard in his community, he restated the confession and asked if the family members of his victim would forgive him. At the trial, one of the sons of the man he had killed came forward and said that the family accepted Evode’s confession and that they forgave him. When I asked if he thought the forgiveness was sincere, he said that he didn’t think so, “…at Gacaca it is sometimes expected to say that you forgive.” However, he continued, “I try to help this family however I can. They now have a house that I helped build and I work in their fields so that someday they will feel at peace.” Personally, I believe that Evode’s desire to be forgiven is genuine. I was introduced to him by a survivor and he now volunteers with a survivor-perpetrator reconciliation collaborative that travels to other villages to speak about the importance of setting aside differences and building a better Rwanda (Interview with Evode, March 2013).

In some instances, survivor interviews confirmed that perpetrators’ admissions of guilt and desire to be forgiven were real and were not simply a tactic used to motivate the court to issue a lighter sentence. One survivor, Jean Pierre, told me that he learned from Gacaca that the persons who had killed members of his family were neighbors and friends who had lived next to his family’s home for many years. When the courts began trying cases in his village, relatives of the neighbors knocked on his door and told him that the men wished to speak to Jean Pierre in private and apologize so that they could be forgiven for their crimes. He refused this request but explained that he would do so if the men publicly admitted their deeds and asked for forgiveness in front of the entire village. The men agreed and when the case was heard at Gacaca, the two men admitted to their crimes and Jean Pierre forgave them publicly (December 2012).
Individuals who committed lower-level crimes also desired forgiveness for their actions. Although forgiveness was less stressed by inyangamugayo, not surprisingly, individuals who admitted to these lower-level crimes were often forgiven. For example, survivor Janvier stated that after he had fled his home during the genocide, a man from the village broke in and took his valuables. During one of the first Gacaca sessions, this man confessed that he was the one that burglarized Janvier’s home and asked to be forgiven for what he had done. Janvier told me that he immediately forgave this man because he felt sorry for him; he was one of the poorest people in the village and “had nothing” the only option was to forgive him, “what else could I do?” (January 2013).

For many survivors, the capacity to forgive came only after certain precursors were met; namely, truth and punishment. Charlotte explained that although she was a judge and saw many times during trials where a survivor would say that he or she forgave a perpetrator, when her own personal case was decided, she could not forgive. The person who was on trial was one of those who planned the genocide and directed men to hunt down Tutsis in her village. During Gacaca, although “all knew he was part of the genocide,” he refused to speak and did not acknowledge the pain that he caused. Charlotte wanted this man to admit what he had done and apologize to the village but he would not. Because of his silence, she could never forgive him. She explained that truth was something that had to come before forgiveness (November 2012).

Rosine, described a similar story. When testimony about her family’s death was given at Gacaca, she felt that it was impossible to forgive. At the time, punishment was her only goal and when the men were sent to prison, she felt some relief but she stated that she
was not yet “whole.” The trial of the *Interahamwe* members who had killed Rosine’s family occurred in “2004 or 2005” and at that time, she did not feel ready to forgive these men. However, the reception of “the truth” at *Gacaca*, the pleas for forgiveness, and the passage of time allowed her to finally move on from her vindictive thoughts. She now believes that when they are released from prison, she will forgive them and she will be more like the person she was before the genocide. In this case and the one prior, *Gacaca* was instrumental to initiating the healing process for survivors (December 2012).

Forgiveness was also used as a survival strategy. Mignonne, a survivor from the Southern Province told me that the man who attacked her family was a neighbor and was also one of the most violent members of the *Interahamwe*. She described him as a fearsome looking person who wore grenades strapped to his chest and carried a large machete. He came to her home with a group of *Interahamwe* and demanded that she and her family come out. She told me that she knew that these men would kill her family so they ran. After a few minutes of running as fast as she could, Mignonne realized she had become separated from her husband and children. She reached a small forest and hid behind a grouping of trees. She avoided discovery by the militia men but her husband and children were not as fortunate (February 2013).

The neighbor who was responsible for killing Mignonne’s family members was tried in absentia in 2007. When he was found guilty of a Category II offense, Mignonne elected to speak to the community and publically forgive the man for his actions. She explained that many of the community members were surprised by this and began to talk amongst themselves. She didn’t tell them why she forgave him but she said that she could tell me because I was a stranger and would not judge her. She said, “I forgave this man during
Gacaca because if I ever see him again, I want him to smile at me and know that I have forgiven him. It makes me feel like maybe, because I forgave him, he might not kill me” (February 2013). This statement by Mignonne reveals that forgiveness was given out of fear. She was afraid that those she testified against might return to her community and hurt her. She hoped that by forgiving them they would be less likely to retaliate.

Survivor Fabien summarized his feelings about forgiveness from this perspective; he stated that many Rwandans believe that granting forgiveness and being forgiven are important for religious reasons. Although survivors are still angry at perpetrators and those that supported them, they are getting older and with time comes new perspectives:

We survivors are getting older and we are tired of being afraid and angry. We keep hearing how important it is for Rwandans to be one people rather than separated. Let me tell you something important, if you lie to yourself enough, you will begin to believe it. It makes life easier. It is not easy to think that people that live next door may want to kill you and your family. Eventually, everyone knows that they will leave this world because no man is a mountain...maybe it is best to give forgiveness before your life is up” (January 2013).

F. Gacaca and the Hopes of Perpetrators

While some scholars view Gacaca as a mostly punitive system for offenders, to the people who were interviewed for this research project, Gacaca was often the means of their salvation. Directly after the genocide, the RPA swept across the country detaining individuals who took part or allegedly took part in the genocide. When Gacaca was introduced in 2002, hundreds of thousands of individuals – perpetrators and bystanders alike - were already warehoused in jails or prisons. There was a colossal need to develop a mechanism that could sift through the incarcerated mass and release individuals who did not belong there. For many, Gacaca was this mechanism.
Although the conviction rate at *Gacaca* was high overall (86 percent), a large number of innocent Rwandans were exonerated. Additionally, some perpetrators who admitted to their crimes early in the process prior to or during *Gacaca* had their sentences reduced. For many perpetrators then, *Gacaca* represented a place where individuals were freed, rather than a place that imprisoned and detained (although it was also this place for many others).

Marius, the man who told me about prison *Gacaca*, stated that he was accused and imprisoned for genocide-related crimes in 1995. After spending eight years in prison, he felt that he “would stay there forever” and contemplated admitting guilt at the prison *Gacaca* even though he was innocent. Fortunately, the record of his involvement in the genocide was doubted after another man admitted to killing the same woman that Marius was incarcerated for. Because of someone’s testimony at *Gacaca*, his record was cleared and he was released shortly after. Similarly, Pacifique, after spending eight years in prison, was released because of *Gacaca*. When his case was tried at the local cell, the community came to *Gacaca* and spoke on his behalf rather than testifying against him. The judges declared him innocent (March 2013).

Ladislas, an alleged perpetrator from the Southern Province, provided another example of *Gacaca* leading to salvation. At the time of the genocide, Ladislas owned a bar in the center of town that catered to both Hutus and Tutsis. He was a Hutu and told me that although he knew about what was happening during the genocide, up until that point there was very little violence in his village. However, one night when he was closing the bar, he heard shouting outside and saw through the window that a group of men were standing in the village center (the market area). One person stood in front of the group with a bow and
arrow trained on another person. Ladislas told me that when he saw this he grabbed his machete and rushed out from the bar. He swung his machete down on the bow and cut the weapon in half! The group became bewildered and fled the area. To Ladislas’ surprise, the man with the bow thanked him and said that he did not want to kill the Tutsi man; he told Ladislas that some militia men had threatened to kill him if he didn’t do it.

As I sat with Ladilas, he shared with me two more stories where he saved Tutsis from being killed. In total, he claimed, he saved more than 15 people. At this point I was very confused as I was told this man was arrested and tried as a genocide offender. When I shifted the story in this direction, the man sighed and said that he was arrested, “like all of the Hutus in the village.” According to him, most of the Tutsis in the area were killed or fled. No one really knew what happened so when the RPA forces came through the village, all the men were arrested. He told me that he tried to tell the soldiers that he was innocent and that he had in fact helped Tutsis flee but they did not listen. In fact, he said, they started to punch and kick him and wouldn’t stop until he told them he was one of the *genocidaires*. He told me that the soldiers beat him often and after a particularly heinous beating, he was unable to eat for a week. The soldiers continued this practice for two months until he was transferred from the local jail to a prison. In total, Ladilas spent eight years there and was finally acquitted of charges in 2004.

When asked about his opinion of *Gacaca*, he told me that *Gacaca* saved him. Without *Gacaca*, he might still be in prison. While he was in prison he was accused of killing a woman of the village. He does not know who the accuser was but early in the *Gacaca* process a different man confessed to killing the woman he had been accused of killing. When his case was heard at *Gacaca*, no one testified against him and he was
released. Ladislas was glad that Gacaca existed in the form that it did because not only did it set him free, he was able to publicly declare his innocence. Many people from the community were there when he declared his innocence and he felt like he was able to show them that he was not part of the genocide. Additionally, the crowd that had gathered at Gacaca for his case was comprised of some of the Tutsis that he helped save. They affirmed his innocence and declared, once again publicly, that he was a rescuer and not a perpetrator (March 2013).

Although Gacaca benefited some alleged perpetrators, for many this was not the case. The pseudo-plea bargain process promoted some irregularities at the court. When perpetrators learned that providing names of killers or records of other misdeeds might lead to personal freedom (or at least a lighter sentence), innocent men and women may have felt the repercussions. Virgille, a Hutu man from the Eastern Province explained that he was angry with how Gacaca was administered because it allowed people who were guilty of genocide-related crimes to blame their own actions on someone else in order to receive a reduced sentence. He admitted to me that he had taken another's property during the genocide but that he was not a member of the Interahamwe nor was he responsible for any deaths. Nevertheless, he and two others were accused at the beginning of Gacaca and detained for nine years. He knew that these two men were members of the Interahamwe and that they were most likely the ones that were responsible for the deaths in his village. Nevertheless, the three men faced the same charge and were incarcerated together. When the accused were offered the chance to admit to their crimes for a shorter sentence, the two men that Virgille was imprisoned with came forward. He, however, would not because he felt that he was innocent.
A month later, however, he wished that he did because the two men from his village had accused him of all the crimes that they were responsible for. They were released shortly after and he remained incarcerated. Virgille told me that he remained in prison for three more years until finally he broke down and admitted to the crimes he was accused of. In total, Virgille was sentenced to 15 years and was released in 2011. When I asked him if he felt he did the right thing by admitting to crimes he did not commit he stated, “yes, if I did not, I would still be in prison or dead” (March 2013).

One interview respondent referred to these cases as “half-amnest[i]es,” comparing the Gacaca system to the South African Truth Commission where those who had committed crimes were freed from prosecution or giving testimony of the crimes that they had committed during apartheid (Felix Interview, November 2012). He said that while South Africa was able to get a somewhat accurate record of human rights violations, Rwandan citizens would never know the real truth. Many perpetrators were rewarded for telling partial truths by being released from prison so they rarely told what really happened during the genocide.

