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Jacqueline Lewis

University of New Hampshire

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research article

Mass Graves and a Thousand Hills: University Student Perspectives on the *Gacaca* Courts in Post-Genocide Rwanda

—Jacqueline Lewis (Edited by Kaitlin Lounsbury)

*Genocide is likely to occur again.
Learning about it is the first step to understanding it.
Understanding it is imperative to respond to it.
Responding to it is essential to save lives.
Otherwise “Never Again!” will remain “Again and Again...!”*

—Kigali Memorial Center

Nearly forty-six years after the United Nations General Assembly declared that genocide “is a crime under international law which [the General Assembly will] undertake to prevent and to punish,” (1) almost one million ethnic minority Tutsi and their Hutu sympathizers were killed in just one hundred days in the small African country of Rwanda. The killings were so carefully planned and implemented that the death rate was three times higher than that of the Holocaust (2). Most killers did not attack with bombs or guns, but used nothing more than machetes. Neighbors killed neighbors, friends killed friends, and families killed families, all in the name of Hutu Power, all with the intention of exterminating every last Tutsi.

The genocide came to an end in mid-July, 1994, when the Tutsi Rwandese Patriotic Front (RPF) gained control of the country. Though the genocide ended and the killings abated, this event served only as the beginning of a long period of post-conflict rebuilding. How do people move on after such atrocities, often while still living side-by-side with the very people who killed their families? Can Hutu and Tutsi ever live together again in Rwanda? The country began a phase of transitional justice, aimed at achieving accountability for the perpetrators, truth for the survivors, and remembrance of the victims.

To help deal with the overwhelming number of prisoners facing trial, the Rwandan government, in 2001, revived and institutionalized the *gacaca* [ga-CHA-cha] courts. This informal, traditional justice system of community trials and judgments emphasizes truth-telling, compensation and reintegration of the accused. Its purpose is primarily to restore community integrity rather than to punish.



*Rwanda is a small, land-locked country in central eastern Africa.
www.pepfar.gov/press/docs/84649.htm*

When I went to Rwanda in the summer of 2009, nearly fifteen years after the genocide, I knew from my research that the *gacaca* courts received both high praise and strong criticism from the Rwandan people (3). I sought to determine whether these courts were being effective in bringing justice and uniting Hutu and Tutsi. To do so, I interviewed thirty-two Hutu and Tutsi Rwandan students at the National University of Rwanda about their views of *gacaca* courts. I wanted to hear what justice meant to them, and to see if their views were influenced by their ethnic identity. Was there a fundamental

difference in Hutu and Tutsi perspectives? Or could these traditional, community courts be viewed independent of ethnic identity?

The university students, whose average age was about twenty-four, were young children during the genocide. Understanding their points of view would help gauge the effectiveness of the courts, which seek to open a new chapter in Rwandan society and usher in a new generation in peace and unity. Furthermore, as an elite 1-2% of the population, university students will one day lead their communities and their country. What will the future of Rwanda look like with their leadership?

At the end of the summer after completing my interviews, I had gained some insight into the effectiveness of the courts in bringing unity. I had also been charged with a mission: to share the dual nature of Rwanda that I observed. We must acknowledge and appreciate the immense tragedy which engulfed Rwanda and the challenges it has yet to face, yet we must also discard the notion that Rwanda is nothing more than a land of mass graves, machetes, and suffering. Rwanda is also the land of a thousand hills, and its people are beautiful, spirited, and loving. As one interviewee told me, "You must make advocacy for Rwanda...we are not a country of killers."

Creation of Ethnic Identities and Enmities

The 1994 genocide did not result from ancient tribal hatreds nor from political chaos. Several factors—the politicization of ethnic identity during the colonial period, the real and perceived threat of RPF invasion from Uganda, and the extremist elites who took advantage of current climates for their own political gain—led to the brutal well-organized and planned campaign of extremist Hutu against Tutsi (4).

