

*Master Thesis*



# **The Road To Reconciliation in Rwanda**

## *The Role of Gacaca Courts*



*Name: Arie Wiebren Roest BSc*

*Date: June 6, 2016*

*Instructor: Dr. C. Jentsch*

*Political Science: International Organisation*

*Student Number: 0907758*

*Word count: 17302*

*Second reader: Dr. M. Spirova*

*Seminar: Civil War and its Aftermath*

**Image on cover:**

A Gacaca court in session in Ruhango, Rwanda (Credit: Samuel Gasana)

**Abstract.** After the genocide of 1994, Rwanda implemented several mechanisms of transitional justice in order to achieve reconciliation within its society. The reintroduction of the traditional Gacaca courts were one of these measures. Focusing on criminal justice and truth-telling, this thesis focuses on the way Gacaca courts contributed to reconciliation within Rwandan society. Because of the truth-telling and criminal justice elements of these courts, they looked like an ideal construction within transitional justice to contribute to unity and reconciliation in Rwanda. Looking at the mandate of the courts, the public nature of the courts, the composition of the courts, and the security of participants of the courts, we conclude that Gacaca courts could have had a bigger impact on reconciliation. However, the authoritarian government acted as an intervening variable in the process, preventing a higher level of reconciliation between people in Rwanda.

*Key words: transitional justice, criminal justice, truth-telling, Gacaca, Rwanda, genocide, reconciliation, courts, unity*

# TABLE OF CONTENTS

---

<b>1   Introduction</b> .....	4
<b>2   Literature Review</b> .....	6
Criminal Justice .....	6
Truth-seeking .....	8
The situation in Rwanda .....	9
<b>3   Theoretical Framework and Research Design</b> .....	10
3.1 Case Selection .....	10
3.2 Variables .....	11
Variables criminal justice .....	14
Variables truth-telling.....	15
3.4 Data.....	17
3.5 Preliminary Response to the Research Question .....	19
<b>4   Case Review: History of Rwanda and the Gacaca’s</b> .....	20
4.1 History of Rwanda .....	20
Pre-Colonial Period .....	20
Colonial Period .....	21
First and Second Republic: Between Independence and Genocide (1962-1994) .....	22
The Genocide (April-July 1994).....	23
After the Genocide.....	23
4.2 The Gacaca Courts .....	24
<b>5   Analysis</b> .....	26
5.1 Nature of the Gacaca Court’s Mandate.....	26
5.2 Satisfaction About Composition of Gacaca Courts .....	29
5.3 The public nature of the Gacaca courts.....	32
5.4 Security for Participants .....	34
<b>6   Alternative Explanations for Reconciliation</b> .....	40
6.1 Government Interference .....	40
6.2 National Unity and Reconciliation Commission.....	43
<b>7   Conclusion and Discussion</b> .....	46
<b>8   References</b> .....	50

# 1 | INTRODUCTION

---

After a country has known a civil war, or another episode in its history known for persisting violence, unity in society has to be restored. One way to do this is to apply a method of transitional justice. Transitional justice entails “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (GSDRC, 2012). According to the International Center of Transitional Justice (ICTJ) there are several elements needed when shaping a comprehensible policy of transitional justice. These elements are criminal prosecutions, reparations, institutional reform, and truth commissions (ICTJ, 2016). Different cases are characterized by different forms of violence and different approaches to leave its past behind and invest in a more stable political climate. In the same way, transitional justice processes differ. They may be there to resolve a certain division present in a society; to provide healing for victims or witnesses of a violent episode in a society; to determine legal accountability; to provide a historical account of a war; or to educate about the past (GSDRC, 2012).

In this research, the case of the Republic of Rwanda will be studied. After the 1994 genocide, in which approximately 800 000 people were killed, Rwanda invested in different measures to come to reconciliation between people in its society. The history of Rwanda is characterized by many problems, resulting in several episodes of violence. “After the violence subsided, Rwanda’s government, like others emerging from period of atrocity or repression, had numerous goals: to rebuild the country, establish a historical record of the genocide, ensure that those who committed crimes did not escape with impunity, impart to survivors and victims that justice was being done, and reintegrate the vast numbers of perpetrators into their communities without provoking retributive violence against them” (Le Mon, 2007: 16). To achieve this, in 2002 a modernized version of the traditional Gacaca (ga-cha-cha) courts were installed by the Rwandan government to carry out the following: “revealing the truth about Genocide; speeding up Genocide trials; contributing to national reconciliation” (Rwanda Ministry of Justice, 2012: 23). When looking at the creation of the Gacaca courts and the objectives of the Rwandan government, the courts were expected to contribute to reconciliation in Rwandan society. However, there is no single answer present to the question if, and in what way, these courts contributed to reconciliation. Therefore, the research

question in this thesis is: Under what conditions did the Gacaca courts contribute to reconciliation in Rwanda?

The relevance of this research is twofold: first, it can provide more insight into the workings of transitional- and criminal justice, and the merits and negative effects of truth-telling, not only for Rwanda but also for cases in the future. Second, knowledge about the case of the Rwandan Gacaca courts can have a positive effect on future structures of transitional justice, because certain flaws can be detected in this case and adjusted for the future.

This research contains the following structure: first, different stances in the literature of transitional justice and the way several mechanisms within transitional justice can contribute to establishing reconciliation will be discussed. Special attention here will be given to the prosecution of perpetrators (criminal justice) and in what way measures were taken to find the truth about the genocide, and give victims and perpetrators the chance to give their account on the events in a safe, and complete, way (truth-finding). After this, the theoretical framework and research design of this research will be presented, introducing several hypotheses derived from the literature on transitional justice. Furthermore, these hypotheses will be tested on the case of the Rwandan Gacaca courts, in order to find out to what extent these courts contributed to reconciliation in Rwandan society. The results of this research will indicate that even though the Gacaca courts seem to be an ideal construction to address criminal justice and truth-telling, they have some serious flaws. These flaws cause that the influence of Gacaca courts on reconciliation in Rwanda is not as extensive as it could have been. The government acts in an authoritarian way throughout the Gacaca court process, for which reason it can be seen as some sort of ‘intervening variable’ in the whole process, leading to a more perceived sense of reconciliation within Rwandan society.

## 2 | LITERATURE REVIEW

---

Transitional justice and reconciliation in particular has been researched in different ways over the last few years. There are different viewpoints from different researchers and institutions that should lead to a reconciliation within societies, especially after civil wars or other instable situations in countries. The ICTJ argues that there are several issues in the field of transitional justice that have to be addressed, including criminal justice, truth and memory, reparations, institutional reform, children and youth, and gender justice (ICTJ, 2016). Addressing these issues after a violent episode in a country can lead to reconciliation within society, because in this way society members can come to terms with the past. According to Fischer, many researchers and practitioners argue this is a precondition for building peace (2011: 406). There are different elements that can contribute to reconciliation in society. In this research, we will focus on criminal justice and truth-telling/-seeking. Because the Rwandan Gacaca courts focus on these two elements, it seems right to concentrate on the objectives of the courts that have to lead to reconciliation.

### **Criminal Justice**

“Those who commit crimes on a larger or systematic scale should be held accountable” (ICTJ, 2016). However, this might be easier said than done. A strong judicial system is necessary to hold perpetrators accountable for their actions, especially when a violent episode in a country was of a large size. In research on transitional justice mechanisms, there is some disagreement about the effects of criminal justice in achieving reconciliation. The Centre for Conflict Resolution (CCR) points out that criminal trials can contribute to peace building (and reconciliation) due to three key factors:

Criminal trials emphasize accountability and act as a deterrent to the commission of future atrocities; administering justice through prosecution may end in the victim a desire for retribution, through facilitating the full restoration of dignity; and criminal trials establish direct responsibility for wrongs committed, creating a clearer sense of who the perpetrators are, and holding them directly accountable. This is in contrast to the principle of ‘collective guilt’, which is more

difficult to prosecute, but which may also hinder long-term reconciliation by perpetuating group animosities.

(Pillay & Scanlon, 2007: 16)

Moreover:

By holding accountable those most responsible for atrocity crimes, transitional justice mechanisms serve the major goal of ending impunity and are intended to have a deterrent effect. These mechanisms (...) give redress to victims, are a vehicle to establish the truth and set the necessary grounds for reconciliation, healing and capacity-building domestically.

(AMICC, 2009)

In transitional justice literature, roughly two important debates about criminal justice can be recognized: one group argues that criminal justice can have a positive effect on achieving peace and reconciliation, the other group is more skeptical. Criminal justice is used as a tool to prevent future human rights violations and promote peace building (Fischer, 2011: 409; Thoms et al., 2010). Moreover, prosecution offers a chance to individualize guilt, “and thereby preventing collective accusations that imply an entire people was responsible for the conflict” (Ludwin King, 2013: 91; Clark, 2008: 336).

Apart from trials, there are other ways to keep people accountable for their actions. One alternative is a truth commission, which is a “temporary ad hoc institution of inquiry, usually government sponsored, which aims to investigate and report on major human rights abuses” (AMICC, 2009). Even though these commissions inquire, they usually do not have judicial powers. “Truth commissions have been promoted as alternatives to prosecutions and as important mechanisms for counteracting cultures of denial” (Fischer, 2011: 410). In these commissions, the finding of the truth is addressed, and it is believed that this can help the healing of individuals and contribute to reconciliation (Hayner, 1994). Brahm (2007) points out that truth commissions have become “a staple of post conflict peace building efforts”. However, some researchers argue that truth commissions have no real power because of the lack of prosecution powers, and therefore do not provide closure for victims of the genocide (Brody, 2001; Mendez & Mariezcurrena, 2003; Brahm, 2007: 22).

Brahm points out that there has been some discussion about the ideal shape of a truth

commission (or a similar institution), and that “there are a few points of variation that deserve further exploration in this regard and may need to be incorporated into future analyses of truth commission impact” (2007: 29-30). These points of variation include: the mandate of a commission, the funding of a commission, the composition of a commission, the public nature of a commission, naming names, and the application of amnesty. Because the finding of truth was one of the main objectives of the Gacaca courts, these points of variation seem also applicable in this case.

### **Truth-seeking**

“Truth-seeking initiatives can play a powerful role in documenting and acknowledging human rights violations. Memory initiatives also contribute to public understanding of past abuses” (ICTJ, 2016). Establishing truth can initiate a process of reconciliation, as denial and silence can increase mistrust and social polarization. A political order based on transparency and accountability is more likely to enjoy the trust and confidence of residents and citizens (Gonzalez & Varney, 2013: 4). Truth-seeking and truth telling (both are used interchangeably in this thesis) is increasingly considered as a necessary part of peace building after a conflict (Mendeloff, 2004: 355). Mendeloff points out that truth-telling advocates have four claims about the peace-promoting effects of truth-seeking: “it (1) assures justice, (2) promotes social and psychological healing, (3) fosters reconciliation, and (4) deters future crimes, all of which help consolidate peace in war-torn societies” (2004: 356). However, Mendeloff claims that “in deeply divided war-torn societies in which groups are forced to live together, truth-telling may help dampen security fears that could spark conflict in the event of state weakness” (2004: 375). Amstutz (2006) argues that truth-telling can be used for personal gains, caused by economic or political pressure. This way, truth-telling leads to new convictions, and decreases the chance to reconciliation and stability (Amstutz, 2006). Moreover, in the case of truth-telling impartiality must be guaranteed, and information has to be cross-checked. Otherwise the truth is worth nothing. Brounéus (2008) argues that insecurity caused by truth-telling is a wide-shared issue in transitional justice. Even though transitional justice has to provide healing and reconciliation, the process of achieving this shows serious flaws (Brounéus, 2008: 72). Providing security to participants in truth-telling processes seems to be pivotal in achieving reconciliation.



## **The situation in Rwanda**

The importance of reconciliation within society is emphasized by the Rwandan government: “With the return of peace, the country’s major challenges were firstly, to build its governance infrastructure, but this was highly contingent upon the second challenge, national reconciliation, which was needed to restore national unity and political stability” (NURC, 2010: 13). In the case of Rwanda, criminal justice and finding the truth about the genocide seem to be the focal points of the Gacaca courts. The Rwandan government chose to reinstall courts because the lack of a necessary legal framework after the genocide, emphasizing the role of the Gacaca for criminal justice (Rwandan Ministry of Justice, 2012: 16). This system of justice was also able to reveal the truth about certain events during the genocide, because of the active participation of victims and perpetrators of the genocide (Rwandan Ministry of Justice, 2012: 30). It is not easy to define the Gacaca court as either courts that only carry out criminal justice or also function as truth commissions. In this research, we will regard them as a mix between a court and a truth commission. This is coherent with the view of other researchers: for example, Brounéus (2008: 57) sees the Gacaca courts as “functional equivalents” to a truth and reconciliation commission (TRC).