The amount of truth that was told at Gacaca is unknown but, as evidenced frequently in my discussions, many survivors (and some non-survivors) felt that perpetrators only admitted to a small sample of the crimes that they had committed and thus, received smaller punishments for their crimes. Survivors were both displeased and fearful when perpetrators were released. As the survivor Pierre stated, “Gacaca was about perpetrators, not victims. Perpetrators were able to tell any story they wanted at Gacaca and they were released out of prison. These people said that they were sorry and gave further lies but they did not mean it” (January 2013).
G. Summary

Both survivors and perpetrators noted certain needs that they hoped would be accomplished by Gacaca. Although these needs varied by the person, an overall pattern of needs was apparent. Survivors hoped for higher levels of security, statements at Gacaca that would provide accurate records of events, punishment, forgiveness, reconciliation, and healing. Perpetrator needs were less defined but at least one common principle was gleaned from the data; the need for resolution for alleged crimes.

Although it has been over twenty years since the Rwandan genocide, survivors and non-survivors remain at various levels of recovery from events that occurred in 1994. Understanding how survivors and perpetrators saw the goals of the Gacaca courts is important because it provides a roadmap for policy makers to craft and structure services to heal populations following mass violence.
IX. LEGACY OF GACACA

While chapter 7 focused on the procedural elements of Gacaca and Chapter 8 on stakeholder personal needs and goals related to Gacaca, Chapter 9 attempts to look forward with a discussion of the legacy that Gacaca leaves for the citizens of Rwanda.

A. Post-Conflict Climate

Compared to conditions prior to the genocide, all respondents told me that conditions within the country were better and that peace was the norm. Many felt that the state was moving in a positive direction with advancements in the state’s economic growth and only rare instances of violence. One of the more telling examples of perceptions of success at Gacaca is revealed from a discussion about frustrations over genocidaires who had fled Rwanda and avoided prosecution at Gacaca. Interviewees explained that if these people were ever apprehended, they would be tried at the national courts. According to Gervais, “now that Gacaca is over, [genocidaires] are coming back. When they are arrested, the trial goes to the national courts. Gervais told me that people were not supportive of these courts because decisions were taken out of the community and the locations were not always easily reachable by the general population. Gervais also told me that he felt that perpetrators did not face the full extent of their crimes because they did not have to “face the place where they killed” (December 2012).

41 According to the World Bank, “Rwanda has achieved impressive development progress since the 1994 genocide and civil war. It is now consolidating gains in social development and accelerating growth while ensuring that they are broadly shared to mitigate risks to eroding the country’s hard-won political and social stability” (http://www.worldbank.org/en/country/rwanda/overview).
42 Threats still exist from the former Rwandan government forces, the FDLR, near the Democratic Republic of Congo border. Over the past twenty years, Rwanda has seen a scattering of terror attacks. For example, in 2012 a grenade attack in Kigali killed two and injured sixteen (http://www.bbc.com/news/world-africa-16413026).
Despite these (mostly) positive statements, narratives also revealed that many problems remained. Both survivors and perpetrators expressed frustration with local politics and power hierarchies that seemed to influence decisions at Gacaca. Tensions still exist with what some perceive as false records of the truth and improper handling of cases (and many other issues that were described in Chapter 7).

Perpetrators and non-survivors told me that they were also frustrated that some stories were not admitted at Gacaca because the events did not fit the narrative of the genocide. These individuals described Gacaca as means to create “victor’s justice” where counter-narratives were condemned. Some warned that Rwandans might feel resentment that could carry over to renewed conflict in coming years.

Criticism was also levied by survivors who cited a number of issues that did not meet their expectations of Gacaca. First, survivors felt that they were promised by the state that reparations would provide some degree of restoration. Although people like Felix explained that the government did not have the resources to assist individual victims (and still doesn’t), few survivors believed this (November 2012). Many survivors were also upset that perpetrators had not yet been apprehended. While some held out hope that perpetrators would be caught, most were not so optimistic. Finally, some survivors were still disappointed and fearful that genocidaires were given what they viewed as light sentences. They were frustrated because they thought perpetrators deserved the same fate as their loved ones who were killed; and they were fearful that many perpetrators would be released back into their communities in coming years.

43 Perceptions on counter-narratives are discussed below.
B. Reconciliation

Some survivors and perpetrators have tried to forgive or forget the events of 1994 but interviews revealed that feelings of anger, sadness, fear, and frustration are still present and these emotions are interfering with the bridging of gaps between former antagonistic groups. For many, reconciliation seems very distant and respondents noted a variety of reasons how Gacaca may have aided or impeded these efforts.

Respondents who felt that Gacaca supported reconciliation explained that the country was now relatively peaceful and improving every year. Additionally, there were more opportunities for Rwandans to interact across group lines. The way that the inyangamugayo, Rosine, contextualized reconciliation was through her children. She stated that she believed Gacaca had aided reconciliatory efforts because now her children could go to school with the sons and daughters of perpetrators. In fact, she told me, they could even become friends. To her, resolution provided by Gacaca started the process of rebuilding relationships. This, combined with new policies by the state that have “erased ethnicity,” have provided the structure for her children to live in a land free of inter-group division (December 2012).

At the micro-level some individuals found in Gacaca spaces to build or rebuild shattered relationships. Prior to and after the genocide, individuals who were identified as Tutsi and Hutu were not able to intermingle and form lasting relationships. Some found in Gacaca a physical and symbolic space to reverse those differences. Gaudence provided an example of what she felt was a positive development toward reconstructing relationships:
I know of a Tutsi who learned at *Gacaca* that the man he thought all along was the perpetrator was not the one who committed crimes against his family. If *Gacaca* did not happen, these two would still hate and fear each other...but now, because of *Gacaca*, they are friends and sometimes work together (December 2012).

Rosine, the survivor discussed above, believed that the desire to reconcile differences was fostered through forgiveness. Forgiveness, she explained was related to reconciliation and although it took her many years, she personally forgave every perpetrator. Without forgiveness, she told me, she didn’t think she’d be able to live near former perpetrators. Rosine has actually gone one step further in her reconciliatory efforts and joined a victim-offender cooperative where perpetrators and survivors worked together to build new homes and assist the community. She feels good about joining the group so far and mentioned that she is surprised at her boldness because within the group are some of the people against whom she testified at *Gacaca* (December 2012).

Similarly, Francoise, the woman who spent months in the hospital recovering from physical and psychological trauma, eventually decided to join a victim-offender reconciliation group. She told me that shortly after leaving the hospital, a man came to her house (later interviewed and given the name, Faustin) and asked her to join a new organization he was creating to bring together survivors and perpetrators. He explained to Francoise that he was very young during the genocide and helped an older Hutu man kill a young boy from his village. He was released from prison because he admitted to what he had done. He told Francoise that he wanted to create an organization that would be comprised of both survivors and perpetrators with the mission to teach both groups how to accept responsibility (perpetrators) and forgive each other (survivors). He wanted
Francoise to be part of it. Francoise told me that when she accepted he was “very surprised and happy” (March 2013).

Fortunately, I had the opportunity to interview Faustin later and he confirmed what Francoise had told me. He wanted me to know that he was originally tried at the Rwandan National courts in 1998. At that time he refused to confess to his crimes and was ultimately convicted and sentenced for murder. When he was in prison he attended a “forgiveness and reconciliation camp” that he said taught him the importance of admitting his crimes and asking for forgiveness. At the same time he had learned that the President had decreed that many of the younger offenders would be released if they confessed to genocide crimes. Because of these two events, he wrote a letter to the national courts admitting to killing the boy and because of this admittance, he was released in 2003.

He told me that he felt “blessed” that he was given a second chance and wanted to do something to benefit the country and people of Rwanda. He had heard Francoise’s story on the radio and felt that if she joined the organization it would show others that survivors and perpetrators could live and work together. Since Francoise joined Faustin’s organization they have gained several hundred members and now operate across multiple districts (Interview with Faustin, February 2013).44

Other perpetrators also asserted that reconciliation was aided through the Gacaca process. Like Gaustin and Rosine, the perpetrator, Evode, told me that he felt that Gacaca was instrumental to reconciliation because it provided a space to admit to his crimes and ask for forgiveness. He explained that being brought back to the place where his crime

44 Information is deliberately vague to protect the respondent’s identity.
occurred motivated him to acknowledge what he had done and ask survivors for their forgiveness (Interview with Evode, March 2013).

As I spoke to survivors and perpetrators about “reconciliation,” I wanted to know what they meant by this term. The survivor, Constantine explained that, to her, reconciliation was meeting face-to-face with the genocidaires and “being able to say hello.” When asked whether Gacaca assisted with this process, she replied, “yes, I think so. It has given me the strength to meet with perpetrators and still be calm” (January 2013).

When the survivor Josiane was asked the same question, she started with a short story. She explained that members of the *Interahamwe* were released from prison in 2007 and were now her neighbors. When they came back she was terrified and she expected to be attacked. This feeling of terror lasted until she started seeing them regularly at Gacaca. Her trepidation began to subside as she became more used to them and eventually she was able to speak to them (although still only in passing). Like Constantine, she felt that reconciliation was being able to live next to former perpetrators in peace. She explained that now when they met in public they were able to say friendly things like “good afternoon” and “thank you.” However, she wanted me to know that their relationship could not be developed further; “there can never be friendship between us” (January 2013).

Although many interviewees revealed positive thoughts about the potential of Gacaca as a reconciliatory device, an equal number of respondents explained that Gacaca actually expanded the rift between groups. These individuals stated a variety of reasons including perceptions of judicial corruption, personal vendettas created through testimony
and accusations, the limits on speech that barred discussing non-genocide crimes, and the lack of restitution.

The many problems with corruption that occurred at Gacaca (as described in Chapter 7) have led to current obstacles to reconciliation. Survivors continue to suffer emotionally from their experiences at Gacaca due to what they felt was insincere testimony given by perpetrators (Interview with Felix, November 2012). These individuals expected and demanded that truth be revealed at the courts and when it was perceived as not occurring, they became resentful toward not only the alleged perpetrator, but also, other non-survivors who they felt had knowledge of genocide events but chose not to testify. Pierre expressed anger along these lines when he told me the following:

The Gacaca process favored the Hutu overall. The Gacaca courts allowed Hutu communities to collaborate and diminish the responsibility of the killers. Almost all Hutu were involved somehow with the genocide. I believe that 99% of Hutus were aware of what was happening and were somehow involved in the killing of Tutsis. The Gacaca courts allowed villages filled with Hutus to testify on behalf of the killers. Then most were released by the government as a result.

