Post-Genocide Rwanda's Struggle to 'Never Forget' and Move On

https://www.e-ir.info/2021/04/30/balancing-on-a-knifes-edge-post-genocide-rwandas-struggle-to-never-forget-and-move-on/

NICO EDWARDS, APR 30 2021

Societies face a hefty task in harmonising the memorialisation of historical wrongs with efforts to transcend histories of violence. To address this conundrum, this paper seeks to interrogate the politics of transitional memory through a discussion on post-genocide Rwanda. Through exploring Rwanda's interwoven politics of justice and memory since 1994, the paper locates two overarching themes central to transitional societies' ability to *heal while remembering*: the necessity of pursuing hybrid and holistic forms of justice; and the importance of not silencing selected accounts in the production of formal memory through manipulating or blocking facets of past conflict to serve particular socio-political interests during transition. In short, the dispensing of survivor's justice and avoidance of serious inconsistencies between public and private memory are fundamental to a transitioning society's capacity to 'never forget' while moving on. Rwanda has achieved an impressive hybrid transitional justice apparatus, far more attuned to providing justice on behalf of survivors than what many other transitional societies can boast. Nonetheless, the construction of public memory in Rwanda continues to suffer under projects of state- and nationbuilding, which are more concerned with the consolidation of power than facilitating durable frameworks for reconciliation. This necessarily impedes Rwanda's full recovery from the conflictual past that enabled the genocide in 1994.

The Politics of 'justice' versus the politics of 'moving on'

Before heading into the particular transitional justice dynamics of post-genocide Rwanda, it is important to first linger briefly on the ways in which the politics of justice, memory and even 'moving on' have been understood conceptually. What forms of justice are pursued and how, occupy a central role in shaping how a transitioning society remembers and solidifies its memory of historical wrongs, and how the categories of perpetrator and victim are defined within justice practices weigh heavily on the collective experience of 'moving on' (Mamdani 1996). This is why 'holistic approaches to transitional justice' (Clark 2010, 48) and striving for 'survivor's justice' (Mamdani 2010) are integral to a society's pursuit of peace, justice and durable reconciliation. Implementing transitional justice through a 'system' or 'hybridity of institutions' from local to international courts, which perform 'multiple political, social and legal' tasks, enables the 'holism' necessary in responding to the manifold needs of a post-conflict society (Clark 2010, 48). This includes accommodating 'the various physical, psychological and psychosocial needs of individuals and groups' amid the 'social rupture' caused by conflict (Behrouzan 2016; Clark 2010, 48). It also involves pursuing a hybridity in objectives, balancing retributive with restorative and distributive with procedural forms of justice (Gibson 2002). Holism should therefore tailor justice objectives to the requirements of survivors rather than the interests of a victor, given that the former 'insists on distinguishing right from wrong, [while] the other seeks to reconcile different rights' (Mamdani 2010, 63).

The politics of 'justice' is furthermore linked to the related politics of 'moving on'; justice practices can both serve to hinder or facilitate a transitional society's process of moving on from its conflictual past. Central to the notion of 'moving on' in the context of state and society, are various forms of remembrance practices. Remembrance practices are by definition 'political [processes]' wherein 'certain memories (and not others) are spun into a coherent story, [legitimising] and [de-legitimising] certain actions' (Selimovic 2013, 335). Commemoration is a key example of a remembrance practice, such as found in the erection of monuments or statues, the announcement of commemoration days, or, simply, the establishing and curation of war and conflict museums. Importantly, forms of commemoration

constitute sites 'used both for mourning and for making politics' (ibid). The formal narratives of conflict which come to be institutionalised as public memories through various forms of memorialising are thus necessarily selective, often diverging from communal/vernacular or personal/individual accounts of the past (Bosch 2016, 4).

In the 'rush to memory' characterising post-conflict political transitions, spaces of remembering risk entrapment within state and elite 'abuses' of memory – that is, such spaces risk becoming trapped within the historical narratives favoured by those in power during the transition. In the taxonomy of Ricoeur (2002), memory can be abused through 'thwarting', 'manipulation' or 'enforcement'. Each of these processes (or practices) constitute ways of making memory which 'depart from reality' (Lemarchand 2008, 69). Interrogating the production of formal memory as part of larger state/nationbuilding projects and juxtaposing it to vernacular and individual remembrance, is integral to understanding whether a society is remembering *while* moving on, or if hegemonic forms of memorialisation instead serve to exacerbate historical tensions. Whether a post-conflict collective memory successfully '[interlinks] local memory … with national memory' (Haugbolle 2005, 191) or sustains a 'lacuna' between public and private memory, has significant bearing on a transitioning society's prospects of entrapment or transcendence.