There is no real consensus today on whether those ethnic identities have any origin in biological differences or whether they are merely socially constructed. Rwandans told me they can't distinguish on sight between a Hutu and a Tutsi. Many historians believe the identities originally referred to economic status and profession, which can be somewhat fluid (5). Although all groups did not live in perfect social harmony before the colonial era, being identified as Hutu, Tutsi, or Twa (a very small group) took on a whole new, emotionally charged and highly political meaning during and after colonization by the Belgians.

The Belgians gained Rwanda as a colony following World War I and, in the 1930's, issued identity cards for all Rwandans (5), thereby solidifying distinct groups of Hutu, Tutsi and Twa. The Belgians used their own criteria to determine ethnicity by arbitrary facial measurements, deeming more European-looking Rwandans to be Tutsi. The Belgians then promoted the idea that Tutsi were superior; and, although a minority, the favored Tutsi benefited from the power and privileges bestowed on them.

Upon granting independence to the country in 1962, the Belgians, thinking the majority group should be in power, left the country to the Hutu, who had felt oppressed for decades by their favored neighbors. In revenge, the Hutu excluded Tutsi from benefits such as higher education that Tutsi had enjoyed under the colonial regime. During this time and after the last Tutsi king died in 1959, killing of Tutsi by Hutu was prevalent, prompting tens of thousands of Tutsi to flee to neighboring countries.

In 1973, Juvenal Habyarimana, a Hutu, seized power and prohibited those Tutsi who had fled from returning home. A group of young Tutsi, living in refugee camps in Uganda, decided to return home by force and formed an army, the Rwandese Patriotic Front (RPF). They launched a failed military campaign against Rwanda in 1990, but a second attempt in 1993 reached the Rwandan capital, Kigali (6). Peace talks followed, and a power-sharing agreement was signed between the RPF and Habyarimana's government. However, hostility and tensions persisted and elements of the agreement were not implemented, and so the RPF planned a return to war.

Prior to 1994, the groundwork for planning and implementing the genocide was in place. Extremist Hutu recruited, organized, and trained locals in the *Interahamwe* ("to attack together") militias and directed actual rehearsals of the killing (6). Extremist Hutu-controlled radio and newspapers labeled Tutsi as "cockroaches," who were disgusting and needed to be eliminated. Media also promoted the idea in Hutu that attacking Tutsi would not be an offensive measure but rather a defensive one since recent invasions by the RPF showed that Tutsi were bent on revenge and were seeking to eliminate the entire Hutu population. While some Hutu joined the Hutu Power movement readily, others required persuasion by

threats of violence (7). As it became popular knowledge that Tutsi and their Hutu sympathizers (considered traitors) were not to be trusted, the stage was set for the violence that was to come.

The moment that triggered the return to war and the following genocide was the assassination of President Habyarima on April 6, 1994. The mass killings began within hours. Ordinary Hutu Rwandans, organized in the *Interahamwe* militias, had previously drafted lists of Tutsi politicians, neighbors, and friends, as well as Hutu traitors, and began to eliminate them. While the international community argued about how to avoid involvement, the RPF again fought its way to Kigali (8). They reached the city on July 6 and declared a cease-fire twelve days later. By this time, nearly one million Tutsi and their Hutu sympathizers had been slaughtered (6).

Pursuit of Justice

If nearly one million people were killed in a short 100 days, mostly by machete, there must have been a large number of killers. Approximately 120,000 persons were immediately arrested for participating in the killing. The national judicial system could not handle the case load since many judges in the system had been killed or were themselves killers. The United Nations Security Council established categories of crimes and instituted the International Criminal Tribunal for Rwanda (ICTR) to prosecute the most serious of these. The ICTR proceedings take place in neighboring Tanzania, not in Rwanda. Because of this and the ICTR's focus on prosecuting a small number of elite criminals, most Rwandans feel disconnected from the ICTR. They also have little faith in the national system to handle the overwhelming number of cases remaining.

In 2001, the Rwandan government established the *gacaca* courts to help deal with the large number of remaining cases. These courts are rooted firmly in the Rwandan tradition of community participation. Emphasis is placed on truth-telling, community trials and judgment, reintegration, and compensation (9). The expectation—the hope—was that these courts would do more than punish, that they would promote forgiveness and reconciliation, allowing the nation to rebuild and restore.