In the case of the Gacaca courts, most attention was given to criminal prosecutions because of the sense of impunity that was present in its society: “The general state of impunity reached the extent of convincing one part of the population that any crime could be committed with impunity in the name of ethnic majority. It was therefore necessary to break this cycle of impunity by prosecuting the perpetrators of this crime” (Rwanda Ministry of Justice, 2012: 14). However, there are some conditions for criminal trials to be a success in contributing to national unity and reconciliation. Over all, the need for criminal justice seems to be for holding individual people accountable for their actions.

Looking at the literature about transitional justice, reconciliation, and mechanisms of transitional justice in Rwanda, it can be concluded that the focus of transitional justice in Rwanda was on criminal justice and truth-telling. However, there is no agreement among researchers if criminal justice and truth-telling do contribute to reconciliation, as the government of Rwanda foresaw. This disagreement will function as the basis of this thesis, researching the unique institution of Gacaca courts.

Next, the theoretical framework and research design of this thesis will be illustrated. Moreover, variables used in this thesis will be introduced, together with an explanation for the case selection and an illustration of the data that is used in this research.

### 3 | THEORETICAL FRAMEWORK AND RESEARCH DESIGN

---

In this research, a single case study will be conducted, the Gacaca courts in Rwanda acting as the object of research. In academic research, a single case study is sometimes perceived as problematic, due to its external validity (Halperin & Heath, 2012: 205). However, the research conducted in this thesis can be externally valid, because it is applicable to improving transitional justice mechanisms all over the world. It is not claimed that the outcomes of this research are applicable to specific populations, but the outcomes are focused more on the overall theory of transitional justice: “Case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes” (Yin, 2003: 32).

The Gacaca courts contain both criminal justice-, as well as truth-telling elements, which makes this case quite unique. When it appears that an institution with this combination of elements does indeed contribute to reconciliation, it can be applied to other cases. Moreover, it can be used as a blueprint for future mechanisms of transitional justice. The case selection of this thesis, together with the variables used, and the data used in this research will be explained in this section.

#### *3.1 CASE SELECTION*

In this research, the object of analysis is the institution of Gacaca courts in Rwanda. This case was chosen for several reasons. First, Rwanda has known a very instable political situation in the early 1990s. In 1990, a civil war in Rwanda started between the Hutu government and the Tutsi Rwandan Patriotic Front (RPF), having a shared history of numerous violent clashes between the two groups. Starting in 1991, the RPF took a more guerilla-like position in the war, however death toll was low in this period of the war. In 1992, a cease-fire accord was signed and negotiations between the two parties were opened. However, fighting continued in 1993 with Tutsi urging to become more powerful in the country’s government. “From April to July 1994, Rwanda’s ethnic Tutsis and moderate Hutus were targeted for extinction in a genocide that had been planned for years. At least 800,000 people were killed in the violence that ensued. The number of people suspected of taking part in the killings was staggering: state authorities have estimated that more than 761,000 persons, or slightly less than half the adult male Hutu population of Rwanda in 1994, ultimately would be accused of crimes related to the genocide” (Le Mon, 2007: 16). Because of this, the building of reconciliation after a very instable period in the country’s history can be researched.

Second, the country introduced its Gacaca courts for several reasons in 2002, among others to provide unity and reconciliation for the country. Because of the large amount of perpetrators deriving from the Rwandan genocide, Oomen argues that the Rwandan government reinstalled the traditional Gacaca courts for two reasons: a pragmatic and an ideological one.

From a practical point of view Rwanda was faced with a backlog of over 120,000 prisoners, living in abject conditions, by 1999, and with the sheer impossibility of trying them within the domestic court system. But there was also a more ideological reason for opting for the local courts, with the emphasis both on the cultural authenticity and the reconciliatory character of these institutions.

(2006: 7; Rwanda Ministry of Justice, 2012: 14-15, 23).

The ideological reason for installing Gacaca courts came from the belief of the Rwandan government that there should not be a sense of impunity for perpetrators of the genocide. Moreover, the government was working on the people of Rwanda regarding themselves as 'Rwandans', rather than 'Hutu', 'Tutsi', or 'Twa'. Because the Rwandan government has put so much faith in this institution to contribute to national unity and reconciliation, it is worth researching if such courts in fact did contribute to reconciliation between people in Rwandan society.

### 3.2 VARIABLES

There are several ways to conceptualize reconciliation. The reason for this is reconciliation can both be seen as a process, as well as an outcome. According to Fischer, most authors agree that reconciliation best can be seen as a process, "aiming at building relationships between individuals, groups, and societies" (2011: 415). In this thesis, reconciliation also will be regarded as a process rather than an outcome, because the focus of the research is on the effects of criminal justice and truth-telling in Gacaca courts on reconciliation. Moreover, the data that is used in this research, was mainly established in a time that Gacaca courts still were in effect.

Kriesberg sees reconciliation as "the process of developing a mutual conciliatory accommodation between enemies or formerly antagonistic groups" (2007: 2). He argues that

there are four dimensions of reconciliation that can be distinguished: truths, justice, respect, and security. This definition will also be used in this research, because it shows that reconciliation is regarded as something that is still in the making, rather than something that is already achieved.

The 2010 Rwanda Reconciliation Barometer also regards reconciliation as a process, rather than an already achieved goal. The objective of this report is “to contribute towards the process of national unity and reconciliation through an improved understanding of how ordinary Rwandans perceive and respond to efforts to promote it” (NURC, 2010: 21). The report contains a quantitative research among the Rwandan population focusing on unity and reconciliation in Rwandan society. This report is build up on a basis of six hypotheses, concerning: (1) *Political culture*: “The first hypothesis posited that if citizens view political structures, institutions, values and leadership as legitimate and effective, national reconciliation is more likely to occur” (NURC, 2010: 9). Indicators used to measure political culture in Rwanda were confidence in public institutions, trust in leadership, and the respect of rule of law and courts; (2) *Human security*: “The second hypothesis contended that if citizens feel materially, physically, and culturally secure, they will be more willing to commit themselves to national reconciliation processes” (NURC, 2010: 10). Human security was measured by the NURC with the help of the following indicators: physical security, economic security, equality of treatment and access, freedom of expression, and more; (3) *Citizenship and identity*: “The third hypothesis suggested that in contexts where a shared sense of citizenship and identity, as well as tolerance for diversity exists, national reconciliation is more likely to occur” (NURC, 2010: 10). The research focuses here not only on individual and national identities, but also on ethnicity in general; (4) *Understanding the past*: “This hypothesis is based on the assumption that if Rwandans are able to confront the sources of historical social divisions, reconciliation is more likely to occur, particularly between those who found themselves on opposing sides during the genocide” (NURC, 2010: 10). The indicator used here is the presence of a shared understanding of the countries’ history; (5) *Transitional justice*: “The fifth hypothesis contends that if parties to conflict are convinced that they got proper justice, there is greater likelihood for reconciliation” (NURC, 2010: 11). The research focuses here on individual healing, the parties involved in reconciliation, and transitional justice in Rwanda in general; (6) *Social cohesion*: “The final hypothesis proposes that if trust increases between Rwandan citizens, and particularly those on different sides of the genocide, reconciliation is more likely to occur” (NURC, 2010: 11). Indicators used to

give more insight in this hypotheses are social distance, trust, and tolerance amongst individuals in Rwandan society.

Around three thousand Rwandan citizens were questioned in face-to-face interviews about the six variables that together must lead to reconciliation in Rwandan society. According to the report, reconciliation in Rwanda is a process that was successful at the time: not ethnic cleavages, but economic ones were most divisive in Rwanda in 2010 (NURC, 2010: 88). Very positive responses were conducted on all six themes. According to the respondents, political structure in Rwanda was able to contribute to reconciliation in 2010, for the reason that it was perceived legitimate and effective (NURC, 2010: 87). Moreover, an overwhelming majority of respondents states that there is a high level of physical security. Questions about perceived identity and citizenship the majority of respondents answered that they see themselves and their children rather than Rwandans as Hutu, Tutsi, and Twa, which the report sees as an important factor contributing to reconciliation. In connection with this, history taught in the country now focuses on reconciliation rather than on ethnic divisions (as happened in the past), which, according to the respondents, has a positive effect on overall reconciliation in society (NURC, 2010: 87).

With regard to transitional justice, the focus of this thesis, the report is somewhat divided:

With regard to transitional justice, majorities of Rwandans (more than 80%) feel that they have experienced individual healing. This is based on occurrence of forgiveness seeking and giving, healing from the wounds of the past and experience of reconciliation in one's life. However, some Rwandans (34.5%) feel that engaging in reconciliation process is not a voluntary commitment, and that the attitude of some Rwandans suggests that they still want to take revenge for the events of the past (almost 26%).  
(NURC, 2010: 88)

Generally, the report concludes that the process of reconciliation in Rwandan society is on the right track, even though there are still some challenges that have to be overcome: "the gap between rich and poor, the division between Rwandans from different ethnic groups and that between members of political parties, in order of importance, remain the primary sources of division among Rwandans" (NURC, 2010: 88).

In Rwanda, it was decided to incorporate a judicial and a truth-telling element into one institution: the Gacaca courts. Brahm (2007) provided several variations in truth commissions, which in this research will be used to examine the Gacaca courts. Because of the incorporation of the truth-telling element in the Gacaca courts, these variations are also applicable to the courts. To decide under what conditions Gacaca courts had an impact on reconciliation in post-genocide Rwanda, four variations will be researched: two regarding criminal justice, and two regarding truth-telling.

### **Variables criminal justice**

*Gacaca court mandate.* A mandate governs precisely what an institution has to do. Brahm points out that “a mandate should be sufficiently broad to allow it to cover the full range of human rights abuses that occurred in the past (2007: 30; Hayner, 1994). The broader the mandate of the Gacaca, the more it will be able to contribute to reconciliation in Rwandan society. This mandate does describe the judicial powers of the Gacaca courts. Mendeloff argues that justice, in combination with truth-telling, can lead to group reconciliation, according to this terminology: truth telling → justice → psychological healing of individual victims → group reconciliation (2004: 358). According to the ICTJ, the mandate of a truth commission (or in this research: Gacaca) has different requirements to meet in order to have believable power. The material scope of the mandate describes the object of observation that a certain truth-finding commission has. “The material scope of the inquiry can be wide or narrow, depending on the number of crimes included in the mandate” (ICTJ, 2013: 9). The personal scope of the mandate describes who is responsible for certain crimes. Some mandates have specific groups that are subject to investigation, making them narrower in comparison to mandates that do not have specific groups under investigation, so that a complete picture of perpetrators can be sketched (ICTJ, 2013: 10). Lastly, the temporal- and territorial scope normally are present in a mandate, describing which time period is researched, and pointing out what area(s) is/are relevant researching (ICTJ, 2013: 10-11).

When the mandate is sufficiently broad, a commission or court that has to provide justice after a violent episode is more equipped to do this in a good manner. The mandate of the Gacaca courts will be conceived as broad if all four dimensions named above are present in the mandate. If not, the mandate of the Gacaca courts will be regarded as narrow, which

has a negative effect on reconciliation within Rwandan society. Therefore, the first hypotheses that will be tested in this research is

***H1: the mandate of the Gacaca court was sufficiently broad to have a positive effect on reconciliation***

*Satisfaction about Gacaca court composition.* One of the most important ‘ingredients’ of the Gacaca courts were the so-called ‘Inyangamugayo’ (Gacaca court judges). The reason for this is twofold: first, capable judges are necessary to guarantee justice in the sense of a well-founded judgment. Not everybody can do this. Proper training is necessary to guarantee this. As stated before, Rwanda’s judicial system was basically non-existent at the time the genocide ended. Therefore, new people had to be trained to make this system work again. Indeed, in eight years Rwanda managed to restore its judicial system to some extent, but there were still not enough judges to sentence perpetrators of the genocide. The decision to reinstall the traditional Gacaca courts, also came with the decision to provide these courts with judges that had no background in jurisdiction or human rights. This can cause problems, but does not have to, as stated before, proper training is fundamental.

Second, the identity of the Gacaca judges are significant for how the rulings of the court will be received. If the judges are perceived capable and neutral, it will try to reach reasonable conclusion. Brahm points out that “commissions that have been (...) composed only of representatives of the victors, seem less likely to provide the basis for moving forward in peaceful coexistence (...)” (2007: 30).

Deriving from the considerations above, a certain level of satisfaction about the Gacaca court judges can enhance the justice provided by the courts, and therefore contribute to reconciliation in Rwandan society. Therefore, the second hypotheses that will be researched in this thesis is

***H2: Capable and neutral judges of the Gacaca courts have a positive effect on reconciliation***

**Variables truth-telling**

*Public nature of the Gacaca courts.* “Another important element of whether a truth commission has a strong effect on society is likely to be the degree to which it connects to the

public” (Brahm, 2007: 31). If hearings and sittings of the Gacaca courts were always open to the public, the chances were bigger that the courts acted as some kind of forum for people in society. In this forum, victims are able to tell their experiences during genocide, giving the audience a chance to listen to testimonies, which can have a positive effect on reconciliation. According to the terminology of Mendeloff, public truth-telling can lead to reconciliation in different ways, based on establishing a historical record of testimonies:

First, it represents official acknowledgment of crimes, thereby promoting healing of victims and contributing to reconciliation. Second, it provides an objective accounting of the past that can be used as the basis for developing a common shared history, which in turn helps serve as the basis for reconciliation.