Additionally, when Gacaca stakeholders began to suspect judges of being corrupted later in the process, reconciliation was negatively affected. Both survivors and non-survivors began to feel that Gacaca judgments were tainted and that perpetrators were getting off without proper punishment or, inversely, punished without sufficient evidence. Donath, an alleged perpetrator that I interviewed in March of 2013 told me that he was tried at Gacaca as a category II offender after being accused of killing two Tutsis who lived in his village. For 13 years he maintained his innocence and had never been formally accused of any crimes. In 2007, however, that changed and Donath was brought up on charges of killing two Tutsi girls. When Donath first learned who the accuser was, he was
surprised. The accuser was an elderly Tutsi man whom he and his family had known intimately prior to the genocide. When the case was heard in 2008, he looked for the elderly man but didn’t see anyone he recognized in the General Assembly. During the trial, the Inyangamugayo called for witnesses to provide testimony but no one came forward. As a result, Donath was declared innocent. When he returned to the prison to collect his belongings, Donath was notified that he could not be released because he had been accused of another crime by the same man of destroying property. Once again, he was returned to the court and the man, this time, was present and testified. In this second case, Donath was found guilty of a Category III offense and ordered to pay a hefty restitution fee of 76,000 Rwandan Francs (the only time a respondent told me that restitution was ordered or paid); fortunately, he was released after the ruling (March 2013).45

When I asked Donath what his relationship was with this man now, he told me that he was not angry with the man but with the government. He believed that they pressured the man to testify against him because he held influence in the community. Of all the perpetrators interviewed, Donath was one of the most open about his animosity for “government officials” and told me that he would teach his children that their actions were unjust:

_Gacaca _was not a fair process. I spent 13 years in prison and the people at _Gacaca _said I was innocent. Then I was accused of something different...they said I destroyed a house. I did not do this. Even the person that accused me came after _Gacaca _and apologized for telling lies. He knew that I had not committed any crimes....I will always remember what they did at _Gacaca _....I will tell my children about what happened there.

45 Approximately $110 U.S. Dollars
I was surprised and perturbed by what Donath told me so I asked him if there were spaces for him to protest or talk about his case. Donath told me,

There is nowhere to go. The only way now is to forget about it. [Hutus] are not included in any programs...I am afraid if I were to say the things that I’m telling you to the government then I’d be put back in prison. They will say that I’m bringing genocide ideology.

When I inquired further into Donath’s rationale, he wanted to clarify his position. He said that it was not the President or people that were in Kigali, the problem, in his perspective, was local community members. Because of the threat of the genocide ideology laws, local leaders had started to bully non-survivors. In his opinion, “the local leader are dangerous. If they want you to do something now, you have to do it; otherwise, you’ll go back to prison or worse” (March 2013).

Testifying at Gacaca also caused stakeholders to choose sides in communities. Some had to decide whether to testify about the information they knew regarding the genocide or protect family members and friends that lived with them in communities. Charlotte’s testimony against her godfather (described in Chapter 7) provides an example. In this case, Charlotte told me that when she decided to testify against him, she was ostracized by family members. She explained that directly after she told the godfather’s story at Gacaca, she looked at his wife and daughter and they “turned their eyes away from me.” She remembers feeling so distraught that she fell to the ground in grief and had to be lifted up by other survivors in the crowd.

Another possible reason cited by respondents that reconciliation efforts may have been stunted was because Gacaca law only allowed discussion of genocide-related crimes against Tutsis. Felix, a self-identified Tutsi who has been quoted on multiple occasions in
this report, described the goal of *Gacaca* as “unity and reconciliation while sacrificing truth.” He stated that “by ignoring war crimes, we are missing out on the truth... [in Rwanda], Hutu’s face shame for their deeds and the failings of their government...and that is the only truth that can be told.” Felix also said that while it was accurate that the majority of crimes were committed against Tutsis, there should be some outlet for abuses or offenses that do not fit this narrative. The failure to provide an outlet has negatively impacted the reconciliatory effort because, in his opinion, “people need to have a frank conversation about all alleged crimes.” The process cannot just be about punishing Hutus and then forgetting that divisions within the population ever existed; “we must,” according to Felix, “allow systems that protect speech so that, someday, people can begin to forgive and live in peace” (November 2012).

Other respondents noted similar apprehensions about the limits on speech provided through and about *Gacaca*. Virgille, a now freed perpetrator from the Eastern Province, told me that it was unwise to be critical of *Gacaca*. If the wrong people hear you, he cautioned, “you could be severely punished.” As described in more detail in Chapter 8, there were many procedural issues with Virgille’s case and he felt bitter about the punishment he received. When I asked if he blamed anyone for his hardships, he laughed and provided the following statement:

I don’t blame anyone. If I do, there will be another war. I cannot tell anyone these things I am telling you. It is best to keep quiet. Until now, I have never told anyone. I tell you now because you are not from here. I keep everything in my heart...I don’t want to have another conflict. It is best to ignore the problems [that happened during *Gacaca*] and keep silent (March 2013).
When I asked Virgille what he meant by “another war,” he told me that many Hutus were angry with the government and how Gacaca was used. There were no channels for he or others to provide a different perspective on the genocide narrative or the justice system that was enacted afterward; he still feels there are none. He told me that he knew that what happened during the genocide was wrong but that because of the policies that were created as a result, Hutus are considered villains. He felt that many Hutus protected or saved Tutsis and risked their lives to do so (March 2013).

A third way that reconciliation was negatively affected was through the creation of divisions between perpetrators due to admissions of guilt. In many cases, pressure was put on perpetrators to admit what they had done and/or report what others had done in exchange for reduced stays in prison. Bruno, a perpetrator from the Western province, admitted that he killed a person during the genocide but was able to receive a reduced sentence because he admitted to his crime and told authorities the names of the other men who were with him. He told me that he was worried that if these men were ever released they might seek vengeance because he exposed their crimes. Bruno now lives in fear of them and tries not to speak to others outside his family. He also feels disconnected and unable to associate with survivors or non-survivors. During our interview he stated, “I now just wish to live in peace and be left alone” (March 2013).

Finally, one last issue that seemed to be negatively impacting reconciliation was the failure to provide restitution for survivors. Many of the survivors that were interviewed were living in poverty and reported frustration that personal items that were taken during the genocide were never returned. They were particularly upset with those convicted of
category III offenses and stated that *Gacaca* did little to resolve these cases. The survivor, Mignonne, told me that she has forgiven the people that were convicted of Category I and II offenses but that she would never be able to forgive the ones who took her property. To her, these people were never held responsible for their crimes and they continued to threaten her way of life. In fact, she told me as we concluded the interview that her house had been broken into the night before. She suspected one of the local men who also stole things during the genocide. She said that because this man was never punished, he would continue to target her and other survivors (February 2013).

Survivors like Mignonne felt that many of those who participated in the genocide profited by taking valuables and property from Tutsis and in the present day were better off than survivors. Because the Category III offenders were rarely ordered to provide restitution, survivors became bitter with their commitment to *Gacaca* and resentful toward others. An illustration of this feeling came from Pierre:

[The researcher and Pierre were walking down a small path toward his home. He stopped and pointed at a large house that could be seen through a wooded area. “The man that lives there is a church leader that fled in 1994. He was responsible for the deaths of many Tutsis. He returned in 1997 and was arrested. After spending five years in prison, he was tried at *Gacaca* and released. During his trial, not a single Tutsi came to the trial to tell the judges what happened because there were no Tutsis left; they were all killed. The Hutus that live here only look out for their own and don’t care about us. I wish that I had seen what this man had done and came to the trial. I would have stood against him... [Pierre stopped speaking for a minute and looked down. He then looked back at the house]...where does this man live now? In that big house with all the possessions he had before the genocide. The people that were killed can’t come back. Those that were fortunate to live, they are now poor. Tutsis don’t want to come back to a place like this.”]

Each April, the country recognizes and remembers the genocide through a series of memorial events that allow survivors to remember their loved ones. Despite the annual
memorialization period, many people find it hard to talk about the genocide. To survivors like Pierre, conversations about the genocide were impossible unless the other person was also a survivor. He explained that perpetrators and survivors “cannot speak about any topic that is related to the genocide. People can talk about many things, like the weather or a football match, but not about that time” (January 2013).

Perhaps, at best, Gacaca, combined with more than twenty years of cognitive distance has allowed survivors and perpetrators to coexist. Janvier explained that most survivors will never be able to be friends with those who participated in the genocide. The best that can be accomplished now is being able to “live together” (January 2013).

Peneloppe provided a similar perspective on reconciliation between the groups;

Reconciliation, to Rwandans, is when after a long day you pass by someone that once hated you or that you once hated and being able to say ‘goodnight.’ I no longer have the capacity to feel for them any other way. These people killed my family. I cannot be friends with them or forgive them. If we can share the same street, then I think Gacaca did a good thing (January 2013).

C. Identity

As interviewing progressed, a number of concepts around identity began to emerge. For most Rwandans, the Gacaca process was arduous and intense. It involved thousands of voluntary hours of listening, speaking, and emphasizing with survivors. By the end of the process, it seems that those who played a critical role in Gacaca began to conceptualize themselves differently. The effect of Gacaca on self-conception was most evident in inyangamugayo and survivors. These re-conceptualizations are described below. Also in this section is a discussion of how Gacaca and developments within Rwandan society have affected perceptions of ethnic categorization.
Inyangamugayo

One of the first noticeable patterns that I observed from *inyangamugayo* was that very few criticisms were levied against the process. Most *inyangamugayo*, in fact, spoke about the process with passion and pride, reflecting their strong attachment to the courts. Participation as an *inyangamugayo* required enormous sacrifice by participants. Dedicated *inyangamugayo* spent hundreds of days and thousands of hours listening to testimony, compiling evidence, creating records, and ruling on cases. This was all done with little or no compensation.

When respondents were asked whether selection as an *inyangamugayo* was an honor, many stated that a more correct way to understand the role of *inyangamugayo* was through their sacrifice. For example, Edison stated, “The name of *inyangamugayo* still means good things but it is a very hard role. It is more of a burden than an honor. The work was very difficult. It was very emotional.” Similarly, Jean Jacques felt that *inyangamugayo*, more than any other group, had sacrificed to faithfully administer their duties (March 2013).

Although Charlotte also knew that her role required enormous sacrifice, she also felt proud about her role. She understood that her position and duties to the court were central to the community and Rwanda itself. To her, the *inyangamugayo* were leading the creation of a better Rwanda. When I asked her about some of the corruption that I had heard about, she told me that while it may have happened in some places, her court was entirely absent of any bias, corruption, or wrong-doing. She spoke about the court she presided over as if it represented who she was. Reflecting on this interview I thought later...
that perhaps Gacaca had in actuality become a very large part of her self-image. In the academic literature this attachment to a dominant characteristic is known as a “Master Status.” In 1945 Hughes described situations where one identity becomes central to a person’s self-view thereby relegating all other characteristics secondary. If the role of inyangamugayo became viewed as master status then it seems likely that criticism of Gacaca or inyangamugayo would be challenged in order to preserve self-worth. More research needs to be done to link how central this status became and whether this status was maintained after Gacaca ended.

Like Charlotte, Godelive was also proud of being elected by the community as a member of the inyanagamugayo. She told me that after the genocide she felt fearful, alienated, and disempowered. When she was chosen by local community members to represent them all as an inyangamugayo, she was surprised and empowered. To illustrate this, she stated, “When the people in my village chose me, I felt hope in myself as others had hope in me” (November 2012).