A *gacaca* court held outdoors on the grass at the village center. The yellow and blue sashes identify the judges, chosen from the community. Courtesy of the National Service of *Gacaca* Jurisdictions of Rwanda. [http://www.sharedhumanity.org/LibraryArticle.php?heading= Gacaca%20Courts](http://www.sharedhumanity.org/LibraryArticle.php?heading=Gacaca%20Courts)

Gacaca trials are held in the communities where the crimes were committed with all the village attending. Oftentimes, the trials are held outdoors, which is fitting since *gacaca* translates roughly to “justice on the grass.” Several *Inyangamugayo*, or “persons of integrity,” are chosen from among the community elders to be judges. Often the accused are from the village itself or surrounding area. Typical sentences depend upon what happens during the trial, demonstrating *gacaca*'s restorative nature. Those who accept the accusations, make an apology, and ask forgiveness of the survivors are often given lesser sentences, which may include community service such as reconstructing houses for genocide survivors. Those who deny or refuse receive harsher sentences, which may mean a return to prison.

There are a variety of perspectives among Rwandans on the effectiveness of the courts. Some view *gacaca* as an opportunity for the rebirth of Rwanda, for offering and seeking forgiveness (3). Others are very critical and point out the weaknesses in the system, especially the role of the *inyangamugayo*, or judge. Some judges have little formal education, which makes running the trial of

highly educated prisoners, such as university professors, a difficult task. In addition, judges, even though they receive some training from the government, usually have no background in law. They are not given a salary for their work, and may be susceptible to accepting bribes. In fact, *The New Times*, Rwanda's leading English newspaper, cited an ombudsman's report naming *gacaca* judges in the top four corrupt elements at grass-roots levels (16). In communities with few survivors, it is even possible for participants in the genocide to be chosen as judges.

While there is emphasis on community involvement, many genocide survivors feel that justice in *gacaca*, with its usually lighter sentences, is not enough. Some Rwandans see the courts as an escape from punishment and warn that this may encourage violence in the future (3). On the other hand, some Hutus may see the court as a vehicle for Tutsi power due to

the neglect of addressing Tutsi RPF crimes against Hutu (10). Some analysts have gone so far as to say that the courts may be perceived as a means of revenge (11).

University Students and *Gacaca*

University students, in a country where only about 1-2% of the population is university educated, are in an important position for the leadership of their country. A Hutu student proclaimed that “we students who are doing our studies at university are supposed to be future leaders of the country.” Another student noted that, while tension with the opposite ethnicity has been internalized in many older people, the youth of Rwanda have a better chance of rejecting past divisive ideologies. “This generation has hope,” he said.

The National University of Rwanda, founded in 1963 in the town of Butare, was devastated by the genocide. It reopened in April 1995, and now has about 8,000 students on a modern campus (12). In 1999 a Center for Conflict Management was opened with the mission “To address the knowledge gap in the field of genocide, peace and conflict studies, and post-conflict reconstruction and reconciliation through conducting research, teaching as well as community services in the form of policy research” (13).



The campus of the National University of Rwanda in Butare. <http://www.nur.ac.rw/>

While on the University campus, I interviewed thirty-two students, twenty-eight of whom were male and four female. (The majority of students at the university are male and were more willing to speak with me.) As Rwandan students typically enter university a few years later than American students, the average age of the students I spoke with was twenty-four, with nineteen being the youngest and thirty-four the oldest. Twenty-seven students were born in various regions of Rwanda; the other five were born in the neighboring countries of Uganda, the Democratic Republic of Congo, or Burundi. As for ethnicity, I can say confidently that sixteen were Tutsi and six were Hutu, while with less certainty I determined that three more were Hutu, four more were Tutsi, and I was unable to identify three.

It was easy to find students to interview as many were curious about seeing a foreigner on their campus and were anxious to test their English skills on a native speaker. Most agreed to my using a tape recorder as well as taking notes as we talked.