(Mendeloff, 2004: 360)

If hearings are not public, but happen behind closed doors, this can have a negative effect on reconciliation. Brahm argues that it should not be a problem that hearings are not open to the public, as long as the final report of the hearings are distributed to the population (2007: 31). However, this argument will be disregarded in this thesis, because a final report assumes that the process of Gacaca courts and reconciliation already ended, which is not the focus of this research. Therefore, the third hypothesis in this thesis is:

***H3: the degree to which the Gacaca court’s findings are accessible by the public has a positive effect on reconciliation***

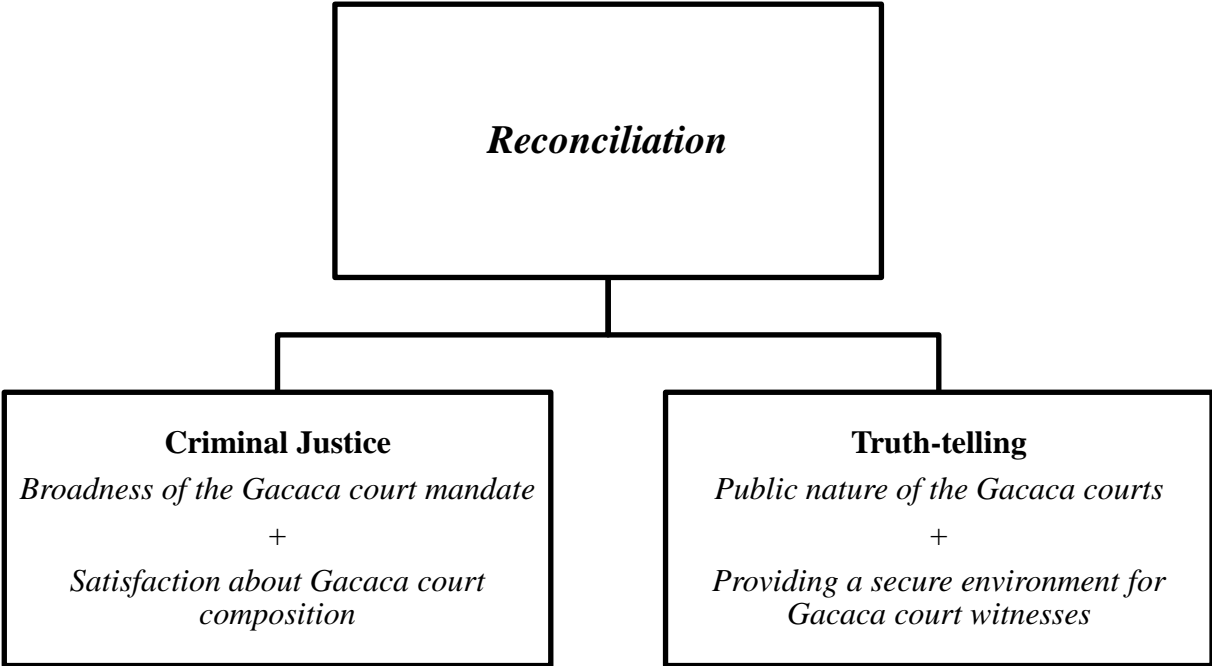
*Security for participants.* Earlier on in this thesis it was mentioned that Brounéus found that participants (mostly victims of the Rwandan genocide) had psychological problems after testifying before the Gacaca courts. This can have influenced their testimonies, which can be dangerous for truth-finding. Not only psychological, but also physical security will be researched in this thesis. When participants in the Gacaca courts did not feel safe to tell the whole truth to the judges and the spectators, truth-telling is not guaranteed, which can cause a major problem for reconciliation in Rwandan society. In the terminology of Mendeloff: truth-telling → healing of individual victims/individualized responsibility for crimes → group reconciliation (2004: 358). During the pilot phase of the Gacaca courts, the Rwandan government admitted that the protection of witnesses was a factor that had to be taken



seriously (Rwanda Ministry of Justice, 2012: 60). Based on this information, the fourth hypothesis in this thesis is:

***H4: Protection of participants in the Gacaca trials has a positive effect on reconciliation***

Taking these variables into account, a schematic representation of the dependent and independent variables would look like this:



*Figure 1 | Schematic representation of the dependent variable and the independent variables*

The four independent variables and their corresponding hypotheses will be discussed on the basis of different data sources, which will be discussed in the next section of this thesis.

**3.4 DATA**

Several data sources will be used in this thesis, ranging from human rights organizations’ reports to quantitative data retrieved from official government documents. Using both qualitative and quantitative data in this research is necessary for several reasons: first, no research has used the variables posed in this thesis before, which causes a lack of structural data. Moreover, because the timespan preparing for, and writing of, this thesis is simply too short to collect new data, disregarding the feasibility of this. Second, it is important to use

both qualitative and quantitative data because one can have some doubts about the reliability of the official government documents. This is because the government benefits from very positive reports, willing to show that reconciliation in their country is indeed happening and flourishing. This does not mean that the government reports are totally unreliable, but a certain level of caution has to be present, when analyzing this reports. Third, qualitative data are important to use in a research such as this, while the process of reconciliation and transitional justice mainly affects people in society, not only as a group but also as individuals. Qualitative data is very effective in analyzing certain problems that people run in to concerning reconciliation. Quantitative data have that ability as well, but are more difficult to analyze in case it is 'just a single case'. As most data used for this thesis is data that already exists, and is of a qualitative nature, content analysis will be applied. However, the different variables used in this research have different sources, which will be explained below.

Looking at hypothesis 1, several official (organic) laws of the government of Rwanda will be analyzed. These laws describe in a very precise way what the mandate and the function of the Gacaca courts are. Moreover, to make a distinction between the different laws (operative in different years), conclusions can be made about the way the Gacaca courts had more, or maybe less powers in the time that it was in effect.

Hypothesis 2 will be tested with the help of official government documents, and the 2010 Rwandan Reconciliation Barometer, issued by the National Unity and Reconciliation Commission (NURC). Using these two documents, not only can be analyzed what the expectations on Gacaca court judges were, but also how Rwandan society evaluated these judges. Moreover, the official documents will be compared with earlier academic research on the Gacaca courts, so that a balanced view can be created on the Gacaca courts and its judges. The questions retrieved from the Rwandan Reconciliation Barometer will be introduced in the analysis of this thesis.

The way the Gacaca courts' findings are accessible to the public (hypothesis 3) will be researched with the help of the before mentioned laws, and reports of human rights organizations. There is some discussion about the merits and the downsides of public hearings, and the way in which spectators are involved in this. Moreover, different academic research articles will be analyzed to see what effect a public hearing has on the victims of genocide that had to testify before an audience in the Gacaca courts. If these hearings have a negative effect on the witnesses, one can ask if this also has a negative effect on truth-telling and reconciliation in Rwandan society.

The protection of Gacaca court witnesses (hypothesis 4) will be researched with the help of the organic laws that were issued by the Rwandan government, official NURC reports, academic research articles, and reports of (human rights) organizations. Especially the reports of the human rights organizations are of pivotal importance researching this hypothesis. Individual accounts of security issues for witnesses of Gacaca courts can give much insight on this issue, something that official government reports can fail to do.

### *3.5 PRELIMINARY RESPONSE TO THE RESEARCH QUESTION*

According to the information provided in the literature review of this thesis, both criminal justice and truth-telling both play a significant role in transitional justice. In the Gacaca court system, both elements are present. Therefore, it would be logical to think that the Gacaca courts have a positive influence on reconciliation between people in Rwandan society. However, after the analysis in this thesis, some alternative explanations for reconciliation in Rwandan society will be provided. Looking at the information originating from the analysis, a consideration will be made about the influence of Gacaca courts on reconciliation in Rwanda.

Before the variables and corresponding data will be researched and analyzed, first an historical overview of Rwanda, its genocide, and especially the period after the genocide will be described. To have a complete picture of the conflicts in the country, the genocide, and the political considerations and mechanisms transitional justice that was issued after the genocide is pivotal to see the uniqueness of this case. Moreover, this history gives more insight in the way this country was working on achieving reconciliation, also through other mechanisms than the Gacaca courts.

## 4 | CASE REVIEW: HISTORY OF RWANDA AND THE GACACA'S

---

The Republic of Rwanda is mostly known today for its genocide in 1994, an event that shocked not only Rwanda and Africa, but also the international community as a whole. However, the earlier history of Rwanda is less known. This section of this thesis will provide more background information about the country. To know the history of Rwanda is important to place the analytical part of this thesis into perspective. The history of Rwanda will be divided into several periods, in order to provide a clear picture of the 'Land of a Thousand hills'. Moreover, some background information about the installation and the workings of the Gacaca courts will be provided.

### 4.1 HISTORY OF RWANDA

#### **Pre-Colonial Period**

Before Rwanda came under colonial rule, the country already had a rich history to look back on. Already in the 16<sup>th</sup> century, the then Kingdom of Rwanda became a centralized nation (Twagilimana, 2016: 4). The first inhabitants of the land which currently is Rwanda were the Twa, a tribe that still is living in the modern-day country. There is some debate about when the Hutu people came to the region, but it is believed that was somewhere between the 5<sup>th</sup> and 11<sup>th</sup> centuries. "They cleared forests and farmed and were politically, economically, and culturally organized into clans (patrilineal affiliations) ruled by *bahinza* (Hutu kings) who were believed to have the power of rainmaking and protecting crops and cattle" (Twagilimana, 2016: 4). The Tutsi arrived last in the region, but managed to exercise quite a lot of power over the Twa and Hutu: "using their cattle and their war skills (probably developed as a result of defending against raids on their cattle), they eventually conquered the Twa and the Hutu" (Twagilimana, 2016: 4). Contrary to popular thinking, the differences between people in this stage of Rwandan history was not underscored in ethnic terms, but people referred to themselves in terms of clans. Ruling over all these clans was the Tutsi king (the *mwami*), who was perceived the incarnation of the kingdom: "the supreme ruler, he had the power to give or take away wealth; he rendered justice in ways that he pleased, and he was deemed infallible. The *mwami* usually came from the Nyiginya clan, while his wife was mainly from the Bega clan, both subgroups of the Tutsi ethnic group" (Twagilimana, 2016: 5). During the pre-colonial period, many institutions were developed within the royal court, but also within society. These institutions ranged from organizations to manage the royal genealogy, to the

Ingabo, the army. “The army recruited and trained youths sent to the royal court by their families. They defended the nation under attack or during military campaigns to conquer new territory” (Ndahiro et al., 2015: 6-7). Even though there was some supremacy of the Tutsi-related clans, historians argue that there was a power-sharing structure in Rwanda, providing a system of checks and balances in this nation-state.

### **Colonial Period**

During the 1880s, the Germans arrived in the Rwanda to colonize the country in order to constitute a larger region of colonies, known as German East Africa. German East Africa was known as a unified nation-state, under the rule of Mwami Kigeri IV Rwabugiri (Twagilimana, 2016: 5; Ndahiro et al., 2015: 11). In this period, the Germans saw the Tutsi people as most fit to rule:

the Tutsi were described as tall (also with sharp nose and light skin), intelligent, shrewd, proud, reserved, arrogant, and powerful, among other characteristics, and definitely born to rule of the short (with wide nose and dark skin), noisy, subservient, and fearful Hutu. As for the marginal Twa, they were compared to apes in the forests because of their small size and their clownish manners  
(Twagilimana, 2016: 6)

The time of Rwanda under the German directorate was not a quiet one: the British and the Belgians frequently tried to conquer the region that was under German rule. However, in 1910 the three powers came to an agreement that the Kingdom belonged to Germany. The Germans could not enjoy their colony for a long time: in 1916 – when the ‘Great War’ in Europe was raging on – the small German army in Rwanda was defeated by the Belgians, which also took control of Burundi (Twagilimana, 2016: 6).

Under Belgian rule, Rwanda was administered in one political entity together with Burundi, known as Ruanda-Urundi. Even though his position was maintained, the Mwami lost his effective authority over Rwanda: “the only role he had was to relay the message that Belgian orders had to be obeyed” (Ndahiro et al., 2015: 14). During the Belgian domination, the power of the church grew, collaborating with the Belgians. According to Ndahiro et al., the Belgians introduced harsh policies, which the Catholic Church carried out: “ this included forced labour, statutory work and heavy taxation. These compulsory activities attracted tough

penalties, including imprisonment and flogging, for those who did not perform them to the letter” (2015: 14). “At the end of World War II and following the creation of the United Nations in 1945, the organization renewed Belgium as the trusteeship authority over Ruanda-Urundi but urged reforms to include more natives in the administration of affairs” (Twagilimana, 2016: 7). Belgium brought these reforms into practice, but according to different groups of Hutu these reforms were not sufficient enough. After Mwami Rudahigwa died in 1959, he was replaced by Mwami Jean-Baptiste Kigeri V Ndahindurwa. However, a Hutu uprising led to the overthrowing of the monarchy, and the establishment of the First Republic.