Not all inyangamugayo, however, felt so positive or connected so readily with the image of inyangamugayo. Jean Jacques told me that in the days before the genocide, the name inyangamugayo meant “a person that always tells the truth,” but that this was no longer the case. He said that because inyangamugayo were never paid for their services, they became poor throughout the process. They were required to work once or twice every week for long hours and many individuals were not able to feed their families. Those who were in the most difficult financial situations began trading their judicial power for money. In this way, the name inyangamugayo was perverted and people no longer felt that
the name represented anything positive. He no longer considers himself an
inyyangamugayo now that the courts are finished and hopes that people do not associate his character with those who took money in exchange for verdicts (March 2013). Valens, another judge from the same Western Province village shared analogous thoughts about the way the views on inyyangamugayo changed throughout the process. According to him, about half of the people who attended courts still felt that judges were honest and fair. The other half saw the corruption that occurred and no longer assumed that judges were honest and worthy of respect (March 2013).

The Survivor’s Duty

As was noted earlier, survivors were the most consistent attendees at Gacaca, frequenting local court cases as well as those in neighboring communities. The reasons for survivor commitment were explicitly and implicitly stated during interviews. First and foremost, survivors expressed that their attendance and participation was necessary so that cases would be judged fairly and perpetrators would be held accountable their crimes. As Peneloppe and later Josiane explained, without survivors present during hearings, killers would be “set free” (January 2013; February 2013). Survivors came day-after-day to give testimony and refute information that they knew was false. Josiane provided another example, she said that survivors were urged to attend early and often in the process so that villages that were made up of mostly Hutus would see that the survivors would not back down and accept false testimony. She believed that when she started to attend Gacaca, these families saw she was strong and would always be at Gacaca to safeguard “what really happened” (February 2013)
Charlotte also felt that early participation by survivors was important and she made sure that other survivors attended by going door-to-door to urge them to go. “In the beginning, it was easier,” stated Charlotte; “people were not yet tired of Gacaca and were very interested in what would happen.” As the Gacaca process wore on, however, the burden increased; investment of so much time and energy into the courts cost survivors economic and emotional resources. Although many were resolute in their commitment, some survivors heard the allegations of corruption and wavered in their support (November 2012).

While some survivors lost faith in the process and ceased attending, others redoubled their commitment and became fixtures throughout the Gacaca process. One such person was Rosine who felt that she “had to be there because she was the only person that knew the truth and could speak [about the crimes] (Rosine 2012). She and a few determined others began to view their participation at Gacaca in a dogmatic way. They were entirely committed to being present at the courts and spent thousands of hours listening and providing testimony to provide a record of what Josiane called “the real truth” (February 2013). Survivors described their participation at Gacaca as necessary for justice to occur in Rwanda. They felt that they were vanguards of the truth and that it was their duty, as survivors to be there and stand for those who did not make it through the genocide.

Frequently, survivors described their participation with words like responsibility and duty. For some, this responsibility became central to their own lives as they developed patterns of involvement, week-after-week. Fabien explained that survivors felt the entire
burden of their people weighing on them when they were deciding whether to attend court
hears. Late in the Gacaca process, Gacaca became more corrupted and survivors’ interests
were less respected, but still they came:

Survivors started to forget why there were attending Gacaca because perpetrators
were not punished for their crimes and others were released with no punishment at
all! Still survivors came even though they were tired of being there each week
fighting for justice...they went because they knew they had to be there for those that
were killed. Some thought it was their duty to go. Others went because they did not
want to let down other survivors (January 2013).

D. **Blurring of Ethnic Categories**

Intergroup cleavages still exist within Rwanda. Although the government has done
its best to eliminate the traditional categories of Hutu and Tutsi, this dichotomy, although
must less salient than in the past, has not been abolished. The identification of individuals
by this dichotomy is much rarer than it was prior to the genocide, but behind closed doors,
individuals still refer to themselves and others by using traditional ethnic categories.
Pierre was one of the most outspoken about using ethnic categories and publicly called
individuals he knew by these labels. He also felt that there was collusion by individuals
during Gacaca based on ethnic identity. He had “found out” from a Hutu contact at church
that Hutus were being urged not to speak out against other Hutus (January 2013).

In some ways Gacaca intensified the perceived differences between groups. The
Gacaca courts established, by law, two groups of people: survivors and perpetrators.
Because of the creation of these official categories, respondents explained that both
Rwandans and “outsiders” sometimes identify individuals that are neither survivor nor
perpetrator into one of these groups. Faina explained that many people still see her as
being allied with the killers because she was of the same ethnic category. Faina is
frustrated with how others view her because they see her as something “in between a survivor and a killer” (December 2012).

People like Faina have tried to separate themselves from the killers by taking a hard stance against membership of any ethnic group. At Gacaca she decided to testify against perpetrators so that she might “distance” herself from them and declare publicly that she “was Rwandan and that was all” (December 2012). At Gacaca, Faina testified that her husband was one of the Interahamwe and had killed neighbors. Her testimony resulted in his conviction; he would not be released from prison until after 2020. Despite the distance that people like Faina try to create, interview respondents stated that group membership was something that was hard to escape. In present-day Rwanda, the word Hutu has been “spoiled” and those who identify this way are looked down upon (Interview with Janvier, January 2013).

While some, like Pierre, speculate that there is still a division within Rwanda that rests upon the classic Tutsi-Hutu division, there is evidence that this dichotomy is morphing into new, more complex categories of opposition.\textsuperscript{46} According to Felix, the people of Rwanda are separated vertically and horizontally. Elite Hutus and Tutsis share more in common with each other than they do with their more or less advantaged ethnic group members. Additionally, regional differences play a part as Hutus and Tutsis in the North are different than those in the South. When I asked Felix to explain this, he stated:

The Rwandan question has long been, ‘why has there been a tension between the Rwandan people and how to we find a solution?’...Before 1959, the answer was always assumed to be a clear ethnic division between Hutus and Tutsis. In reality, it was more about ‘the people’ against the leadership. There was not much of a gap

\textsuperscript{46} Or that the population is more aware of inter-group conflicts that have always been present but were hidden.
between normal Hutus and normal Tutsis – or between elite Hutus and elite Tutsis. When Habyarmanana took power he perpetuated a vertical and horizontal split furthering the distance between Hutus and Tutsis along with creating regional differences between the north and the south....In today's Rwanda, the government is trying to eliminate this false division but this is creating divisions between the rich and the poor.

Felix also noted that a new division is starting to develop based on language. When the RPA entered into Rwanda, they brought with it a preference for the English language. While there may not have been a deliberate attempt to differentiate the “new Rwandan” from the “old Rwandan,” people see the changing of the national language from French to English as an attack on the old culture and, perhaps, on all the people that were in there prior to the genocide.

The division between old and new Rwandans have also been impacted by participation in Gacaca, Participation at Gacaca created solidarity among survivors and even some non-survivors. Cedrick, a survivor and inyangamugayo, stated that those that attended Gacaca became extremely close, “like a family,” and learned that they could only trust each other. Pierre seconded this opinion and alleged that the government “did not care about the survivors,” and left them to “fend for [themselves].” Finally, according to Felix, a rift has grown between the returning Rwandans and those who were there before the genocide because of their common experiences. In fact “some survivors now have closer relationships to Hutus than they do with those returning to Rwanda” (November 2012).

E. Gacaca as Grass-roots, Co-opted or Constructed?

Although Gacaca is sometimes understood as a local mechanism that concentrates power in the community rather than the state, this perspective was not shared by the
people interviewed in this study. According to Charlotte, Gacaca "is an embodiment of the state," and, "love of Gacaca was the same as love for the country." Here, Charlotte explains that Gacaca serves as an instrument for nationalism, equating feelings toward Gacaca to feelings toward Rwanda. Although she supported Gacaca and believed that it was mostly successful in its mission, her viewpoint serves as a proper introduction to how people in Rwanda see how Gacaca is connected to state power.

In a number of interviews, respondents saw Gacaca as a mechanism to assert sovereignty on a civilian populace that had grown mistrustful of political elites. When the RPF decided to use Gacaca, one of the stated reasons was to use a homegrown “Rwandan” solution to hold perpetrators accountable. The government eventually decided to use Gacaca, stating that this mechanism was community-driven and organic to the people and villages of Rwanda. Furthermore, it would empower citizens by allowing the fate of those who had committed atrocities to be decided by community leaders and regular citizens. While some respondents suggested that this narrative was indeed the case, many provided an alternative understanding. Related to this, Pierre provided the following statement:

Gacaca only benefited the government and international organizations who did not know what happened here in Rwanda. Gacaca was a production put on by the government for the international audience and to make Rwandans believe that the government was doing it for them....Gacaca was used because it [was inexpensive] and used the people here to carry out their work. The use of Gacaca made people to become part of the government system as they participated in the courts (January 2013).

A similar statement was provided by Virgille, the man who asserted his innocence after spending fifteen years in prison. When I asked him what people could do if they thought the Gacaca process was corrupted, he provided the following comment:
Even though I spent fifteen years in prison for a crime I wasn’t part of, there is nothing that you can do. There is no one to tell what happened. It doesn’t matter what I think about Gacaca. Gacaca is the government (March 2013).

The two statements above illustrate that some Rwandans view Gacaca and the state critically. They imply that Gacaca was used to widen the net of control across the state and involve local citizens in the operations of the justice system. These respondents stated that when people went against Gacaca, it was a violation of law and those that offended were put into prison; when they abided by the rules set forth in the courts, they were praised and legitimated state rule and law.

The survivor Felix was one of the most critical of Gacaca as an instrument to attain “justice” for survivors. As already mentioned, he felt that Gacaca and other national policies prioritized unity and sacrificed truth. He told me that if people really cared about truth they wouldn’t prohibit discussions of non-genocide crimes at Gacaca. According to him, the state and Interahamwe were guilty of destroying the Tutsi population but war crimes were also committed by RPF soldiers. He told me that these discussions are impossible, “here in Rwanda, the RPF is the only voice. This was the case after the genocide and this is the case now. No one else may speak.” From his perspective, Gacaca was used as a form of “victor’s justice” where some were punished for being linked to the group that “lost” the conflict. Gacaca was used to bolster the narrative that legitimize the rule of the RPF and silenced those that opposed or advocated an altered recollection of the past. Gacaca was a mechanisms that could only judge Hutus. As a consequence, a deliberate static image of history has been created.
When Felix was asked about other venues that non-Tutsis might use to describe episodes of violence, he provided the following statement:

There are no places for Hutus to talk. There is no place to mourn those that died or to speak about things that are painful. In homes, maybe, people can talk about this but if they do, they must whisper. People pretend to show that it is not a problem, but in reality, it is the biggest problem. If you raise the question about Hutu [victimhood], maybe you die for it (November 2012).

In Felix’s opinion, the strategy by the government is to stymie talk of any prior misdeeds while maximizing security and peace in the present. Any discussion about war crimes committed by the RPF would “affect the regime” and destabilize their control.