I usually met students for interviews at the football (soccer for Americans) stadium on campus. If this area was crowded or noisy, we relocated to a nearby bench on a forest path. For my first interview we sat on the grass in the forest, which I found appropriate for a conversation about *gacaca*, “justice on the grass.”

It was easy to ask for information about age, place of birth and subject they were studying. Much more difficult was inquiring about their ethnic group. In an effort to promote national over ethnic identity, the government actively discourages any discussion of ethnic identities. Since my research depended on knowing if my interviewee was Hutu or Tutsi, I had to find an indirect way to this information. After testing a few suggested methods, I found a way to ask that was effective yet indirect.

I began by asking where the student was born, to determine whether he/she was present during the genocide. Typically, those born outside the country told me that their families fled violence in 1959, and I determined that these students were Tutsi. If the student was born in Rwanda, I concluded that he/she was in the country during the genocide. If these students considered themselves survivors, I considered them Tutsi. If not, Hutu. Today, to be a survivor in Rwanda is to be Tutsi; to not identify as a survivor is to be Hutu. As one interviewee told me, “the genocide survivors are Tutsi. So when someone stands trial, it is clear that he is Hutu. And the family which he comes from, it is obvious that it is also seen in this way.”

I then inquired about the students’ familiarity with and interest in *gacaca*, asking specifically if they had ever attended or participated in a trial and what their experiences were. I posed general questions regarding the effectiveness of *gacaca* in achieving forgiveness, reconciliation, justice, and the unveiling of truth about what happened during the genocide. I followed these questions with more specific ones about the trustworthiness of judges, survivors, and prisoners; the fairness of the trials; and the safety of those who give testimony.

Interviews and Observations

Returning home at the end of the summer I began hours of transcription and analysis of my thirty-two interviews, looking for observations about my research question: Among these University students, did ethnicity influence perspective on *gacaca*? The first observation I made was that, when asked general questions, all students gave highly optimistic and positive answers. These general questions included: Do the courts promote forgiveness? Do the courts bring justice? Is *gacaca* contributing to long-term peace in Rwanda? Does *gacaca* unite Rwandans beyond ethnic classifications? For instance, multiple responders of both ethnicities said that the Rwandan people are reconciled and united because of *gacaca*, that *gacaca* is very effective, and that the courts bring justice. Another, a Hutu, stated “what I can say is *gacaca* is making people, all Rwandans, to feel first [that] they are Rwandans.”

Responses to more pointed, specific questions contrasted with those to the general questions. They were more skeptical and less positive or hopeful. These specific questions included: Do individuals at the trial (survivors, the accused, witnesses) tell the truth? Do these individuals feel secure when they testify at *gacaca*? Do you trust the integrity of the *inyangamugayo* (judges)? One Tutsi student felt that *gacaca* in some ways is meaningless; after all, he said, these trials cannot change his current situation of being without family members who were killed during the genocide. Another Hutu student talked about his family: some of his relatives killed, and others were killed because they refused to participate in the killing. He felt that his relatives who died are not being recognized or remembered in a meaningful way as Tutsi genocide victims are. Hutu and Tutsi students remarked that often it is the perpetrators’ families, who committed no wrong, who suffer the consequences.

It was pointed out by some students, both Hutu and Tutsi, that war crimes committed in 1994 by the Tutsi RPF against innocent Hutu have not been addressed. Most of the students thought that *gacaca* was an inappropriate setting for trying these crimes since the courts were established specifically to address crimes of genocide. RPF crimes were committed by traveling soldiers, so local *gacaca* courts, which take place where crimes occurred, could not easily collect the information and testimony needed for the trial. Therefore, another, perhaps military, court would be better. A few Tutsi students, however, believed that the RPF did not need to face trial at all. One of these students justified his response by saying that the RPF killed “because of sorrow” from discovering that family members had been killed during the genocide. This student went on to say that *gacaca* is about reconciliation, and discussion of these crimes does not belong in these courts.