### **First and Second Republic: Between Independence and Genocide (1962-1994)**

By means of a referendum organized by the United Nations, the people of Rwanda chose to be a republic instead of a monarchy. The Republic Democratic Movement-Party for Hutu Emancipation led by Grégoire Kayibanda won these elections, and Kayibanda became president. This period in the history of Rwanda was characterized by violence, as thousands of Tutsi were killed by Hutu mobs, and thousands of other Tutsi fled to neighboring countries. Moreover, the policies of Kayibanda were focused on obtaining more and more power for the Hutu, according to Twagilimana:

The Kayibanda years were characterized by repeated invasions of Tutsi trying to reclaim power between 1961 and 1967 and by the institutionalization of ethnic quotas in schools and the administration devised to correct what was described as the wrongs of the past, in reality creating policies that aimed at excluding the Tutsi, perceived as a danger to the young republic.

(2016: 8)

After some more violent episodes in the country, President Kayibanda was replaced in 1973 by his minister of defense, Major General Juvénal Habyarimana. Even though President Habyarimana did not explicitly say it, his policies were focused upon threatening the Tutsi in Rwanda: “he (...) instituted a policy of (...) ethnic and regional quotas that (...) almost systematically excluded the Tutsi from the military and from high positions in the administration” (Twagilimana, 2016: 9). Moreover, Habyarimana was not willing to let the Tutsi refugees return to Rwanda. Because of this, the Tutsi refugees organized in the

Rwandan National Union party, which became the Rwandan Patriotic Front (RPF) in the late 1980s. The RPF was able to launch a military attack on Rwanda in order to enable refugees to return to Rwanda. In 1993, the Rwandan government signed a peace agreement with the RPF. This agreement established the end of the civil war, and the installation of the United Nations Assistance Mission for Rwanda (UNAMIR) “to supervise the peace process and help to implement the agreement” (Twagilimana, 2016: 9).

### **The Genocide (April-July 1994)**

The peace agreement between the government and the RPF could not prevent more violence:

Extremist Hutu (...) were so vocal and belligerent as to argue that exterminating the Tutsi of Rwanda would solve the Rwandan ethnic problem once and for all – a final solution, they argued. The Hutu Power movement drew up lists of Tutsi in general and Hutu opposition leaders to eliminate starting probably in the summer of 1992, but this exercise became more conspicuous after the August 1993 peace agreement.

(Twagilimana, 2016: 10)

When the plane carrying President Habyarimana was shot down by a missile on 6 April 1994, a widespread violence started in Rwanda. Hutu militia systematically killed Tutsi and moderate Hutu. This led to a staggering amount of deaths: a precise number is unknown, but estimates vary from 600,000 to more than 1 million, over the course of just a few months. The genocide “officially ended on 4 July 1994, when the Rwandan Patriotic Front had taken over much of the country” (Twagilimana, 2016: 10).

### **After the Genocide**

After the genocide, a government of national unity was formed and a Hutu was installed as President. However, the RPF party was the one with the majority of power. RPF leader Paul Kagame succeeded the Hutu President in 2000, winning with an overwhelming majority. There were successes and failures of the government after the genocide. Positive achievements after the genocide are “exemplary post-conflict recovery, clean and safe streets, low corruption, a good business environment, gender equality and women’s empowerment, steady economic development, universal access to the first nine years of education (...), and

more (Twagilimana, 2016: 15). However, the country still has major problems to solve: “about 45 percent of the population still lives in extreme poverty (...). Insufficient energy and infrastructure as well as inadequate human capital still discourage foreign investment, and Rwanda is still considered one of the poorest countries in the world” (Twagilimana, 2016: 15).

One of the most important decisions the government took after the ending of the genocide was the installation of a modernized version of the traditional Gacaca courts, in order to help with the sentencing of the genocide perpetrators. These courts will be discussed more in depth in the following section.

#### *4.2 THE GACACA COURTS*

In 2002, the modernized version of the traditional Gacaca courts was introduced by the Rwandan government, in order to deal with the enormous amount of perpetrators and to contribute to national unity and reconciliation, as mentioned earlier in this thesis. The organization of the Gacaca courts was an immense project, which started in 2002 with pilot and trial phases that lasted with some adjustments to 2004. In June of this year, the Gacaca courts started working on a national level.

The Gacaca courts system was subdivided into “9013 Gacaca Courts of the Cell, 1545 Gacaca Courts of the Sector and 1545 Gacaca Courts of Appeal”, making a total of 12,103 courts (Rwanda Ministry of Justice, 2012: 86). These different levels of the Gacaca courts all had different responsibilities to carry out: for example, the Gacaca courts of the cell had to make up lists of individuals who participated in the genocide; categorize suspects; collect relevant files; and collect confessions from participants in the genocide (Rwanda Ministry of Justice, 2012: 38).

Moreover, different courts at different levels of the Gacaca system were qualified to sentence perpetrators. The crimes that people committed had to be classified within a certain category. Depending on this category, it was decided what level of the Gacaca courts had to sentence a perpetrators. For example, when the case was that a suspect only damaged property, the Cell Gacaca court could handle this case. If a certain case was built around a suspect of, among others, murder; torture; or rape, this had to be handled by the Sector Gacaca courts. The punishments also differed greatly between the Cell Gacaca and the Sector Gacaca: the Gacaca at the Cell level was only allowed to sentence people with a punishment consisting of ‘civil compensation’ (Rwanda Ministry of Justice, 2012: 75). Gacaca courts at the Sector level were allowed to give prison sentences, ranging from a few months up to life imprisonment.



The focus on reconciliation between individuals and groups within society becomes clear in the system of sentencing the Gacaca courts had to follow: there is quite a difference between a sentence where the suspect did not plead guilty, and the sentence where the suspect did plead guilty. For example, the first category of crimes is the following:

**Charges of the first category**

1. The planner, organizers, instigators, supervisors and ringleaders of the Genocide or crimes against humanity,
2. The individual who, at that time, was in the organs of leadership, at national level, Prefecture, Sub-prefecture, Commune level, in political parties, army, gendarmerie, communal police, religious denominations or in militia, has committed these offences or encouraged other people to commit them,
3. the well-known murderer,
4. the individual who committed acts of torture,
5. the individual who committed acts of rape or acts of torture against sexual organs,
6. the individual who committed dehumanising acts on a dead body, together with their accomplices.

(Rwanda Ministry of Justice, 2012: 71)

When a suspect did not plead guilty to one of the above crimes or when the suspect's guilty plea was not accepted by the Gacaca court, the sentence would be ten to twenty years in prison, together with perpetual and total loss of civil rights. If the suspect did plead guilty, the sentence would be reduced to eight to ten years in prison, together with the perpetual and total loss of civil rights (Rwanda Ministry of Justice, 2012: 71).

The Gacaca courts never were free of criticism, both from Rwandan society as from the international community. However, the government saw it fit to reintroduce this modernized version of the traditional courts to effectively try all the perpetrators of the genocide. In the analysis of this thesis, we will look more in-depth into different variables that concern the Gacaca courts and reconciliation in Rwanda, and see if these criticisms were just.

## 5 | ANALYSIS

---

### *5.1 NATURE OF THE GACACA COURT'S MANDATE*

The Gacaca courts differ from more traditional truth commissions in the sense that they have judicial powers. In her research, Hayner points out that truth commissions normally have a temporary and narrow mandate, so that the decision for prosecution is not their decision, but a political one instead (1994: 605). Because of this difference, it is worth looking at the mandate that brought the modernized Gacaca courts in effect. According to Brahm, the mandate of a truth commission should be broad enough to address all the human rights abuses that occurred in the past (2007: 30; Hayner, 1994). When the mandate of the Gacaca is indeed broad, the chance of stability is greater: “credible threats of punishment boost political stability and encourage constructive political behavior” (Thoms et al., 2008: 21; Akhavan, 2001). Moreover, this stability and changing of political behavior can also contribute to reconciliation, when the mandate is broad enough: “They also hope that trials will contribute to reconciliation by establishing individual accountability and cooling desires for vengeance” (Thoms et al., 2008: 22). The ICTJ is clear in its conviction what a mandate of a truth commission should look like: “The mandate must clearly determine the focus of the commission’s investigation—what happened and how, who is responsible, who was affected, when did it happen, where did it take place?” (2013: 9). The material scope of the mandate indicates the acts and crimes that will be investigated; the personal scope of the mandate looks at who is responsible for those crimes; the temporal scope of the mandate looks at the time period that will be researched; and the territorial scope of the mandate gives attention on what territory research is focused.

The following law was put forward by the Rwandan government in order to reinstall the traditional Gacaca courts, be it in a different manner than before:

#### **Organic Law No 40/2000 Article 1:**

The purpose of this organic law is to organize the putting in trial of persons prosecuted for having, between October 1, 1990 and December 31, 1994, committed acts qualified and punished by the penal code and which constitute:

a) either crimes of genocide or crimes against humanity as defined by the Convention of December 9, 1948 preventing and punishing the

crime of genocide, by the Geneva Convention of August 12, 1949 relating to protecting civil persons in wartime and the additional protocols, as well as in the Convention of November 26, 1968 on imprescriptibility of war crimes and crimes against humanity;

b) or offences aimed at in the penal code which, according to the charges by the Public prosecution or the evidences for the prosecution or even what admits the defendant, were committed with the intention of perpetrating genocide or crimes against humanity.

(Government of Rwanda, 2000: 2)

The first article of Organic Law No 40/2000 seems to provide the material, personal, and temporal scope of the Gacaca courts, and therefore the law setting up the Gacaca courts seems to have a coherent and broad enough mandate. However, a Human Rights Watch report takes a more critical stance on the mandate of the Gacaca courts and the courts arrangement in general: “One of the Gacaca law’s most serious shortcomings is that it does not cover war crimes and crimes against humanity committed by the RPF as it sought to end the genocide between April and July 1994 and consolidated its control on the country in the months that followed” (Human Rights Watch, 2011; Le Mon, 2007: 3). Even though war crimes were still within the mandate of the Gacaca courts in 2000, in a revised version of the law in 2004, war crimes disappeared.

**Organic Law No 16/2004 Article 1:**

This organic law establishes organization, competence and functioning of Gacaca courts charged with prosecuting and trying the perpetrators of the crime of genocide and crimes against humanity, committed between October 1, 1990 and December 31, 1994, or other crimes provided for in the penal code of Rwanda, but according to the declarations from the Public prosecution or testimonies against the defendant, as well as the defendant's confessions in relation to criminal acts carried out with the intention of committing genocide or crimes against humanity.

(Government of Rwanda, 2004: 4)

“The 2004 Gacaca Law removed war crimes from the jurisdiction of the courts, limiting their remit to genocide and crimes against humanity, and a government-sponsored national public campaign insisted that RPF crimes were not to be talked about in Gacaca” (Human Rights Watch, 2011; Chakravarty, 2006: 135; New York Times, 2004). Because of the absence of prosecution of RPF members, one of the core objectives of the Gacaca courts cannot be achieved: eradicating the culture of impunity. However, the Rwandan Government sees it differently: “Bringing to justice all Genocide suspects from the instigators to the implementers through Gacaca Courts was the only suitable way to leave a lesson of respecting human rights to all Rwandans of all layers. This also means that whoever had committed any act that violated human rights during the Genocide had to be held accountable for it” (Rwanda Ministry of Justice, 2012: 262). According to different UN bodies and NGOs, RPF soldiers did however commit war crimes and crimes against humanity (Human Rights Watch, 2011). It seems that the Government that was installed after the Genocide (in which the RPF de facto had the most power) did everything in its power to keep the RPF soldiers away from prosecution, even though thousands people were killed. The absence of prosecution for this group is particularly problematic for the victims and their relatives in two ways: from a judicial point of view it is against the Rwandan and international law, for everybody has the right to justice; and, especially important in this research, reconciliation is much harder to achieve. The decision to not prosecute the RPF fighters is therefore a strange decision, as the whole objective of the Gacaca courts was to provide unity and reconciliation for all Rwandans (NURC, 2010: 13). Therefore, the Gacaca courts’ mandate problematized achieving reconciliation in Rwandan reconciliation, and was not broad enough. The role of the Rwandan government in this striking.

Thomson (2013) seems to agree with the more authoritarian stance the Rwandan government tried to take after the Genocide, especially during the Gacaca courts: “For many ordinary Rwandans, the Gacaca courts represented a form of state control in their lives, whose demands they tried to resist subtly and strategically” (Thomson, 2013: 160). Her argument seems to be most applicable to the following article of the revised organic law installing the Gacaca courts:

**Organic Law No 16/2004 Article 29:**

Every Rwandan citizen has the duty to participate in the Gacaca courts activities. Any person who omits or refuses to testify on what he or she has seen or on what he or she knows, as well as the one who

makes a slanderous denunciation, shall be prosecuted by the Gacaca Court which makes the statement of it. He or she incurs a prison sentence from three (3) months to six (6) months. In case of repeat offence, the defendant may incur a prison sentence from six months (6) to one (1) year.