When people speak about these crimes, they are immediately labeled genocide deniers and silenced. Felix told me that as a survivor, he was conflicted in his thoughts:

I’m not sure if what they are doing is right or wrong. I’m not sure what would happen if these allegations were addressed in open dialogue. Maybe it is for the best how things are now...I do not know (November 2012).

It is hard to say how much the views of ordinary Rwandans have been tainted by past abuses of political elites. Perhaps the critical perspectives outlined above are based more on the historical residue of corrupt governance than actual fact. Nevertheless, from these interviews it is apparent that schisms still exist between the powerful and the powerless.

F. Untold Stories

The final two subsections in Chapter nine are about two groups of people that are typically left out of discussions about Gacaca. During my interviews I had the opportunity to speak with three Rwandans who have historically been referred to as the Batwa. These three, like other Rwandans, also participated in the Gacaca process either as a victim or
perpetrator. I am discussing their viewpoints separate from those listed above to draw attention to issues that are specifically related to them.

Also discussed in this subsection are interviews with three survivors that experienced sexual violence during the genocide. What links these three (and provides the reason their cases are highlighted here), is that all three bore children as a result of genocide rape. The violence committed against these women and the lasting result of this violence make their voices unique.

1. **The Batwa**

In the Southern Province I was able to locate and interview four individuals that identified as Batwa. The Batwa are considered an indigenous people, living in the equatorial forests of Rwanda for centuries (Minority Rights Group International, 2001). When the genocide is discussed by scholars and even political figures within Rwanda, the Batwa are seldom considered. There are two plausible interrelated reasons identified from my interviews that might shed some light on why the Batwa are only minimally discussed on issues related to the genocide and the Gacaca courts.

First, even before the development of the modern Rwandan state, the Batwa people were marginalized and “integrated into society at the lowest level (Minority Rights Group International; p. 7). For most Hutus, the Batwa posed little threat to their social advancement; they did not hold political power and often did not even live in traditional Rwanda villages, residing instead in their own communities outside the city centers (Interview with Venantie, March 2013). During the genocide, the killing squads that were
mobilized were not under orders to target Batwa, nevertheless many Batwa were victimized during the genocidal onslaught.

In 1994, Venantie, a Batwa woman who lived in the Southern Province, was taking care of seven children by herself; her husband had passed away in 1993 from malaria. In those first days of the genocide she did not hear much about what was happening to the Tutsi until there was an attack on some families in the community. The attack was devastating and wiped out almost everyone who was besieged. Fortunately, two sisters who escaped somehow both ended up at Venantie’s door. She had known the parents of these children and immediately took them in. Over the next few days Ventanie overheard her Hutu neighbors saying that the army was on its way to their village and that they would “cut any non-Hutu woman to pieces.” Although it was extremely risky to flee her home with no resources, she felt that if she stayed in the village, all of them might be killed. She decided that it would be best to leave the area, so she packed as much as she could and departed toward the Burundian border where she had heard it was safe. Although she never made it to the border, she did ultimately make it to a refugee camp with the Tutsi children; along the way, however, five of her seven children died.

Hyacinthe, another Batwa woman who was interviewed, shared a similar story. She told me that the beginning of the genocide was fuzzy in her memory but she recalled that sometime in April she emerged from her home and saw people running down the hill. She explained that she lived in the valley, the typical border area that distinguished one village from another, and from this vantage point, she could see the entire spread of the community. Many of the small homes that dotted the hillside were on fire and smoke filled
the air above the valley. She had heard rumors of Tutsis being killed collectively but until then, didn’t know if these rumors were true. She was afraid that the killing, if it continued, might spill over to her family. Her fears were confirmed the next day when a neighbor told her that men were coming door-to-door asking whether occupants were Hutu or Tutsi. She reasoned that the area was no longer safe for a Batwa family so she fled. The family, fortunately, made its way to the same refugee camp that Venantie found herself in.

Both Venantie and Hyacinthe felt that they and their families were at risk during the genocide. When I asked Venantie to explain why she was so afraid, she told me that there were two reasons. The first reason she felt was obvious, she had sheltered Tutsi children and would be killed for doing so. The second reason, however, was less apparent: she said that both Hutus and Tutsis did not value the Batwa as real people. She feared that even if the Tutsi children were not with her, the attackers might still kill her for sport. When she was at the refugee camp, there were many Hutus who had fled during the RPA advancement. Some of the men at the camp would become intoxicated and would shoot at Batwa people for fun (March 2013).

Hyacinthe also felt afraid that she and her family might be targeted during the genocide, even though they were not Tutsi. Like Venantie, she felt that the Batwa were so marginalized that they faced the potential for violence regardless of the ideological or political motives. She explained that in the past, many innocent Batwa were killed when there was a conflict between the Hutu and the Tutsi. She felt that perpetrators were able to mindlessly murder Batwas without facing any sort of repercussions (March 2013).
The effects of marginalization and powerlessness manifested at *Gacaca* as well. Both Venantie and Hyacinthe attended cases where they had lived prior to the genocide (for Venantie this was a five hour walk). Although they both had attended, neither had spoken or given testimony. When I asked Venantie for an explanation, she told me that she never felt *Gacaca* was for her or her people:

> At *Gacaca*, people do not listen to the Batwa. We are poor. We have no power in Rwanda... [Many Batwa were killed and raped]. My brother’s daughter was taken by Hutu men, raped, and then killed. The men said that she was hiding Tutsis, although she wasn’t. He [Venantie’s brother] never spoke at *Gacaca* either. I think it is because [Tutsis and Hutus] believe that the Batwa do not matter (March 2013).

Fabrice, a self-identified Batwa man was also interviewed. Like the two women mentioned above, Fabrice also fled from his home in 1994 and ended up in a refugee camp. However, unlike these two women, he did so during the RPA offensive that eventually put an end to the genocide. From the literature on genocide studies, this individual would be considered a bystander. Fabrice reported that he and his wife were not victimized, although he did tell me that they were afraid that they could be targeted. To avoid being a victim, Fabrice told me that he kept to himself and did not venture much outside the home. He reasoned that the best way to avoid harm was to stay nondescript.

Although his involvement during the genocide was different than the women mentioned above, his experiences at *Gacaca* shared some common elements. Fabrice only attended *Gacaca* on two occasions. Because he had lived in another community prior to the genocide, he had to travel to attend. He made the journey during one of the first *Gacaca* gatherings and stated that he did so to better understand what was happening and find out what others knew about events that occurred during the genocide. He told me that he
made a second trip late in the *Gacaca* process because he heard from his neighbors that those who did not attend *Gacaca* might be fined or jailed. On both occasions, Fabrice did not speak. He told me that there was no benefit for him to speak at *Gacaca*. He had heard about people that made the *inyangamugayo* angry and these people would be accused of crimes. He didn’t want to be implicated in any of what was going on there. He had been in the village for the entire genocide and had witnessed many genocide-related crimes. When he went to the first *Gacaca* meeting, he recognized many from the crowd as perpetrators. He was afraid that if he spoke at *Gacaca*, these individuals might hurt him or make certain that he did not testify again. He felt that keeping his mouth shut was the safest thing for him to do (March 2013).

The final Batwa who was interviewed was Alcene. Some of his responses regarding forgiveness are described above in the section on perpetrators. This man also lived in the Southern Province, an approximate two hour drive from Fabrice. Alcene was tried and convicted at *Gacaca* for killing an elderly Tutsi man from his village. Directly after the genocide he was apprehended by the RPA and placed in a prison. When his case was tried at *Gacaca* in 2004, he admitted to what he had done and his sentence was shortened from 25 years to 9 years. He was released in 2006 (February 2013).

Alcene’s case illustrates the complexities involved when considering the Batwa experience during the genocide, and later at *Gacaca*. Unlike the first two women who might have been targeted, or even Fabrice who watched the genocide unfold, Alcene admits to killing a man because of his identity. He is a perpetrator. When asked about the role of the Batwa in the genocide, Alcene told me that the Batwa existed on “both sides.” They were
victims and perpetrators, sometimes simultaneously. In fact, Alcene’s nephew was killed by the Interahamwe. He told me that this boy did not hide Tutsis nor did he act against the government in any way; yet, he was killed because he was Batwa…or perhaps he was not thought of as a person (February 2013).

The Batwa exist in the margins of Rwandan life. Their stories during the genocide and at Gacaca are rarely described but scholars are beginning to rectify this. Scholars like Beswick (2011) and Thomson (2011) have initiated conversations related the Batwa role in post-genocide Rwanda. The work in this dissertation supplements Beswick and Thomson’s efforts to explore the Batwa experience with Gacaca.

Gacaca was created to provide “justice” for the Rwandan people; it was implemented to hold perpetrators accountable for their actions and provide relief for victims. The results of these interviews provide evidence that only one of those goals was successful in relation to the Batwa. Batwa who committed offenses against the Tutsi were considered genocidaires and were punished to the full extent of the law. However, Gacaca failed Batwa who were victimized. These individuals are not acknowledged as survivors and were provided little attention by Gacaca and those who ran it. Whether this oversight was intended or not, the interpreted message by the people I Interviewed is that the new post-genocide Rwanda cares about the same for the Batwa as before; that is, they care very little.

2. The Women of Nyanza

In a small village in the Southern Province live three women who share a past that has fused their lives together. I present their stories together in this section to describe the
interconnectedness of the harms that they endured during the genocide and follow them into the present. Each woman was the victim of sexual violence and each participated at both the “regular” Gacaca and the “secret” Gacaca designed for rape cases. Unlike previous sections, I have tried to retell their stories in their more full versions. I did this for two reasons. First, I believe that to better understand the connections between harm and the court system used to address those harms, a more thorough understanding of their experiences is needed. Second, the women described here wished that I tell others what they endured in order to draw attention to the needs of children born of rape.

*Immaculee*

In 1994, Immaculee was a young woman trying to obtain her high school degree. In April, within days of the start of the genocide, her home was attacked by the Interahamwe. She, her mother, father, and eight sisters were gathered by the militia and were told to stand in the street with other survivors. These men then opened fire on the gathered Tutsis. Miraculously, Immaculee was not struck by the bullets but fell to the ground when the shots rang out. She lay buried beneath the bodies of her loved ones hoping that the killers would think she was struck and killed.

After all of the people in the street had been struck down, the Interahamwe members began searching through the bodies. They found her, buried beneath the bodies, scared, but still alive; the men let her live. She was taken by the group away from the village and made to live with a few other girls and young women who had survived the attack. After a few days of living at this militia camp, she was brought out of the detained area and presented to one of the men who had been particularly effective in his killing of
She was told that he was now her husband and that she had to do everything this man said; if she did not, she would end up like her family. She was forced to live this way for months until her captor fled from the RPA advancement that liberated the state.

In September or October of 1994, Immaculee realized that she was pregnant. She was carrying the child of the man who made her his wife and who raped her on a nightly basis; the man who “made her his sexual object... who did not allow her to bathe or clean herself.” When she learned that she was pregnant she felt a mix of emotions. She explained that she felt both hatred and love for the baby growing inside of her. In December of 1994, Immaculee gave birth to a baby girl.