Although my general questions had produced agreement and hope about what the courts *should* do, responses to specific questions about how trials were actually proceeding were clearly much less positive. Many students discussed serious problems with the courts, among them corruption of the judges, which often leads to false testimony and false judgments; and the danger of testifying for survivors in certain communities. This combination of hope and doubt was expressed by a Hutu student who felt that *gacaca* promoted forgiveness and reconciliation but admitted that sometimes corruption could make judges unable to safely make impartial judgments. A Tutsi student expressed the same; he repeatedly remarked that *gacaca* effectively promotes forgiveness and justice—if it fulfills its objectives. I pressed him further: is *gacaca* fulfilling its objectives? How can you say that the courts effectively promote justice and also acknowledge the major problem of corruption among the judges, which can lead to unfair judgments? He responded, “it [*gacaca*] is trying.” Another student, of undetermined ethnicity, said that “*gacaca* will contribute to the future of Rwanda, where genocide will not occur in any circumstance—if people mean what they say.”

Beyond responding to my questions about *gacaca*, general and specific, the students let me see some effects of this pursuit of justice on their lives. I spoke with a Tutsi man whose girlfriend was Hutu, and with a Hutu man whose relatives were in prison for their crimes, and who was dating a Tutsi survivor. This student expressed a disdain for politics, saying that he tried his best to remain neutral and to stay out of it. He holds no bias against anyone and has no interest in taking sides. I also learned from a Tutsi student that mourning week at the university is an uncomfortable experience for Hutu students. He said that it was so uncomfortable for them to be on campus during this time of remembrance of the genocide that many of them would go home for the week. As they are of a different ethnic group, “they feel guilty,” he said, “. . . and it is a hindrance to our unity.”

After analyzing these interviews, it appeared to me that most, if not all, of the students I spoke with, Hutu and Tutsi, agree with the *vision* of *gacaca*: working to promote truth-telling, justice, and reconciliation. It is in *actualizing* that vision that problems arise: Which trials belong in *gacaca*? How can we ensure that fair trials and judgments take place? How can we make *gacaca* successful and fulfill its objectives? *Gacaca*, like other justice mechanisms aimed primarily at restoring communities, is seemingly leaving Rwanda with “peace in pieces” (14). While this may sound like a failure, it may be unrealistic to hope that such an idealized vision could ever be achieved. Can we really expect that all survivors, some of whom lost all of their immediate family members, will truly forgive their killers? That all killers will accept their crimes and repent from the bottom of their hearts? *Gacaca* has made great strides, despite its flaws, and there is much more to be done. This will require the active participation of all Rwandans, who “should feel that [s/he] is responsible for what happened, and [s/he] is also responsible for finding solutions of the problems that Rwandans experienced,” as one student remarked. Doing so, these students, as future leaders, can contribute to rebuilding peace in their country, one piece at a time.

The Road Forward

These interviews with students have given me some perspective on *gacaca* and the views of future leaders of the country. Rwanda today is in an auspicious moment; it has come great strides from the tragedy of 1994, though there are still great challenges remaining.

Currently, Paul Kagame is president of Rwanda. Kagame grew up in Uganda as his family had fled following attacks against Tutsi around 1959. There he played an important role in forming the RPF and led the invasion in 1994 which took control of the country and stopped the genocide. He was a member of the post-genocide government and assumed the role of president in 2000, upon deposition of the former president. He was elected to the office in a landslide victory in the first national elections held in 2003. He pursues an aggressive agenda of rehabilitation both within the country and internationally. At the same time, he is known internationally for Rwanda’s involvement in bloody wars in neighboring Democratic Republic of Congo, initiated because of threats by groups of extremist Hutus who fled there after the genocide.

Although he is hailed by Rwandans as a hero for his role in ending the genocide, some feel his government keeps too firm a hold on the country. There will be elections next August (2010), and already there is suspicion regarding the treatment of opposition candidates.



The author on the left of now Vice-president Biden and to the right of now President Obama during the NH Primary.

The thirty-two students I was privileged to interview had mostly hopeful views of their country’s future. One Tutsi student pointed to the strength and perseverance of survivors: “survivors are very, very, very passionate. To live, to continue, to hear...and to confront the people who killed them during genocide.” The same student had encouraged me to advocate for his country, “a country of beautiful people.” Other students were so confident about *gacaca* and their future that they hoped other countries struggling through conflict would someday adapt *gacaca* to solve their problems. The students have

such a progressive and optimistic vision for their country that, despite the serious issues they mentioned, they truly believe the future will only bring better things.