(Government of Rwanda, 2004: 12)

Based on several interviews with RPF officials, Thomson argues that the constant threat of prosecution for not participating in the Gacaca trials made civilians act in a tactical way when testifying or participating otherwise. According to these interviews, Rwandan police and local officials were threatening participants before making testimonies (Thomson, 2013: 162). This way, individuals were unable to choose for reconciliation outside of the Gacaca courts. In this view, Gacaca courts functioned as a sort of theatre stage, where reconciliation was not achieved by individual agreement, but more state-imposed. Looking at the mandate of the Gacaca courts from this point of view, the Gacaca courts were not able to achieve reconciliation in a true way.

The considerations above weaken the first hypothesis in this thesis. The underlying mechanism that produced this hypothesis has to do with an objective committee that has the tools to achieve true reconciliation between groups in society. Excluding the RPF fighters from prosecution in the mandate of the Gacaca courts must be seen as a serious flaw of this mandate and the installation of the Gacaca courts in general. Looking at the mandate this way, the thought that the mandate was designed in a way that was more beneficial for the Rwandan (Tutsi-dominated) government, creeps up. The mandate for Gacaca courts was used more as a cover up for the Rwandan government to impose reconciliation, than an instrument that worked independent to achieve its goals.

## *5.2 SATISFACTION ABOUT COMPOSITION OF GACACA COURTS*

As stated before, after the Genocide the Rwandan judicial system was practically non-existent. This was also the case for the number of judges in this system (Rwanda Ministry of Justice, 2012: 16). Therefore, to supply judges for the Gacaca trials, new ones were chosen. The requirements for Gacaca judges were multiple, and strict:

The following are conditions for individuals eligible at cell level Gacaca court: to be of Rwandan nationality; to have his or her residence in the Cell where he or she needs to present his or her candidature; to be at least 21 years of age; to be a person of good morals and conduct; to be truthful and characterized by a spirit of speech sharing; not to have been sentenced to a penalty of at least six (6) months of imprisonment; not to have participated in Genocide or other crimes against humanity; to be free from the sectarianism; to have no history of dismissal for indiscipline (Rwanda Ministry of Justice, 2012: 48-49).

There are two important factors that seem important for the Gacaca trials: to have judges that have good morals/conduct, and to have judges that are truthful. The judges had to take an oath to promise that they would be impartial, and that they would take care that justice would prevail. The impartiality of the judges is important for reconciliation in Rwanda, while this judicial part of the Gacaca courts was seen by the Rwandan government as vital part: “‘Inyangamugayo’ Judges have a central role in the Gacaca Court system. They are the ones to implement what was conceived by the Government and to use all possible ways for finding out the truth and rendering justice (Rwanda Ministry of Justice, 2012: 51).

To get to know more about the way Gacaca court judges were perceived by the people in Rwanda, we turn to a government report published in 2010. It concerns here the Rwandan Reconciliation Barometer, discussed earlier on in this thesis. This grand scale government-supported project interviewed respondents about general life and specific issues in post-genocide society in Rwanda. Because the focal point of this report is reconciliation, it can produce value information for this thesis. When discussing justice after the genocide of 1994, the Gacaca court is one of the subjects respondents are asked about. More specifically, the role of the judges is researched. For example, the following statements are posed to the respondents: *Inyangamugayo (judges) were impartial in the Gacaca process*; and *Those convicted through Gacaca received fair punishment*. Both statements received positive feedback from the respondents: the first statement was agreed upon by 83.4% of the respondents (strongly agree: 35,7%; agree: 47.7%). The latter statement was agreed upon by 89.3% (strongly agree: 34.1%; agree: 55.2%). Ingelaere finds comparable results in his research, showing that a majority of respondents have a positive attitude towards Gacaca court judges (2009: 512).

According to Brahm (2007), officials that participate in a truth commission – or in this case judges that participate in Gacaca courts – have to be capable and neutral. Even though the respondents in the Reconciliation Barometer were very content with the Gacaca court judges, there are some negative aspects about the judges that have to be mentioned. On capability: Gacaca court judges received training before they were deployed in actual trials. This training focused on the following subjects: “The objectives of Gacaca courts and the analysis of these objectives; the code of ethics of the judges; the functioning of Gacaca courts; the collaboration between Gacaca courts and judicial or administrative organs; filling forms” (Rwanda Ministry of Justice, 2012: 52). According to the ministry, judges were well equipped to participate in the courts after training. However, according to several researchers training received by judges was minimal (Le Mon, 2007; Kirkby, 2006; Staub, 2010; Human Rights Watch, 2011; Meyerstein, 2007; Amnesty International, 2002: 26). It seems odd to deploy minimally trained people to speak justice after such an impactful episode of violence. The Ministry of Justice reacts to this accusation by saying that the Gacaca courts always have been part of Rwandan culture, and that the conflicts that were central in trials were solved by cultural values. “With regard to Gacaca Courts, the historic goal of reconciliation was maintained however, the Courts applied the codified laws and regulations” (Rwanda Ministry of Justice, 2012: 205). One can ask oneself if this goal of reconciliation was indeed maintained, when judges were clearly not qualified enough to try genocide cases. In the case of incapable judges, the sentences might have less ‘weight’ in comparison with capable judges, which can have a negative effect on reconciliation.

An even bigger problem seems to be the neutrality of the Gacaca court judges. The job of a Gacaca court judge is unpaid. Because this job is unpaid, it could lead to corruption (Human Rights Watch, 2011; Amnesty International, 2002: 16; Le Mon, 2007: 2; Kirkby, 2006: 111). In the whole Gacaca court mechanism, there is no specific sub mechanism that monitors judges taking bribes, or other forms of reward. Of course, if judges are not meeting the requirements installed by the government, they can receive severe punishment. The Rwandan Ministry of Justice speaks of 12 judges that were replaced in 2010 because of taking bribes (2012: 193). However, according to Human Rights Watch 58,000 judges were replaced in 2008 because of corruption. “In total, more than 92,000 judges (or 35 percent of the total number) have been removed since Gacaca’s inception” (Human Rights Watch, 2011). Moreover, neutrality of Gacaca court judges is compromised by the presence of local governments and the requirements to take action in the interest of the government: “In practice, it means that judges are under constant surveillance by both local government

authorities and community members, both of whom can report any wrongdoing, real or perceived, to state authorities” (Thomson, 2013: 169).

Following the requirements of Brahm, officials in truth commissions – or in this research, Gacaca courts – have to be neutral and capable. Deploying people without any legal knowledge or knowledge about human rights to be judges and provide them with a very basic training, raises the question if this contributes to justice and reconciliation. Because of the susceptibility of judges for corruption, and moreover the amount of influence the government has on the trials, one can ask if neutrality of judges is existent. Therefore, it is believed that capable and neutral judges of the Gacaca courts have a positive effect on reconciliation, but that this was not the case in Rwanda. Even though respondents of the Rwandan Reconciliation Barometer perceived the judges as capable and impartial, reports of academic writers and human rights organizations argue differently. Following Mendeloff, true justice is needed to contribute to reconciliation (2004: 360). Delivering justice needs capable and impartial judges, which in part contribute to reconciliation. The major flaws of the Rwandan system caused that there may have been delivered justice and reconciliation, but not to an extent that was possible if these flaws were prevented.

### *5.3 THE PUBLIC NATURE OF THE GACACA COURTS*

“Another important element of whether a truth commission has a strong effect on society is likely to be the degree to which it connects to the public” (Brahm, 2007: 31). According to the terminology of Mendeloff, the public nature of truth-telling exercises can – in different ways – lead to reconciliation (Mendeloff, 2004: 358). Organizing hearings that have a public character, lead to a bigger sense of legitimacy in societies (Brahm, 2004). Moreover, public hearings could have a ‘therapeutic function’ for the victims of Genocide: truth-telling → healing of individual victims → group reconciliation → peace (Mendeloff, 2004: 358). It is expected that truth-telling can provide individual healing, and doing this in public can make that stories of victims can heal societies (Mendeloff, 2004: 359; Kiss, 2000: 72; Goldstone, 1996: 491).

Article 24 of Organic Law No 40/2000 ensures the public nature of the Gacaca courts. In this article, it is stated that “Hearings for ‘Gacaca Jurisdiction’ are public, except the hearing in camera requested by any interested person and pronounced by judgment for reasons of public order or good morals. Deliberation is secret.” (Government of Rwanda,



2001: 10). According to Longman, the public character of the Gacaca courts did indeed have an advantage in achieving reconciliation: “The fact that the courts would function within communities and encourage extensive public participation would provide transparency and much greater public oversight than in classic courts” (2009: 307). Moreover, the transparency of the Gacaca hearings have other benefits for individuals and society as a whole:

They will listen to and provide testimony regarding the genocide offences that occurred in their community and their alleged perpetrators. Members of the community will render judgment. Those found guilty will be able to commute half of their sentences through participation in community service projects that will improve the lives of their victims and the community as a whole. The public nature of these truth-telling sessions across the country could establish broader patterns, identify deeper lessons and recommend broader reforms for the nation as a whole (Amnesty International, 2002: 43).

Even though this mechanism sounds like a reasonable approach to achieve reconciliation within society, a problem may occur: because of the public nature of the Gacaca hearings, and the Genocide still in recent memory, people may be reluctant to participate and provide information for a trial. According to different interviews, survivors were reluctant to go to an open Gacaca trial, because they would not like to see the killers of their families, or were not able to share their story just yet because of the still open wound of Genocide (Clark, 2010: 140; Thomson, 2013: 174). Because of the reluctance of participants, it is questionable if the whole truth about the Genocide was revealed. According to the mechanisms of truth-telling posed by Mendeloff, this truth is necessary for achieving reconciliation (2004: 358).

Looking at the ‘therapeutic function’ of truth-telling for individuals and societies as a whole, some questions arise about the workings of this ‘therapeutic function’. According to Brounéus, the thought that truth-telling could have a therapeutic function was introduced by the South-African Truth- and Reconciliation Commission (2008: 58). Not only the TRC, but different schools of thought contributed to the thought that truth-telling can have a healing element, among other psychoanalytical literature (Agger & Jensen, 1990; Skaar, Gloppen & Suhrke, 2005). However, Brounéus and other researchers point out that “there is very little empirical knowledge of these processes, even from a therapeutic point of view” (2008: 58;

Kotzé, 2002: 166; DeLaet, 2006: 170). Not only testifying after a relatively short time after the Genocide, but “as well as to the vulnerable position of testifying in an environment surrounded by family members of the perpetrators, as well as by the perpetrators themselves” has led to a decrease in the psychological health of testifiers (Brounéus, 2008: 71; Brounéus, 2010: 429; Funkeson et al., 2011: 375).

Another potential problem is the role that ‘secrecy’ plays in Rwandan society. According to Waldorf (2006), ‘secrecy’ has been an important feature of Rwandan life since pre-colonial times. Because of the open character of the Gacaca courts, this can cause a problem for identifying the truth about Genocide-related crimes. When the truth is not told because of the public nature of the Gacaca courts, this can cause problems regarding group reconciliation, according to the mechanisms of Mendeloff.

Even though the train of thought about the public nature of the Gacaca courts contribute to reconciliation in Rwandan society, there are some findings of other researchers that problematize this position. When testifying in public leads to incomplete or incorrect information of victims of Genocide, this not only causes problems for individual healing, but also public healing and reconciliation between victims and perpetrators in the Rwandan society. According to a mechanism of Mendeloff (truth-telling → healing of individual victims → group reconciliation → peace), this can lead to a break in the causal chain that has to lead to reconciliation, and according to some researchers it has done this. Because of the uncertainty about the ‘therapeutic function’ of truth telling, and the role that secrecy plays in Rwandan society.

Therefore, the public nature of the Gacaca courts contributed to a certain extent to reconciliation in Rwandan society. But again, there are some different schools of thought that appoint problems that can arise from this public character of the courts. However, the public nature of the Gacaca courts contributed to reconciliation by being an open forum where people were able to tell their story, with other people listening. Telling your personal story to each other can be seen as a first step, because the truth is functioning as the basis for reconciliation (Mendeloff, 2004: 356).