When her child was born, Immaculee admitted that she thought about leaving the baby “some place to be forgotten.” She explained that when she saw the baby, it reminded her of the man who raped her and she couldn’t help but feel contempt. When the child was old enough to understand more about the genocide, she began to ask about her father and at first, Immaculee told her that her father had been killed. Later Immaculee began to tell her that there was no father, “I am both your mother and your father.” The child, of course, was not satisfied with those answers and kept asking questions until Gacaca began gathering testimony about the genocide.

When Immaculee gave her testimony to the Gacaca officials during the early Gacaca process, she decided finally to tell her daughter the truth. She told the child parts of her story and explained that her father was one of the killers. She assured the child that he was gone forever and could not hurt anyone again. Immaculee told me that before this talk,

47 The practice of awarding "effective" killers Tutsi women was also confirmed by Constantine.
their relationship “was very hard” because she sometimes still thought of her daughter as connected to the men that raped her. When she finally began to talk to her daughter about it, she felt some relief and more capable of loving the child. Immaculee told me that their relationship was still not perfect but was getting better as time passed (January 2013).

Justine

Justine married a man from her village and had a daughter with him in 1991. They lived together in a small village in the Southern Province. In early April of 1994, her family had heard about violence spreading across the country but lived in a mostly Tutsi-dominated area so they felt they might be safe. They also didn’t have many options for relocating so they stayed put and hoped things would be okay. However, one day a group of men approached her house and yelled for all the occupants to come outside. She didn’t know what to do as there was only one door to the home so she picked up her daughter and did what the men said. Her husband was already outside trying to reason with the group, saying, “please, we are Hutu. Please leave us alone.”

The man in front did not believe the husband and said “you are too tall to be Hutu.” He told the family to stand with the other Tutsis that were gathered from the village. After the Interhamwe men had found as many Tutsi as they could from the village, they separated the families, grouping men, women, and children into groups. Justine told me that she did not want to separate from her daughter but there was nothing that any of them could do. She watched the leader give a signal and one group of Interahamwe members started to attack the gathered men with their weapons. Her husband was cut down by a machete right in front of her. The group then moved on to the children. Justine saw her
daughter taken up by one of the militia members and slammed against the ground. Finally, it was the women’s turn. The men used their weapons to threaten the women and lined them up in single-file order. Before attacking them like the others, however, the leader did something different; he asked the men if they wanted any of the women for their own. A man that she had never met approached the leader and pointed at Justine. This man grabbed her by the arm and led her away from the others. Justine told me that as she was being led away she could hear the men attacking the women that were not claimed.

The Interahamwe man took Justine to a small river and told her to wait there until he returned. He then left to join up with the rest of the killers. “When I was finally alone,” said Justine, “I knew that I must get away from [this man] because he wanted to make me his wife.” She began traveling in the direction of the river toward the Burundian border. She walked and ran “for many hours” until she spotted a girl lying near the river. Justine approached her and saw that she had been cut across the throat. When she tried to speak with the girl she realized that cut had made her unable to communicate. Justine stayed with her all day to watch over her but when night came, the wounded girl started to cough and became disoriented. Justine knew this girl was dying and stayed with her until it was over.

For two days after the girl’s death Justine hid in the bushes near the river. She had evaded the killers so far but was growing weak. She was very hungry and knew if she stayed she would surely die. She saw a village in the distance and decided that the only hope she had would be to approach the village and get help. Equipped with only prayer and luck, Justine walked to the village and realized she recognized the place. She
remembered that there were some people in the village she knew; Hutus who were friendly toward her family.

She managed to avoid people that she didn’t recognize and made it, unnoticed, to the Hutu family’s home. When she came up to the house, a woman spotted her and came out from the house. The woman recognized Justine and told her that she and her husband could keep her safe that night but that “there were many Interahamwe here.” She would have to leave early in the morning. That night, they fed her and provided her an opportunity to sleep. In the morning, as promised, it was time to go. Once again alone, Justine snuck out of the village and searched for a place to hide.

Heading back toward the river, Justine came across a banana grove and decided that this place would provide enough cover to hide for a few days. She ended up staying in this grove for three days. During the third night, however, she was awoken by a man carrying a large machete. The Interahamwe had finally found her and they took her as their slave. She learned that the group was heading to Burundi and she would be their porter. For the next week, Justine was forced to march with the men while carrying a 35 kilo bag of beans on her head. During the day, when she was not marching, she was tortured and during the night, she was raped. Fortunately, after a week of torment Justine found herself in Burundi, still a slave, but now a resident of a refugee camp.

A few weeks later Justine was sold to a cruel older man at the camp. In addition to raping her, this man denied her food unless she provided goods for him. She was forced to steal from fellow refugees. She lived like this for over a month until finally, the Burundian army came and announced that the conflict in Rwanda had ended. They wanted everyone
to go back to their country but first they needed to question people about their role in the genocide. When Justine was asked about her “husband” she told the soldiers that she was forced to be that man’s wife. The soldiers recognized that she was a victim and liberated her; the men that enslaved her fled from the refugee camp and she has not seen them since. When she returned home, Justine found out she was pregnant and gave birth to a baby girl in February of 1995.

Justine told me that her child is now in 6th grade. She explained that their situation is “not very good now;” she is poor and is unable to provide many resources for her daughter. Her daughter sometimes asks about her father but when the topic comes up, Justine doesn’t know how to respond: “I always cry. I do not know what to tell her. I don’t know who her father is, there were so many...I want to help my daughter but when I went to the survivor’s fund, FARG, they told me that she wasn’t eligible because she was not a survivor. I don’t understand this, how is she not a survivor” (February 2013)?

**Constantine**

Constantine also was the victim of sexual violence and had a child shortly after the genocide. Her story of survival during the genocide was eerily similar to Immaculee’s but she wished that I keep the details private. Although she stressed confidentiality, she wanted others to know the problems she faced during Gacaca so that others might become aware of families dealing with similar struggles.

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48 FARG a charity organization that was created through Law nA02/98 of 22/01/1998 by the government to provide support for survivors of genocide (http://www.farg.gov.rw/index.php?id=11)
Constantine was very young during the genocide and had no plans yet of having children. This choice, however was stolen from her and she bore the child of one of her attackers. She explained to me that when she first laid eyes upon her daughter she could not think of it as her own. She saw it as a consequence of “evil actions” and, like Immaculee, considered killing the baby. She felt ashamed of the child and hated her for the pain that she represented. In the end she kept the child but moved to a new village so that others wouldn’t know she was a rape victim. She kept this secret both from her new neighbors and her daughter. This secret was kept safe until Gacaca began.

Constantine attended the regular Gacaca cases in her village but did not participate in any of the discussions. She tried to keep distance between herself and the other survivors because she didn’t want to have her past revealed. During some of the early cases, however, she heard some women speaking openly about the sexual violence they endured. She was emboldened by this and started to form friendships with these women. Eventually she told some of them her story.

When the sexual violence cases were transferred to Gacaca some of her new friends participated and testified against their assailants. They encouraged Constantine to do the same. Although Constantine was still resistant to testifying at the normal Gacaca she eventually agreed to share her story at the special courts because they were behind closed doors.

One day her daughter came to her and asked her abruptly if her father was one of the killers. Constantine was shocked that her daughter had suspected the truth and asked her where the information came from. The daughter told her that people at school were
talking about it and that some even said that her father was one of the *Interahamwe* who raped women. Constantine admitted that she didn’t know for sure where the information came from but that it was only possible that someone from within the special court had told others about her story. She expressed regret at participating at *Gacaca* and felt betrayed by the process.

3. **Drawing Connections**

One positive outcome for the three women described above is that they developed a support structure made up of other female survivors that experienced similar harms. Through the support of others, all three women eventually found the strength to report their crimes and testify at *Gacaca*. Though they consider this a positive development, their eventual testimony at the sexual violence courts brought new challenges. In Immaculee and Constantine’s cases, *Gacaca* was a traumatic experience. Immaculee stated that when she first heard that *Gacaca* would try sexual violence cases, she felt afraid. Immaculee explained that most of the men who committed sexual violence had fled the country and she was unsure if any still resided in Rwanda. When she reported the crimes committed against her to *Gacaca* she immediately regretted her decision; she didn’t know if she wanted any of these men tried because it would mean that they would be brought back to her village and she would have to face them again. Her fears were realized seven years after she first told her story to *Gacaca*. Around 2008, the man mentioned at the end of Immaculee’s story that took her as his wife was captured in the Western Province. Representatives from *Gacaca* notified her that he would be tried for the sexual violence he committed against her and they would need her to testify.
When I interviewed Immaculee, four more years had gone by but I could see that this traumatic event still weighed heavily on her. When she described this Gacaca court case she began to cry. Until that point, most of the survivors I had interviewed appeared very stoic, as if they had shared these stories often and were unable to shed anymore tears. When Immaculee started to cry I also became distraught and I tried to stop the interview. When I did this, however, Immaculee reached out her hand and comforted me! She told me that it was okay and that she wanted to share her story. She explained that remembering that moment brought back thoughts she had pushed away many years ago but that she wished to share these memories.

Immaculee told me that going to the “secret courts” was an unpleasant experienced because, unlike regular Gacaca, “it was shameful to go to these courts.” She explained that “everyone in the village knew about what was discussed there and wanted details...even some of the inyangamugayo were there because they were curious” (January 2013). In Rwanda, the stigma of being classified as a rape victim was a life-altering event. If others learned that a woman had been raped, she could face serious social repercussions. In addition to causing disturbances within already developed families, women would be unable to marry or join certain social groups (Interview with Celine, December 2012).

Immaculee couldn’t remember the day of her testimony or what was said at the beginning of the hearing but she did recall certain moments of her experience:

Remembering Gacaca at this time is painful because the man that made me his wife was in the same room as me. When I gave my testimony to the judges, the man shouted and said that it was all a lie. He said that I was a prostitute and nothing more….now I don’t

49 Research has shown that stigmatized women suffer from loss of dignity and respect, feeling of alienation, depression and other negative social-psychological consequences (Mukamana and Brysiewicz, 2008).
care about *Gacaca* or about this man. I am not happy or sad. I no longer feel happiness. I was a little girl when this happened. I lost that. I can no longer be that girl (January 2013).

Likewise, Constantine’s experience at *Gacaca* resulted in only negative outcomes. She felt like her genocide story was taken from her by those at *Gacaca* and released into the public. As a result, she and her daughter have suffered socially due to the negative stigma attached to the rape victim label. Constantine stated that she could deal with these negative outcomes but her daughter was very young and shouldn’t be treated this way by other community members (January 2013).