Such potential for incredible growth and rebuilding after unfathomable tragedy drives me to continue with this research and activism. I began this journey from an empathetic stance of caring for the lives of others, and with the recognition that such caring would lead me to attempt to understand why so many lives were lost. This is what led me to my involvement in STAND, the student-led division of the Genocide Intervention Network, both at UNH for the past three years and on the national leadership team this spring (16). This is what led me to my research and eventually to Rwanda.



*Some of the thousand hills of a beautiful country.
Courtesy of Aliza Luft.*

While in Rwanda, I attended a remembrance ceremony in Kaduha village. I stayed awake through the night and into the next day, standing with survivors of the massacre that occurred there just fifteen years ago. I stood as they gathered around the fire, holding candles for those loved ones lost, speaking about their suffering, choking, heaving, wailing, collapsing from trauma. They sang *ibuka, ibuka--remember, remember--when you were alone, remember when you were abandoned.*

Later, I attended a *gacaca* trial of an elderly woman accused of recruiting and organizing killers during the genocide. After the trial concluded and she received life in prison with total isolation from visitors and even other prisoners, one woman approached the group I was with, saying that she knew the woman was innocent but that she felt threatened and feared defending her. These experiences

gave me insight into the depths of tragedy which occurred in this country, and made me acknowledge the great challenges these people and this society have yet to overcome.

At the same time, teaching card games to the students I befriended, practicing my minimal Kinyarwanda language skills on local children, and meandering off the beaten path through rural villages lined with rice paddies and fish ponds are the experiences which remind me that Rwanda is not a country of killers and mass graves. I can find hope in the beauty and vivacity of the life and culture of Rwanda. I can find hope in the way that I have seen both Tutsi and Hutu students express their commitment to the future of Rwanda, to overcoming the challenges they have yet to face, and to building peace one piece at a time.

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Author Bio

*As a senior political science major with minors in both philosophy and religious studies, **Jacqueline Lewis** has a passion for international affairs, especially in locations experiencing political and social unrest. Actively involved in STAND, the anti-genocide group at the University of New Hampshire, she has a particular interest in genocide prevention and resolution. These interests led her to Rwanda in the summer of 2009, funded by a grant from UNH's International Research Opportunities Program. A main reason for her research and article for Inquiry is to show people that Rwanda "is not a country of killers," as many might believe. Following graduation, she hopes to go to Washington, DC for an internship in international affairs and conflict prevention or join the Peace Corps before going on to graduate school. In the future, she plans on staying involved in research and political activism.*

Mentor Bios

***Alynn J. Lyon** is an associate professor in the Department of Political Science and has been with the University of New Hampshire for the past six years. She has mentored numerous students, both for individual research projects and through her role as a faculty advisor for the UNH Model United Nations. She has chaired the Ethnicity, Nationalism and Migration section of the International Studies Association and been vice-chair of the Human Rights section. Her research work focuses on international relations, peacekeeping, and conflict resolution, making her an ideal mentor for Jacqueline Lewis. Dr. Lyon especially appreciated learning about post-genocidal politics in Rwanda during the course of Jacqueline's project.*

*Professor **Paul Rutayisire**, Jacqueline's foreign mentor for her IROP research, is Director of the Center for Conflict Management at the National University of Rwanda, located in Butare-Huye. He teaches and does research in the history of Rwanda and East Africa, the history of the Catholic Church in Rwanda, genocide against Tutsi, and post-genocide reconstruction in Rwanda. He helped Jacqueline plan and carry out her field research by identifying information resources, discussing her questions, and recommending her to key people and offices. Professor Rutayisire, having been a mentor before, is concerned that young researchers may be "prisoners" of theories they read in their home countries, which in most cases are put forth by people with no direct knowledge of the local context. These theories can then distort what they find in their field, on-site research.*