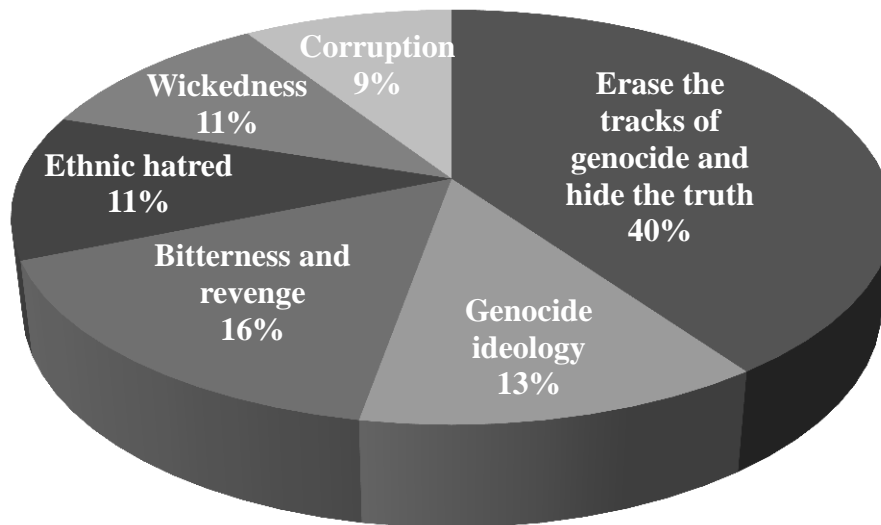
#### *5.4 SECURITY FOR PARTICIPANTS*

According to the work of – among others – Karen Brounéus, it is of great importance to guarantee safety (be it psychological or physical) to participants in truth-telling exercises like

the Gacaca courts. When people who participate in such events do not feel safe, it is questionable if they are stating the whole truth. According to the truth-telling mechanisms of Mendeloff, providing the whole truth has important implications for justice, reconciliation, and peace (2004: 358). The ICTJ acknowledges that the protection of witnesses is important, and states that “it is important for a truth commission to gather information from victims and witnesses in a manner that does not pose any danger to their personal safety or their integrity” (2013: 24; Human Rights Watch, 2011). This protection entails the creation of a safe environment for witnesses to testify, protecting their psychological well-being and physical security. Not only is the protection of victims important for the victims themselves, but also for the truth-finding process in general: “witnesses who are fearful may not tell the full truth, may fabricate information to protect themselves and their families, or avoid the commission altogether” (ICTJ, 2013: 26). When there is no basis for telling the full truth, reconciliation is less likely within a society. Human Rights Watch urges countries that are considering to use dispute resolution mechanisms after serious crimes to “provide adequate protection for witnesses, survivors, and judges, and ensure that police and prosecutors promptly investigate allegations of intimidation or corruption” (Human Rights Watch, 2011).

In Organic Law No. 16/2004 establishing the Gacaca courts, some precautions for the protection of witnesses are taken. In article 30 of this law it is stated that “anyone who exercises pressures, attempts to exercise pressures or threatens the witnesses or the Seat members of the Gacaca Court shall incur a prison sentence from three (3) months to one (1) year. In case of repeat offence, the defendant risks a prison penalty from six (6) months to two (2) years” (Government of Rwanda, 2004: 13). Moreover, the security of witnesses was assured by prohibiting the revealing of secrets from the incidental (closed) camera hearings of witnesses (Rwanda Ministry of Justice, 2012: 156). Even though some measures were taken to protect citizens, physical and psychological violence did occur during the Gacaca courts.

In its 2008 report, the National Unity and Reconciliation Commission of Rwanda researched what the main causes of violence in the country were after the 1994 genocide. Between 2002 and 2006, almost 38,000 violent crimes were committed in Rwanda. Gacaca-related issues is one of the categories that caused the most violence (NURC, 2008: 22-23). The main causes of assault and battery against Gacaca court witnesses are pictured in figure 1.



*Figure 1 | Causes of assault and battery against Gacaca courts' witnesses (NURC, 2008: 74)*

Looking at the data above, it is disconcerting that violence seems to be an inseparable part of the Gacaca court trials. The biggest cause of violence against Gacaca courts' witnesses is the one to 'erase the tracks of genocide and hide the truth', which accounts for 40 per cent of the violence. Ingelaere argues that since 2005, "the Gacaca activities that came to dominate rural life in Rwanda (...) gave rise to a plethora of conflicts at the local level" (2010: 317). Brounéus argues, based on several conducted interviews with Genocide victims, that security was one of the major problems regarding giving testimony in the Gacaca (2008: 66). According to the interviewees, the violence started after they testified in a trial:

Before giving testimony, things were better. I tried to forget the past ... to live with these horrible experiences but continue with life. But, after Gacaca everything has changed, because they even dare destroy my house, break my windows. I reported this to the council member of the sector, but he has some family members who participated in the genocide, so consequently he did not give much weight to my complaint.

(Brounéus, 2008: 67).

The data retrieved from the interview corresponds with the official figures of the NURC in the way different types of violence were widespread, varying from throwing stones at houses to massacres (2008: 42, 45). Le Mon states that witnesses lack physical security, and that in the second half of 2006 alone, “at least 40 Gacaca witnesses were victims of murder or attempted murder” (2007: 17). Human rights organization REDRESS has corresponding information about assaults on Gacaca witnesses, them being assaulted by their own families, neighbors, or even by local political, military, and economic elites (2012: 24-29). Thomson agrees with the analysis of the before mentioned authors and organizations in the sense that participants of the Gacaca courts had a constant sense of insecurity (2013: 173). The widespread feeling of insecurity of witnesses and other participants in Gacaca trials had an effect on the way Gacaca courts influence reconciliation: when participants are afraid to testify or tell the whole truth, and the level of reconciliation is not as high as it could be. When people are afraid to testify before the Gacaca courts, truth is not told; there is no justice; and this is dangerous for reconciliation in general. An example of this can be found in the academic work of Brounéus:

I was afraid when I gave testimony in the Gacaca because the people were yelling. ... Afterwards, they came; they broke my windows. I was afraid. I thought I would be killed. ... I do not go to Gacaca any longer. I am scared to be attacked or killed. My sister was killed in February after she had given testimony (Interview 14). The women are threatened before the Gacaca, to deter them from giving testimony; during the hearings, to quieten them; and afterwards, as punishment. (Brounéus, 2008: 68)

After some 150 murders on genocide survivors who had testified during a Gacaca trials, the Rwandan government installed a witness protection program in 2006 (ICTJ, 2012; Innocent, 2012). This program, the Victim and Witness Support Unit (VWSU), has a formal and an informal part according to REDRESS. The formal part entails witnesses and victims that participate in Gacaca courts can call upon the government to get protection when they feel unsafe. Local officials and local police will come to the assistance of the applicant in different ways, depending on the nature of the threats and the continuation. Assistance varies from increasing patrols in the neighborhood of the threatened person to placing a threatened person in a safe house. According to different people that were protected this way, the VWSU made sure people felt safe and were more confident to testify (REDRESS, 2012: 34).

However, government strategies in providing safety for victims and witnesses was not always effective. Punishments for threatening Gacaca participants were low and trust in local authorities that had to provide security was not always present. The latter problem coincides with the earlier analysis of REDRESS on threats expressed by local political and military elites. To complement the formal side of witness protection, a more informal strategy was supplied to protect witnesses. This had to be done, because the government was not capable of protecting all of the witnesses (REDRESS, 2012: 36). This informal mechanism entailed neighbors protecting each other, or witnesses protecting themselves.

The government's sensitization has encouraged neighbors to be vigilant for signs of intimidation against genocide witnesses. The first step in neighborhood security is awareness of possible threats, followed by neighbors intervening directly to physically protect witnesses and to encourage them to continue testifying in genocide cases, to confront those responsible for intimidation and, where necessary, to alert the police or local authorities who can provide further assistance.

(REDRESS, 2012: 36).

Witnesses can protect themselves by moving to other communities, provide for private transport to the trials, and – in some cases – giving an open and publicly visible testimony (REDRES, 2012: 38). Even though there are both positive and negative testimonies about neighborhood and individual protection, it is clear that the Rwandan government could not provide sufficient security for the people that witnessed in the Gacaca courts. Even though they called upon every Rwandan citizen to do so because it would bring them truth and reconciliation, the Rwandan government was not successful in ensuring security, which has influenced the level of reconciliation that was achieved in Rwandan society after the genocide of 1994: when witnesses do not feel safe enough to tell the truth, the basis of reconciliation is lost.

The information above supports hypothesis 4. Even though the Rwandan government took some measures to secure the safety of the participants of the Gacaca courts (mainly the victims and the witnesses), there are some serious flaws in this process. According to the literature on Gacaca courts and witness security in particular, a mechanism of witness

protection is beneficial during a transitional justice process like the Gacaca courts, but the Rwandan government failed to do this in a proper way. They provided some protection, but the scope of these measures were not enough to withhold people from attacking witnesses. It is likely this caused serious problems for reconciliation in Rwandan society. When people are attacked for the truth they have to say, chances are that this truth is not revealed, reconciliation is harder to achieve. According to the information studied in this thesis, it is safe to believe that a well-designed protection program could have provided more truth and more reconciliation.

## 6 | ALTERNATIVE EXPLANATIONS FOR RECONCILIATION

---

There are different attempts in Rwanda in order to endeavor reconciliation. In this thesis, we talked in length about the Gacaca courts. There are, however, other endeavors that can be found in academic literature and other sources. In this section, we will discuss two important endeavors.

### 6.1 GOVERNMENT INTERFERENCE

In her much debated work of 2013, Susan Thomson argues that after 1994 the Rwandan government is granting more and more powers to themselves: “It (...) analyzes the everyday acts of resistance of peasant people resident in southern Rwanda to demonstrate the extent to which state-led and top-down reconciliation processes of national unity and reconciliation are an oppressive form of state power in their everyday lives” (Thomson, 2013: 183). In this view, reconciliation in Rwanda is a more perceived kind of reconciliation because rules and regulations are bend in favor of certain parties. For the government, it is very important that people believe there is reconciliation, not only inside the country, but also on the international stage: millions of US Dollars have been invested in the process of Rwandan reconciliation over the last years. Even though this viewpoint challenges this thesis’ object of research (reconciliation), it is of paramount importance to discuss it here. When the argument of Thomson is convincing, it not only makes way for further research on this subject, but also can give a different account on the research conducted in this thesis.

In her book, Thomson names several practices of national unity and reconciliation in Rwanda, installed by the Rwandan government of President Kagame:

*Exploitation of the perceived ethnic unity of pre-colonial Rwanda.* The perceived differences between Hutu and Tutsi are used by political elites to tighten their grip on state power. However, the policies of unity and reconciliation are not based on empirical facts, according to Thomson (2013: 74-75).

*Government control of public information, including the RPF’s reinterpretation of its role in stopping the genocide as well as its misrepresentation of the levels of peace and reconciliation among ordinary Rwandans.* The Rwandan government is trying to simplify the violence during the genocide, and more in general the level of violence in the life of ordinary Rwandans. Only certain acts of violence are named, and others are left out of the public



debate. For example, the RPF fighters killed many ordinary Rwandans during the genocide, but the government does not account for these actions. Moreover, a top-down approach is used by the government, so that they can control what is said by who, and can maintain in power, misusing the process of reconciliation (Thomson, 2013: 105-106).

*Repression of political dissent.* The Rwandan government does not allow any form of political opposition parties, or other political organizations (Joselow, 2014; Human Rights Watch, 2015; Freedom House, 2010). By doing this, the government hopes to keep up the simulacrum of unity and reconciliation in Rwanda. According to Thomson, political opponents are regularly beaten up by RPF members, or imprisoned. Hutu elites are accused of adhere to genocide ideology, or ethnic divisionism (BBC, 2013; Thomson, 2013). Not only political organizations, but also the media has to suffer from this. Newspapers and journalists are regularly accused of ethnic divisionism, and mostly self-censor. This way, a perceived unity and reconciliation is imposed on Rwandan society by the government.

*Elimination of references to ethnicity from public discourse.* “The RPF invokes its vision of ‘Rwandan-ness’, that is, the promise of a unified national identity, as a strategic tool with which to silence its critics and opponents with allegations that they are ‘un-Rwandan’ (Thomson, 2013: 114). According to the research of Thomson the government uses national unity and reconciliation as a specific form of social control. This way, reconciliation is enforced upon the Rwandan society, again to keep the government in control.

*New national symbols.* To boost the perception of national unity and reconciliation, in 2001 the Rwandan government decided to introduce a new flag, representing the view of prosperity, hope, resources, development, peace, stability and the “awakening of the Rwandan people from people from old tendencies of hatred” (Thomson, 2013: 118). Moreover, a new national anthem was introduced to promote the idea of “one Rwanda for all Rwandans” (Thomson, 2013: 118). However, according to the research of Thomson ordinary Rwandans saw the new flag and anthem as a tool to warn Tutsi people for the Hutus.

*‘Ingando’ reeducation camps.* With the introduction of reeducation camps the government foresaw to boost national unity and reconciliation among certain segments of the population:

The RPF encourages some Rwandans – government ministers, church leaders, university lecturers – and requires others – ex-soldiers, ex-combatants, released prisoners, Gacaca judges, and incoming university students – to attend ingando for periods ranging from

several days to several months to study government programs and Rwandan history, and to learn about how to unify and reconcile (Thomson, 2013: 120).

This seems like a winsome tactic to boost national unity and reconciliation, but Thomson argues that learning about history and reconciliation is only beneficial to the RPF government:

The version of history taught at the *ingando* camps is offensive to many ordinary Rwandans who have participated, notably Hutu who experienced the events of 1959-62. *Ingando* camps also teach participants, the majority of whom are ethnic Hutu, that reconciliation means to remain silent and not question the RPF's vision of national unity and reconciliation.

(Thomson, 2013: 120).