All three women desired better futures for their children. They told me that living in Rwanda as a rape survivor was difficult and that it was not fair that their daughters had to suffer because of what happened before they were born. They hoped that their stories would reach Rwandan officials and that they could share in the resources that were provided to survivors. I am honored to have met these women and I hope that my work can someday create positive outcomes for those who were harmed this way.
In the previous three chapters I tried to describe how the process of Gacaca looked to local Rwandans, what survivors and perpetrators personally wanted out of the courts, and what these results means for Rwandan citizens going forward. It is my hope that these results add support to findings from other scholarship on Gacaca, and contribute to new theoretical discussions pertaining to post-conflict reconciliation. A discussion of some of these findings are presented blow.

A. Survivor Needs

When I began to look over the notes from my conversations with survivors I realized that many of the Gacaca goals respondents told me about seemed linked together in a pattern. John Paul Lederach, in 1997, proposed a conceptual framework to explain how reconciliation occurred in conflict societies. Within this framework, Lederach suggested that reconciliation was a space that was built on truth, mercy, justice, and peace; seemingly contradictory ideas that nevertheless are required for long-lasting peace. In Lederach’s own words, “reconciliation is built on a paradox, that which links seemingly contradictory but in fact interdependent ideas and forces” (1997; p. 30). In this writing, Lederach was talking about societies like Rwanda that had experienced protracted conflicts spanning decades. To me, Lederach’s model looked a little like a table; the legs were built from truth, mercy, justice, and peace. They came together and formed the foundation for reconciliation. Conceptually, I agreed with this framework but had a few thoughts and questions. First, there doesn’t appear to be a sequence for the four legs of reconciliation.
Do they have to happen all at once or should post-conflict (or conflict) states prioritize them? When I asked this question, my lens when from macro to micro and I realized that these legs have to be built person-by-person. Truth, mercy, justice, and peace don’t just happen with the creation of laws, courts, or commissions; they occur person-by-person each day. This caused me to ask more questions: do individuals want reconciliation? Do they want to forgive? Is reconciliation a state construct or a personal one? How do states make citizens believe that reconciliation is the objective?

Of course, Braithwaite discusses in his book *Responsive Regulation*, reconciliation and restoration does occur at the individual level with others and even with a God or spirit (2002). If reconciliation is built only when truth, mercy, justice and peace are present, are transitional nations rushing too fast to encourage citizens to embrace it? In the post-conflict state, it seems that reconciliation is prioritized right at the beginning with national and international calls to reconcile. For example, only ten years after the genocide, scholars were already noting that the primary goal of Gacaca was reconciliation (Tiemessen, 2003; p. 44). Fast forwarding events to today, the Government of Rwanda states on its Gacaca webpage that the courts “paved the way for reconciliation” (*Gacaca Community Justice*, 2015).

It seems that in practice, governments and even some scholars view reconciliation as a first-order objective that must be accomplished as soon as possible. After speaking to the survivors in this study, I realized that they were missing from these accounts. Many powerful people were speaking for them and may not truly be considering their needs at all.
What I have detailed here are two models to help explain what respondents told me about their needs from Gacaca. The first model presents a sequential order in which the respondents from this study progressed (or are progressing) after the genocide. This model implies that survivors have different levels of needs from transitional mechanisms. The second model presents a different view on what respondents told me pertaining to their needs. This model came after discussions with colleagues and reflections on the data. This model acknowledges that the state and even international actors have influenced individual respondents in what their perceived needs are (or what they think they should be). I explain both models below.

1. **Model A: Needs Hierarchy**

   Survivors frequently described that, for them, the first most important justice-related outcome in Rwanda following genocide was physical and psychological security. Individuals that I interviewed told me that they still feared being victimized. Many were afraid of those that victimized them in 1994 and told me that they still thought about these people often. They told me that even though almost twenty years had passed, they could still see the faces of the men that caused harm.

   After satisfying security needs, survivors told me that there was a feeling of equal intensity about the need to create an accurate record of events and to punish offenders. Within both of these needs is recognition by the community of harm. Martha Minow (1998; p. 10) explains in Between Vengeance and Forgiveness that the needs for vengeance and forgiveness come from a desire for self-respect. She states that “traumatized people imagine that revenge will bring relief (p. 13). Respondents from my interviews also told
me that trials and the sentences handed out to perpetrators were desired because it meant that the harm that was caused was recognized by the community. When they able to tell their stories and influence the outcome of the trial, some survivors felt that they and their sufferings were valid.

The need for perceived “truth” seemed connected to the need for punishment in that individuals who believed they had a more accurate record of events could more easily focus their anger and frustration on individuals rather than a whole group of people. Their need to punish, then, was relegated to these few. Those who did not receive what they thought was the truth were unfocused in their anger and sought punishment against many individuals. When someone was punished, they could not link this action to the crimes committed against them and remained angry, frustrated, and alienated. Without a record of the perceived truth, these individuals could become locked into a self-perpetuating need to punish without resolution.

Some survivors expressed the importance of forgiving perpetrators at Gacaca. They told me that the National Services of Gacaca encouraged forgiveness to promote unity at Gacaca. Additionally, many survivors were Christians and valued forgiveness because of their faith (Interview with Faina, December 2012). Survivors also used forgiveness to motivate perpetrators to admit to their crimes at Gacaca. Jean Pierre, for example told perpetrators that wanted to be forgiven that he would only do so if they testified about what they did in front of Gacaca (December 2012). Similarly, Gervais noted that some perpetrators confessed because they wanted to be forgiven. He explained that many
perpetrators were Christians and expressed a desire to be forgiven so that they could find salvation in the afterlife (December 2012).

After reflecting on the stated needs of the respondents for this project and comparing responses by various stakeholders, I have developed a needs-hierarchy framework with specific objectives weighing more heavily on survivors and in a specific order than other objectives.\textsuperscript{50} I only propose this model as something to pay attention to for my own work going forward. This small sample of qualitative interviews is hardly enough to build theory around but it is a starting point.

As I understand it, a survivor needs hierarchy would best be represented by what I have designed in Figure 1. Individuals that have been harmed by mass conflict would begin the healing process at the base of the model and work their way upward. As they cross symbolic thresholds they are more ready to move onto the next level. Individuals can skip levels or remain at certain levels depending on a number of factors; such as pressures for forced forgiveness or inflexible \textit{Gacaca} laws that remove agency from local community members. The boundaries between levels are permeable and individuals can move up or down levels depending on personal circumstances or events.

\textsuperscript{50} In the development of this hierarchy, non-survivor needs were considered but were less structured than survivor explanations of needs and wants; thus, the diagram shows the needs and wants weighted more heavily in the view of survivors
2: Model B: Adapted Survivor-Needs Model

After critically reviewing my data over the past year, I realized two important factors may have influenced the narratives of those I spoke with. First, many of the goals that survivors hoped were accomplished by Gacaca may have been born out of influence or pressure by the state or international community. As described above in Chapter IX, individuals within Rwanda are very cognizant of state practice and policy. In addition to the National Services of Gacaca, other governmental organizations and institutions (such as the National Commission for the Fight against Genocide) have worked to encourage reconciliation and eliminate divisionism within the country. Individuals are aware of these messages and may be more likely to list national goals alongside individual goals when describing objectives to an outside (like myself). Some individuals may also have
internationalized some of these collective needs and view state objectives like reconciliation and forgiveness as personal goals.

Second, some of the “higher-level” needs that survivors told me about (like forgiveness and reconciliation) may actually still come from the desire for security. For example, the survivor, Mignonette, told me that she forgave a man at Gacaca because she thought it might prevent him from returning to her village and harming her. Ultimately, her decision to publicly forgive was a survival tactic rather than true forgiveness or reconciliation. This can also be linked to the first factor above. Rwandan political elites have been the primary cause of an incredible amount of violence over the past century. Although in comparison to the genocide and pre-genocide years, Rwandan citizens have been relatively safe, many are still skeptical of those in government. Publicly adhering to the national mantra of reconciliation and forgiveness may be a survival tactic.

Because of these influences, I propose a second needs-model: Figure 2. This model acknowledges outside influence and the interrelatedness between survivor needs. Additional, there are only two levels of needs, the need for survival/security and the need for restoration.
Both models are loosely connected to psychological models of human motivations developed first by Maslow in 1943 (although Model A draws more heavily from this work). When Maslow’s hierarchy was developed it provided a simple but effective illustration of the motivations and directions of human behavior (Wahba and Bridwell, 1976). This model outlined how human beings might act in organizational or work settings based on fulfilled or unfulfilled needs. Like Maslow’s hierarchy, this proposed hierarchy also presumes a directional or sequential order in what motivates individuals. Also like Maslow’s original hierarchy, this work presumes, based on respondent interviews, that the levels are to a certain degree separate from one another (although still highly interrelated).
Unlike Maslow’s hierarchy, this model proposes a separate needs system for individuals who have been affected by mass violence. At this point, a survivor needs hierarchy is only theoretical and constructed from data from only 60 qualitative interviews. Future work would need to test whether survivors identified a common set of needs, how intensely they were motivated to fulfill these needs, and whether these needs were sequenced in a particular order.

B. Building Peace

The hierarchy presented above considers only one side of affairs in Rwanda. To consider the potential for reconciliation using Lederach’s transformative strategy all stakeholders must be taken into account. When perpetrators and other community stakeholders are considered, *Gacaca* is found lacking as a peace-building tool (1997).

In Lederach’s peacebuilding model, leaders from all stakeholder groups are approached at the top, middle, and grass-roots level. While *Gacaca* did offer a physical space for leaders from all stakeholder groups, negotiation was controlled by formal legal rules that deprioritized conversation and relationship building and encouraged methods of direct legitimate control. The limits on speech silenced individuals who had ill intent but it also inadvertently eliminated the potential to restore and build relationships through popular dialogue. These limits minimized the capacity to achieve value-centered outcomes around truth, justice, and mercy. I found that in many instances, peace was prioritized. While peace is important (as survivors noted), without attention to other pillars of reconciliation, a disproportionate focus on peace is problematic. Additionally, although administrators and political leaders have concentrated on components of peace like
harmony, unity, and security, survivors stated that there were still threats within and outside Rwanda (e.g., former militia members that were still at-large within and outside Rwanda).

Restorative principles also do not appear to be congruent with the Gacaca process and achieved outcomes. From a restorative lens, measures to restore relationships require some degree of democratic investment for all stakeholder groups (Braithwaite, 2003). Courts were very much ruled by the inyangamugayo. The community appeared to be influential only when the powerbase of the community was polarized into the perpetrator or survivor camp. Local leaders and individuals with economic resources also were described as influential. This created hierarchically ordered power thresholds. Individuals with resources were sometimes able to influence judges and ultimately dictate punishment.

Speaking of punishment, Gacaca provided few opportunities to do anything other than punish. The legal rules governing inyangamugayo made it hard to negotiate ways to restore harm. Instead, judges were forced through statutory requirements to run Gacaca like punitive western courts (minus due process safeguards). Restorative objectives like discussions about harms and forgiveness were encouraged by judges through reductions in punishment rather than any discussion about how to resolve harms that were caused.

Additionally, discussions at Gacaca were not about how to restore relationships. They were much closer to the adversarial process used in Western legal systems. Individuals that attended Gacaca were incentivized to only publicly support survivors due to the legal repercussions around free speech. The genocide ideology laws and Gacaca laws
allowing only for discussion of certain crimes may have encouraged more underhanded methods of influencing rulings in favor of perpetrators.