*Tight control of social life.* According to the research of Thomson, the government remains to have a large amount of control on Rwandan society: “the policy of national unity and reconciliation provides incentives to local security and administrative personnel to remain vigilant against criminal elements, those who hold genocidal ideologies, or anyone who fails to promote unity in accordance with the dictates of the policy” (Thomson, 2013: 123). People in society are forced to live by certain standards to promote national unity and reconciliation, and monitored if they are indeed doing so. Moreover, the government also “maintains tight control of civil society organizations and other forms of associational life” (Thomson, 2013: 124). Different organizations have been receiving allegations that they were acting against national unity and reconciliation, and organizations that have been criticizing the government have been closed down. Just like the effect the government has on the media, organizations have been known to self-censor themselves, in order to continue to exist (Thomson, 2013: 124-125).

Overall, the Rwandan government seems to have a firm grip on society in order to achieve national unity and reconciliation. However, the question if this national unity and reconciliation truly exist, remains an open one. Even though the government argues that there has been progress in these themes – the findings that this research is also based on – remains open when following the arguments of Thomson. Because the objective of this research is not per se the question if reconciliation is established, but the way Gacaca courts contributed to

the reconciliation process, we will leave this question for now. However, on the tactics that the government used to promote reconciliation we see that it had quite an authoritarian program in place.

The presence of the government also came forward in this research to the way Gacaca courts contributed to reconciliation in Rwanda. Especially the way the government intruded in many ways in processes of reconciliation (i.e. the Gacaca courts) is comparable with the way Thomson describes other measures the government took. In the analysis of this research Thomson was already mentioned as an author that criticizes the role of the government in the Gacaca court process and continues to do this, together with other researchers. Because her work is based upon face-to-face interviews with ‘ordinary’ Rwandans, it can be considered as a reliable academic work that describes the feelings and experiences of the people that are affected by the process of reconciliation and by the mechanisms that the Rwandan government imbedded to achieve unity and reconciliation.

## *6.2 NATIONAL UNITY AND RECONCILIATION COMMISSION*

In 1999, five years after the Rwandan genocide ended, the National Unity and Reconciliation Commission was established by parliamentary law. This commission had the following responsibilities, according to their website:

- To prepare and coordinate the national programs aimed at promoting national unity and reconciliation;
- Establish and promote mechanisms for restoring and strengthening the Unity and Reconciliation of Rwandans;
- To educate, sensitize and mobilize the population in areas of national unity and reconciliation;
- To carry out research, organize debates, disseminate ideas and make publications on the promotion of peace, and the unity and reconciliation of Rwandans;
- To propose measures and actions that can contribute to the eradication of divisionism among Rwandans and reinforce unity and reconciliation;

- To denounce and fight actions, publications, and utterances that promote any kind of division and discrimination, intolerance and xenophobia;
- To make an annual report and other reports that may be deemed necessary, on the level of attainment of national unity and reconciliation;
- Monitor how public institutions, leaders and the population in general comply with the national unity and reconciliation policy and principle.

(NURC, 2016)

The question of interest in this case is the impact of the measures undertaken by the NURC had on reconciliation in Rwanda, and if these measures met the responsibilities described above. In 2005, the Institute For Justice And Reconciliation evaluated the work of the NURC in a report that sought to give more insight in achieving reconciliation. This report concluded the following:

The uniqueness of the NURC lies in a number of factors: a) unlike other reconciliation mechanisms in Africa and the rest of the world its mandate goes beyond the formal transitional period; b) its focus is to transfer ownership of reconciliation to communities and establish longer term structures; c) it has promoted reconciliation as a strategic challenge to be taken up by individuals, communities and public and private organs; d) it has developed a broadened notion of reconciliation that includes fighting poverty and raising household incomes; and e) it has encouraged communities to become the primary actors in the reconciliation process.

(Institute For Justice And Reconciliation, 2005: 17).

The way that the NURC is visible on the community level to promote reconciliation is achieved by the organizing of community festivals to promote unity and reconciliation, organizing the aforementioned *ingando* reeducation camps, and funds student clubs (Thomson, 2013: 119). However, Thomson argues that the NURC is a mere puppet of the RPF dominated government. In an interview conducted with a NURC official it became clear that the twelve

commissioners of which the NURC exists are appointed directly by President Kagame. Moreover, all staff of the NURC must be members of the RPF (Thomson, 2013: 119). However, this cannot be traced back in Law No. 35/2008 that determined the organization and functioning of the NURC (Government of Rwanda, 2009). This does not mean that de facto the President has the final say in the functioning and organization of the NURC, especially after finding out the way the Rwandan government is intervening in the reconciliation process.

The two alternative explanations for creating reconciliation in Rwanda give more insight in not only the whole process of achieving reconciliation, but also the way different mechanisms are embedded in the whole process. Striking are the continuing stories about the Rwandan government intervening in the process. In the analysis conducted in this thesis, it was already found that the government was present in all stages of the Gacaca trials, and also in the variables that were researched.

It seems that the government of Rwanda has been acting as a kind of an intervening variable in the whole process of reconciliation. The way things are presented by different researchers and human rights organizations, the government has been trying to influence the process of national unity and reconciliation to push it in a direction that is beneficial for the political (Tutsi) elite. In doing so, the reconciliation that is achieved can better be explained by the authoritarian attitude of the government towards the process of national unity and reconciliation and the role the Gacaca courts played in this. Moreover, this makes that the government could also be held accountable for the reconciliation has not been achieved.

In the next section of this thesis, an overview of findings will be presented in a conclusion and some recommendations for future research will be given.

## 7 | CONCLUSION AND DISCUSSION

---

The genocidal episode Rwanda experienced in 1994, is not something a country just leaves behind, expecting people in society to just carry on with their lives. Even though Rwanda has experienced more violent episodes in its history, the Genocide of 1994 called for an extensive program to punish perpetrators, reconcile the people of Rwanda, and achieve political stability in the sense of absence of violence. This was the reason the Rwandan government re-installed the traditional Gacaca courts. However, the question posed in this research is: Under what conditions did the Gacaca courts contribute to reconciliation in Rwanda? This research came across some serious flaws in the mechanism that had to contribute to the transformation of the Rwandan society to one of peace, national unity, and reconciliation. The focus of this research was specifically on the truth-telling and the criminal justice mechanisms of the Gacaca courts.

First, even though the laws that installed the Gacaca courts seemed set up broadly describing the tasks and tools of the Gacaca courts, it is questionable if these laws provided the Gacaca courts with the tools to find the whole truth that had to lead to reconciliation. The fact that the crimes of RPF fighters during the Genocide were not allowed to be talked about during Gacaca trials, is a great flaw of the whole process. Especially because one of the objectives of the Gacaca was to ‘establish the truth’, the government knowingly prevented this from happening. The role of the government in establishing the mandate of the Gacaca was large, and this role was also visible during other elements of the Gacaca, especially when it was in effect. Government officials were threatening participants of Gacaca before they were making their testimonies, which caused not the whole truth was told. In this way, the mandate of the Gacaca courts did not contribute to achieving reconciliation to an extent that was actually possible, instead opting for a decision that caused limited opportunities for reconciliation.

Second, even though an official questionnaire about the Gacaca courts and reconciliation in general provided very positive results about the Gacaca judges, and the law installing Gacaca courts was very strict in the sense of electing judges, there were some problems with judges that can have effected reconciliation in Rwandan society in a negative way. The capabilities of some judges were questionable, because judges were retrieved directly from society and mostly did not have any judicial experience or knowledge of human rights issues. Even though they received training, this was very basic. It seems somewhat odd to deploy minimally trained people to prosecute perpetrators after such an impactful episode

of violence. To give this task to possibly incapable people, a positive effect on reconciliation can be questioned because true justice is endangered in this case. When this indeed is the case, reconciliation between individuals in society is harder to achieve. Moreover, neutrality of the judges was not guaranteed. Because the judges are not paid for their work, they are susceptible for corruption. According to Human Rights Watch, thousands of judges were replaced because of this. The government of Rwanda has different figures: according to them, less judges were replaced, arguing that there was not a big problem with the capability of the Gacaca judges. Not only corruption played a role in the neutrality of the judges, also the government effected the work of the judges. They were under constant surveillance, so one can ask if judges convicted someone if they were convinced he or she was guilty, or because this person was a persona non grata of the government. This way, truth-telling and criminal justice can be compromised, which has a negative effect on reconciliation. The composition of the Gacaca courts (the people who were in it, and the way these people were evaluated) has very likely caused limitations for reconciliation in Rwandan society.

Third, the public nature of truth-telling exercises and criminal justice can lead to reconciliation in societies. During the Gacaca courts, hearings and trials normally were open to the public (there were however some closed hearings). This openness was expected to provide not only individual healing, but also healing for societies. However, because of the recent history that was discussed in the Gacaca trials, victims were reluctant to participate: they were not willing to see the killers of their families, and talk in public about something that had affected their lives in such a radical way. Because of this reluctance, it can be questioned if the whole truth was revealed during Gacaca courts. If not, this can have serious consequences for reconciliation, following the terminology of Mendeloff. Moreover, truth-telling was regarded to have a 'therapeutic function' for survivors of the Genocide. However, based on different interviews and researches it can be argued that this therapeutic function was not always existent in the Gacaca courts. According to Brounéus, it had a negative effect on the individual 'healing' of victims, which can also have a negative effect on achieving reconciliation. Lastly, 'secrecy' has always been an important feature of Rwandan life. 'Secrecy' and an open environment to testify seem incompatible if truth has to be found, leaving a negative effect on reconciliation. Yes, hearings of the Gacaca courts were open en attendance was mandatory, but this does not simply mean that this automatically leads to reconciliation, as can be seen in the case of the Rwandan Gacaca courts. It is convincible that the public character has contributed to reconciliation, but again only to a certain level. The

level could be even higher if the government took more care of the victims and other testifiers in the courts.

Fourth, guaranteeing safety of participants in the Gacaca trials could have a positive effect on reconciliation. Researchers and human rights organizations agree with this stance, but the execution of this viewpoint was not done properly in the case of the Gacaca courts. The Rwandan government took some precautions to protect witnesses of the Gacaca, but did not have the means to do this properly. This corresponds with an official report of the NURC, in which it is stated that violence against Gacaca witnesses was widespread, and mostly caused by the desire of individuals to erase the tracks of genocide, and hide the truth. Even though the Gacaca courts had to provide a basis for national unity and reconciliation, discontent continued to exist and caused violence and new divisions. Several witnesses in the Gacaca court process were murdered or intimidated. These witnesses had to be protected by government officials, but instead of doing this, there are situations known that these officials did not provide any assistance. The inadequacy of the Rwandan government has most likely caused a lower level of reconciliation than was possible, if the safety of victims and witnesses was guaranteed.

Concluding, the Gacaca courts were an unique experiment that were installed out of pure necessity. Providing reconciliation to a society that was (and is) torn by a Genocide, is a huge task. As President Kagame said about the Gacaca courts: “We had three choices: the first was the dangerous path of revenge, the second was complete amnesty. Both would have led to anarchy and destruction. That is why we chose a third option, which was harder, but more incisive to deal with things and restore the unity in our country” (NOS, 2012). He may have been right. But the way some things were dealt with were seriously flawed and instead of achieving reconciliation, the people of Rwanda were in some cases tested by the government: safety was not guaranteed, not everybody was eligible for the Gacaca courts to be tried, it could not be guaranteed that judges were neutral and qualified to do their jobs. All these factors, and more, make that the level of reconciliation that *could* have been achieved, has not been achieved. According to official documents of the Rwandan government and other researchers, Gacaca courts did contribute to reconciliation. The objective of this research was to look at the contribution of Gacaca courts to reconciliation, and this research does not deny that Gacaca courts contributed to reconciliation. However, the striking authoritarian stance of the government in the whole process cannot be overseen. Not only during the phase of installing the Gacaca courts, but also later on in the process the government had such an



influence on the way Gacaca courts were shaped, who were prosecuted, and the way participants in the courts were treated and protected. Together with other evidence of human rights organizations according diminishing individual and collective political freedoms, it can be argued that the government had quite an impact on the Gacaca and the reconciliation in the country. Therefore it acted like an intervening variable in the whole process. Regarding the information used in this thesis, this government influence did not have only positive results on reconciliation. However, as it was not the focus of this research, a conclusion on this point cannot be provided.

The Gacaca courts only ended a few years ago. The archives of the courts are extensive, and not yet digitalized. However, the process of doing this has already started. When this process is finished, better research can be conducted on the effect that Gacaca courts had on reconciliation in Rwanda. A digital archive can shed a bright light on the process, and more specifically flaws, of the Gacaca courts and the way participants were treated in the courts. This is also what the limitation of this study is: only a few official (overview) reports have been published about the Gacaca courts.