This is not to say that there has been total failure regarding reconciliation. Some individuals like Francoise and Faustin have taken advantage of the space provided and built new, stronger relationships and even partnered to create their own reconciliatory efforts. From their perspective, the initiatives created out of (or in spite of) *Gacaca* hold more potential for reconciliation than *Gacaca* itself.

I believe it is important to note that it is too soon to tell whether the methods used at *Gacaca* will have long term benefits or will be met with future failure. I believe, like many of those I interviewed, that unstructured free speech was impossible in the post-genocide climate and as evidenced by the literature on post-conflict transition, such severe limits will not bode well for a unified Rwanda.

C. **Identity and Exclusion**

While the Rwandan government has done its best to eliminate ethnic divisions, research here demonstrates that divisionism remains and excludes participants from engaging in dialogue. As respondent Felix noted, Rwanda was always split vertically and horizontally. The difference between social elites and common citizens appears as problematic as ever. Individuals with economic resources were sometimes able to purchase their freedom by buying off *inyangamugayo*. Also, from my observations, few resources have been invested in citizens at the lowest economic level. Instead of restitution, perpetrators were ordered to work on public work projects that benefit the country as a whole but may not individually benefit all persons who were harmed by the
genocide. Hopefully these national public works projects will eventually offer more convenience for the sons and daughters of survivors who might benefit from new schools, roads, and a better economy. Other divisions along language, locality, and history might also exist but more research needs to be done on this matter.

D. **Next Steps**

Based on the findings of this research, going forward more focused and directed avenues for dialogue and relationship building must be constructed. Leadership within Rwanda cannot create spaces that “have the potential for dialogue” and just assume these spaces will be filled with activities that will promote transformative outcomes for citizens. Although Rwanda has engaged multiple strategies to promote unity, input has to come not just from the top but also from the middle and grassroots actors.

For example, in this manuscript I have outlined two populations who have been excluded from the justice process. The Batwa people do not feel included in the process. Those who were invited to *Gacaca* came because others made them testify as to what they saw during the genocide. Ignoring this group does not speak well for a culture that values inclusion. Similarly, children born of rape are denied status as survivors and are prohibited from enjoying resources that are available to individuals who have suffered trauma. These children are not only excluded but are also stigmatized by their mother’s status as rape victims.

Additionally, after considering the results of this study, I concur with the counselor, Celine who recommended additional support and resources to individuals that may still be affected by trauma (Chapter 8). Although perhaps it is less urgent now than it was when
the Gacaca courts were in session, I believe that many of these services can still be provided. Celine spoke of a way to question survivors about their needs and wants. Based on the findings from this research, survivors’ needs have not yet been met. Policy makers can invest resources to better understand what psychological, physical, emotional, and economic support is still needed. Once policy makers are equipped with this information they can develop a system of care to provide counseling and support services for men and women that require it. Some of these support structures already exist, but in communities that reside far outside the political and social center of Rwanda, individuals are still suffering. Sending counselors out to these areas can better address their needs.

Finally, more research needs to be conducted with stakeholders who are still in the process of rebuilding Rwanda. Research should continue to be conducted at the grassroots level where individuals truly face the hardships of rebuilding Rwandan society. This experience has provided me with contextual knowledge to construct better methods of inquiry. I believe that research should be happening in partnerships with scholars that are emerging within the state for the advancement of scientific research on post-conflict reconciliation.

E. Summary and Conclusion

My goal in this project was to present a more complex and critical view of Gacaca as informed by Rwandan citizens at the grass-roots level. I am aware that reports of Gacaca satisfaction have typically resulted in very high levels of approval but I find survey results in Rwanda flawed. For example, a report by the Center for Conflict Management at the National University of Rwanda stated that 87.3 percent of Rwandans felt that the use of
Gacaca created positive changes in relationships between survivors, perpetrators, and perpetrator’s families (Centre for Conflict Management, 2012; p. 150).

When I asked people about these results they provided some interesting thoughts regarding these reports. Janvier told me that when Rwandans from small villages are asked whether Gacaca was the right choice, people become confused. People don’t know what else there was available, so they say, “yes, it was the best way to handle things” (January 2013). Fabien also provided insight on this question when he stated “some survivors accepted the Gacaca courts because there were no real alternatives presented to them. It is like asking someone which they prefer, [HIV] or malaria. They have to say, ‘I choose malaria” (January 2013). Although there were many positive outcomes of Gacaca, it is problematic to look at the courts in a binary manner as either successful or unsuccessful. My research with local stakeholders revealed a much more complex view about its accomplishments and challenges.

In this project I attempted to provide a complex and critical view of local perceptions of the Gacaca courts. I did this by interviewing Rwandans who existed outside the political and social center and whose voices have been rarely shared in other post-conflict research. This project was meant to represent the common Rwandan who is struggling each day to make sense of the events of the past while fighting through the challenges of today. These voices provided answers about decisions that were made at Gacaca and to what degree stakeholder needs were met. I am grateful to all those who shared their stories with me and I hope in some way this work helps them find peace and happiness in the future.
CITED LITERATURE


APPENDICES
A. Interview Protocol

[Each question is followed by a number of possible follow up questions that will depend on the response of the interviewee]

INTERVIEW QUESTIONS AND POSSIBLE FOLLOW UP QUESTIONS

1. What do you think were the goals of Gacaca were?
2. Do you think Gacaca accomplished this/these goals?
3. Is there anything that you liked about participating in Gacaca?
4. Is there anything that you didn’t like about participating in Gacaca?
5. Approximately, when did you first attend Gacaca?
6. Approximately, when did you last attend Gacaca?
7. What do you think Gacaca accomplished for Rwanda?

Questions about Process

8. Did you ever speak up at Gacaca? -or- did you ever give testimony at Gacaca?
9. Did Gacaca affect you personally?
10. Did Gacaca affect your community?
11. Did Gacaca affect Rwanda as a whole?
12. Can you tell me a little about the judges at the Gacaca hearings?
13. Do you feel that judges were fair during proceedings?
14. Do you think people were honest at Gacaca?
15. Was everyone who attended Gacaca treated with the same?
16. Can you tell me about a Gacaca hearing that stands out in your memory?
17. Are things the same or different in village now that Gacaca is over?
B. Sketch of *Gacaca* with Assistance from Respondent Emelyne

Sketch from GA23

- Judges
- Victims
- Perpetrator (Alleged)
- General Assembly

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VV

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VITA
Jordan Nowotny

EDUCATION

University of Illinois at Chicago 2015
Ph.D. in Criminology, Law and Justice
Dissertation: “Local Perceptions of Justice and Identity Following Mass Participation in Rwanda’s Gacaca Courts”

University of Illinois at Chicago 2007
M.A. in Criminology, Law and Justice

Saginaw Valley State University 2005
B.A. in Psychology

RESEARCH INTERESTS

Restorative Justice, Community Empowerment, Community Corrections, Post Conflict/Transitional Justice, Comparative Criminology, Quantitative Research Design and Analysis.

RESEARCH EXPERIENCE

Governors State University 2014 – Present
Principal Investigator
Impact of Restorative Practices within Illinois Juvenile Detention Centers

University of Illinois at Chicago 2011 – 2014
Principal Investigator
Local Perceptions of the Genocide Courts of Rwanda
Designed and carried out nationwide qualitative research project investigating the legacy of the genocide courts of Rwanda. Presented findings to the Rwandan Ministry of Justice.
ReLearing Curve 2013 – 2014
Quantitative/Research Analyst
Designed, implemented and managed evaluation projects that assessed and improved upon the effectiveness and efficiency of a variety of programs in the policy and nonprofit sector.

Jane Adam School of Social Work – University of Illinois at Chicago 2008
Graduate Research Assistant
Analysis of Police CIT Training
Performed quantitative interviews for project on police interactions with people with mental illness and/or substance abuse problems in Chicago.

Center for Law and Justice – University of Illinois at Chicago 2006 - 2008
Graduate Research Assistant
Analysis of “Hot-Spot” Policing
Assisted a team of researchers in analysis of strategic deployment of police officers in Chicago; conducted in-depth interviews with police personnel; created and maintained catalogue of observations and interviews for research team; and led analysis discussion at weekly meetings.

UNIVERSITY TEACHING EXPERIENCE

Governors State University 2014 – Present
Visiting Assistant Professor
Plan and teach undergraduate and graduate courses in Criminology, Research Methods, Crime Prevention Strategies and Comparative International Justice.

University of Illinois at Chicago 2008 – 2012
Research Analysis/Statistics Instructor
Designed course curriculum (from bivariate to multivariate analysis); lectured and facilitated discussion; developed and graded assignments and exams.

Elmhurst College 2011
Adjunct Instructor
Developed course curriculum; lectured and facilitated discussion about qualitative and quantitative research
methods; supervised student group research projects; developed and graded assignments and exams.

St. Xavier University
Adjunct Instructor
Developed course curriculum, lectured and facilitated discussion in classes, developed and graded all assignments and exams.

AWARDS

Chicago Bar Association Criminal Justice Graduate Award 2013
Dean's Award Fellowship, UIC 2012 – 2013
Excellence in Teaching Graduate Award, UIC 2011
Award for Excellence, SVSU 2001 – 2005
Student Body Speaker of the House, SVSU 2002 – 2003

TECHNICAL SKILLS

Quantitative Data Analysis: Structural Equation Modeling, Survival Analysis
Multivariate/Bivariate Regression, Time-Series Analysis
Digital Instruction: online and hybrid courses
Webinar and Learning Module Construction
Curriculum Development

COURSES

Advanced Quantitative Data Analysis
Comparative International Justice
Criminology
Evidenced-based Crime Prevention
Introduction to Criminal Justice
Introduction to Sociology
Qualitative Data Analysis
Research Design
Principles of Restorative Justice
Social Deviance
PAPERS & PRESENTATIONS


“Rwanda’s ‘Brave New World’: Local Perspectives of Justice, the State, and Identify following Mass Participation in Rwanda’s Genocide Courts” | Panel presentation at Midwest World History Association Annual Conference. 2014


“Retribution and Restoration? Gacaca and Transitional Justice in Rwanda” Presenter at the University of Illinois at Chicago 2010

“The Impact of Women on Policing Organizations” Presenter at annual meeting of the American Society of Criminology, San Francisco, CA 2010

UNIVERSITY SERVICE

Curriculum Development 2014

Panel Facilitator 2014
Facilitator for the “Master Class – Intimate Partner Violence”
featuring a panel of scholars (featuring Dr. Beth Richie) and practitioners working on issues surrounding intimate partner violence.

**Research Mentor** 2014 - Present
Assisted the Leadership Ed.D. Program in the design of 15 online learning modules to aid students in research design and analysis.

**SUCCESSFUL GRANTS & FELLOWSHIPS**

**Principal Investigator** 2014

**Dean's Scholar Award Recipient** 2012
Awarded for dissertation project by University of Illinois at Chicago