Rwanda still has a long way to go to achieve complete reconciliation; maybe it will never even happen. However, this is not odd, looking at the recent violent history. Continuous efforts have to be undertaken to assure that something like the 1994 Genocide will never happen again. The Gacaca courts contributed to this, but more research has to be conducted in which specific ways they contributed, and in what ways they were counterproductive. Especially the individual courts have to be researched, resulting in a series of case studies that can provide new insight in how countries with a violent history between certain groups in society can work on reconciliation, healing, and stability. Moreover, a more in-depth research has to be undertaken to the role of the Rwandan government and specific departments and organizations in the way they influenced Gacaca courts. The way things were handled in such an important period of Rwandan history is pivotal: looking at what governments should – and should not – do after such a violent internal conflict. If the reports of the human rights organizations are true, the way the Rwandan government presented itself during the Gacaca courts is only a small part of a bigger problem, which can be a danger to reconciliation in ‘The Land of a Thousand Hills’.

## 8 | REFERENCES

---

- Agger, I. & S.B. Jensen (1990) "Testimony as Ritual and Evidence in Psychotherapy for Political Refugees" *Journal of Traumatic Stress* 3(1), 115-130
- Akhavan, P. (2001) "Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?" *American Journal of International Law* 95(1), 7-31
- AMICC (2009) "Questions & Answers on the International Criminal Court and Transitional Justice" < [http://www.amicc.org/docs/Transitional\\_Justice.pdf](http://www.amicc.org/docs/Transitional_Justice.pdf) > (assessed April 6, 2016)
- Amnesty International (2002) "Rwanda: Gacaca: A Question of Justice" < <https://www.amnesty.org/en/documents/afr47/007/2002/en/> > (assessed April 20, 2016)
- Amstutz, M.R. (2006) "Is Reconciliation Possible After Genocide?: The Case of Rwanda" *Journal of Church and State*, 541-565
- BBC (2013) "Victoire Ingabire: Rwanda leader's jail term raised" < <http://www.bbc.com/news/world-africa-25371874> > (assessed May 4, 2016)
- Brahm, E. (2004) "Truth Commissions" < <http://www.beyondintractability.org/essay/truth-commissions> > (assessed April 25, 2016)
- Brahm, E. (2007) "Uncovering the Truth: Examining Truth Commission Success and Impact" *International Studies Perspectives* 8(1), 16-35
- Brody, R. (2001) "Justice: The First Casualty of Truth?" < <http://www.thenation.com/article/justice-first-casualty-truth/> > (assessed April 6, 2016)
- Brounéus, K. (2008) "Truth-Telling as Talking Cure? Insecurity and Retraumatization in the Rwandan Gacaca Courts" *Security Dialogue* 39(1), 55-76

Brounéus, K. (2010) “The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health” *Journal of Conflict Resolution* 54(3), 408-437

Chakravarty, A. (2006) “Gacaca Courts in Rwanda: Explaining Divisions within the Human Rights Community” *Yale Journal of International Affairs* 1(2), 132-145

Clark, J.N. (2008) “The three Rs: retributive justice, restorative justice, and reconciliation” *Contemporary Justice Review* 11(4), 331-350

Clark, P. (2010) *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge: Cambridge University Press)

DeLaet, D.L. (2006) *Gender Justice: A Gendered Assessment of Truth-Telling Mechanisms* (Notre Dame, IN: University of Notre Dame Press)

Fischer, M. (2011) “Transitional Justice and Reconciliation: Theory and Practice” in: B. Austin, M. Fischer, H.J. Giessmann (eds.) *Advancing Conflict Transformation: The Berghof Handbook II* (Opladen/Framington Hills: Barbara Budrich Publishers) 406-430

Freedom House (2010) “Freedom in the World 2010: Rwanda” <  
<https://freedomhouse.org/report/freedom-world/2010/Rwanda> > (assessed May 4, 2016)

Funkeson, U., E. Schröder, J. Nzabonimpa & R. Holmqvist (2011) “Witnesses to Genocide: Experiences of Witnessing in the Rwandan Gacaca Courts” *Peace and Conflict* 17, 367-388

Goldstone, R.J. (1996) “Justice as a Tool for Peacemaking: Truth Commissions and International Criminal Tribunals” *New York University Journal of International Law and Politics* 28, 485-503

Gonzalez, E. & H. Varney (2013) *Truth Seeking: Elements of Creating an Effective Truth Commission* (Brasilia: Amnesty Commission of the Ministry of Justice of Brazil/ New York: International Center for Transitional Justice)

Government of Rwanda (2001) “Organic Law N0 40/2000” < <http://jurisafrika.org/docs/statutes/ORGANIC%20LAW%20N0%2040.pdf> > (assessed April 4, 2016)

Government of Rwanda (2004) “Organic Law No 16/2004” < <http://lip.alfaxp.com/lip/AmategekoDB.aspx?Mode=r&pid=7522&iid=1262> > (assessed April 5, 2016)

Government of Rwanda (2009) “Law No 35/2008” < <http://www.refworld.org/docid/4a3f87922.html> > (assessed June 1, 2016)

GSDRC (2012) “Transitional Justice” < <http://www.gsdrc.org/topic-guides/justice/transitional-justice/> (assessed April 5, 2016)

Halperin, S. & O. Heath (2012) *Political Research: Methods and Practical Skills* (Oxford: Oxford University Press)

Hayner, P. (1994) “Fifteen Truth Commissions – 1974 to 1994: A Comparative Study” *Human Rights Quarterly* 16(4), 597-655

Human Rights Watch (2011) “Justice Compromised: The Legacy of Rwanda’s Community-Based Gacaca Courts” < <https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts> > (assessed April 20, 2016)

Human Rights Watch (2015) “World Report 2015: Rwanda” < <https://www.hrw.org/world-report/2015/country-chapters/rwanda#3e78cf> > (assessed May 4, 2016)

ICTJ (2012) “Rwanda: Human Rights Body Seeks Revision of Genocide Witness Protection Units” < <https://www.ictj.org/news/rwanda-human-rights-body-seeks-revision-genocide-witness-protection-units> > (assessed May 3, 2016)

ICTJ (2013) “Drafting a Truth Commission Mandate: A Practical Tool” < [https://www.ictj.org/sites/default/files/ICTJ-Report-DraftingMandate-Truth-Commission-2013\\_0.pdf](https://www.ictj.org/sites/default/files/ICTJ-Report-DraftingMandate-Truth-Commission-2013_0.pdf) > (assessed April 6, 2016)

ICTJ (2016) “What is Transitional Justice?” < <https://www.ictj.org/about/transitional-justice>> (assessed April 5, 2016)

Ingelaere, B. (2009) “Does the truth pass across the fire without burning?’ Locating the short circuit in Rwanda’s Gacaca courts” *Journal of Modern African Studies* 47(4), 507-528

Ingelaere, B. (2010) “The Rise of ‘Meta-Conflicts’ in Rwanda’s Gacaca Process” *L’Afrique des Grands Lacs* (Annuaire 2011), 303-318

Innocent, G. (2012) “UN Witness Protection Program Forced On Rwanda Ineffective – Report” < <http://www.newsofrwanda.com/irembo/14929/witness-protection-program-forced-rwanda-ineffective-report/> > (assessed May 3, 2016)

Institute For Justice And Reconciliation (2005) “Evaluation and Impact Assessment of the National Unity and Reconciliation Commission (NURC), Executive Summary” < [http://www.nurc.gov.rw/index.php?id=70&no\\_cache=1&tx\\_drblob\\_pi1%5BdownloadUid%5D=7](http://www.nurc.gov.rw/index.php?id=70&no_cache=1&tx_drblob_pi1%5BdownloadUid%5D=7) > (assessed May 27, 2016)

Joselow, G. (2014) “20 Years After Genocide, Rwanda Prospers but Political Freedom Remains Elusive” < <http://www.voanews.com/content/years-after-genocide-rwanda-prospers-but-political-freedom-remains-elusive/1889977.html> > (assessed May 4, 2016)

Kirkby, C. (2006) “Rwanda’s Gacaca Courts: A Preliminary Critique” *Journal of African Law* 50(2), 94-117

Kiss, E. (2000) “Moral Ambition within and beyond Political Constraints” in: R.I. Rotberg & D. Thompson (eds.) *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press) 68-98

Kotzé, D. (2002) “Reviews: Truth Commissions and Formulas” *International Studies Review* 4(1), 166-171

Kriesberg, L. (2007) “Reconciliation: Aspects, Growth, and Sequences” *International Journal of Peace Studies* 12(1), 1-21

Le Mon, C. (2007) “Rwanda’s Troubled Gacaca Courts” *Human Rights Brief* 14(2), 16-20

Longman, T. (2009) “An Assessment of Rwanda’s Gacaca Courts” *Peace Review* 21(3), 304-312

Ludwin King, E. (2013) “Does justice always require prosecution? The International Criminal Court and transitional justice mechanisms” *George Washington International Law Review* 45(85), 82-120

Mendeloff, D. (2004) “Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Durb the Enthusiasm?” *International Studies Review* 6(3), 355-380

Mendez, J.E. & J. Mariezcurrena (2003) “Unspeakable Truths: Facing the Challenge of Truth Commissions” *Human Rights Quarterly* 25(1), 237-256

Meyerstein, A. (2007) “Between Law and Culture: Rwanda's *Gacaca* and Postcolonial Legality” *Law & Social Inquiry* 32(2), 467-508

Ndahiro, A., J. Rwagatare & A. Nkusi (2015) “Rwanda: Rebuilding of a Nation” (Kigali: Fountain Publishers Rwanda Ltd)

New York Times (2004) “Rwanda’s Grass Courts” < [http://www.nytimes.com/2004/07/10/opinion/rwanda-s-grass-courts.html?\\_r=0](http://www.nytimes.com/2004/07/10/opinion/rwanda-s-grass-courts.html?_r=0) > (assessed April 24, 2016)

NOS (2012) “Volksrechtbanken Rwanda klaar” < <http://nos.nl/artikel/385743-volksrechtbanken-rwanda-klaar.html> > (assessed May 4, 2016)

NURC (2008) “The Causes of Violence After the 1994 Genocide in Rwanda” < [http://www.nurc.gov.rw/index.php?id=70&tx\\_drblob\\_pi1%5BshowUid%5D=17&tx\\_drblob\\_pi1%5BbackPid%5D=70&cHash=723f3d94687bdd4df7cead50a4ec793c](http://www.nurc.gov.rw/index.php?id=70&tx_drblob_pi1%5BshowUid%5D=17&tx_drblob_pi1%5BbackPid%5D=70&cHash=723f3d94687bdd4df7cead50a4ec793c) > (assessed April 28, 2016)

NURC (2010) “Rwanda Reconciliation Barometer”

<[http://www.nurc.gov.rw/fileadmin/Documents/RWANDA\\_RECONCILIATION\\_BAROMETER.pdf](http://www.nurc.gov.rw/fileadmin/Documents/RWANDA_RECONCILIATION_BAROMETER.pdf)> (assessed March 9, 2016)

NURC (2016) “About NURC” < <http://nurc.gov.rw/index.php?id=83> > (assessed May 26, 2016)

Oomen, B. (2006) “Rwanda’s Gacaca: objectives, merits, and their relation to supranational criminal law” in: R. Haveman & O. Olusanya (eds.) *Sentencing and Sanctioning in Supranational Criminal Law* (Antwerp, Oxford: Intersentia) 161-184

Pillay, S. & H. Scanlon (2007) “Peace versus Justice: Truth and Reconciliation Commission and War Crimes Tribunals in Africa” (Cape Town: Centre for Conflict Resolution)

REDRESS (2012) “Testifying to Genocide: Victim and Witness Protection in Rwanda” < <http://www.refworld.org/docid/50a3a9002.html> > (assessed April 30, 2016)

Rwanda Ministry of Justice (2012) “Gacaca Courts in Rwanda” < [http://www.minijust.gov.rw/uploads/media/GACACA\\_COURTS\\_IN\\_RWANDA.pdf](http://www.minijust.gov.rw/uploads/media/GACACA_COURTS_IN_RWANDA.pdf) > (assessed March 7, 2016)

Skaar, E., S. Gloppen & A. Suhrke (2005) “Introduction” in: E. Skaar, S. Gloppen & A. Suhrke (eds.) *Roads to Reconciliation* (Oxford: Lexington) 3-15

Staub, E. (2010) *Overcoming Evil: Genocide, Violent Conflict, and Terrorism* (Oxford: Oxford University Press)

Thoms, O.N., J. Ron & R. Paris (2008) “The Effects of Transitional Justice Mechanisms” < [http://aix1.uottawa.ca/~rparis/CIPS\\_Transitional\\_Justice\\_April2008.pdf](http://aix1.uottawa.ca/~rparis/CIPS_Transitional_Justice_April2008.pdf)> (assessed April 16, 2016)

Thomson, S. (2013) *Whispering truth to power: Everyday resistance to reconciliation in postgenocide Rwanda* (Madison, WI: University of Wisconsin Press)

Twagilimana, A. (2016) "Historical Dictionary of Rwanda, Second Edition" (Lanham, Boulder, New York, London: Rowman & Littlefield)

Waldorf, L. (2006) "Mass justice for mass atrocity: Rethinking local justice as transitional justice" *Temple Law Review* 79, 1-87

Yin, R.K. (2003) *Case study research: design and methods* (London: Sage)