The Politics of Transitional Memory in Rwanda

Setting the scene

Despite the formal cessation of civil war in 1993 between the Rwandan Hutu government and the Rwandan Patriotic Front (RPF) – a rebel opposition consisting of mostly Tutsi refugees –, the 100-day genocide against Tutsi transpired between April and July 1994 (Newbury 1995; Palmer 2012, 3; Straus 2006). Hutu power elites mobilised the ethnic divisions institutionalised under Belgian colonial rule and utilised the state apparatus to thoroughly plan and facilitate the execution of mass violence serving to neutralise mounting threats posed to their previous hold on power (Desforges 1999; Longman 1995, 6; Straus 2006, 22). Being Tutsi was equated with being a rebel and all Hutu citizens were instructed to 'exterminate' their Tutsi neighbours or any Hutu and Twa not loyal to the former state, resulting by July in over 800,000 dead (Desforges 1999, 17; Mutwarasibo 2017).

In mid-July, the RPF together with the Rwandan Patriotic Army (RPA) seized control of the country and declared its military victory. The following November, via the UN Security Council Resolution 955 the International Criminal Tribunal for Rwanda (ICTR) was adopted, mandated to preserve international peace and security and contribute to national reconciliation through prosecuting 'remaining ex-government fighters and *génocidaire*s on the borders of the Rwandan territory' (Palmer 2012, 4). Concurrently, Rwanda undertook a program to reform and bolster its national judicial system 'pursuing a "policy of maximal accountability"' in trying genocide perpetrators' (ibid, 12). To deal with the large number of detainees and overcrowding prisons, the Rwandan government implemented nation-wide *gacaca* courts to put lower-level genocide suspects on trial and, effectively, to 'clear the [growing] backlog of genocide cases' (Clark 2010, 50-51). *Gacaca* constitutes a community-based court system that emphasises restorative justice forms, including the promotion of victims' forgiveness, ownership of guilt by those found guilty, and community reconciliation (ibid, 52-56). Though brief, this paragraph gives an empirical backdrop to the context in which the struggle over transitional memory in post-genocide Rwanda has taken place.

Voicing survivors' justice

The largely punitive emphasis of Rwandan post-genocide justice forms has caused many to understand Rwanda as a case of 'Justice without Reconciliation' (Mamdani 1996). The overall emphasis on retributive justice, however, must be juxtaposed to the 'holism' enabled through the hybridity of institutions and objectives active in Rwanda. Despite internal bickering over the activities of other courts – such as the ICTR dismissing *gacaca* as unprofessional and biased sites for communal dialogue (Palmer 2012, 17) –, reckoning with the 1994 events across local, national and international levels provided a useful way of distributing transitional tasks. Instead of giving way to 'polarised debates about "local" versus "international" responses to conflict and "restorative" versus "retributive" justice' (OHCHR 2007, 69) Rwanda saw to each.

Above all, one should take care not to dismiss *gacaca* solely as a cog in the RPF policy-machinery, blinding oneself

to the complex displays of citizen agency within *gacaca* practices (Clark 2014). If seeking survivor's justice fundamentally relies upon 'bringing the peasants back' into – that is, integrating and including the voice and presence of the everyday citizen into the post-genocide justice process – and taking stock of victims' testimonies in constructing the transitional justice apparatus (Waddell and Clark 2008), *gacaca* is deserving of significant praise (Clark 2010; 2014). *Gacaca* constitutes a traditional-modern hybrid combining customary forms of reconciliation with post-genocide needs for hearing (procedural justice) and sentencing (punitive justice) genocide perpetrators en masse (Clark 2010). In laying out the main objective of the courts, many *gacaca* practitioners heavily emphasised 'the pursuit of "truth"' and the need for providing communities and families with basic understanding of the conflict, including perpetrators' disclosing of burial sites (Palmer 2012, 18-19). Clark's (2010, 164-65) substantial research on 'the *gacaca* journey' demonstrates the degree to which *gacaca* has operated through popular participation rather than elite mediation, facilitating dynamic forms of 'truth' as negotiated and arising through communal dialogue. Yet, the 'formal constraints' imposed by *gacaca* judges, state supervision and respecting Gacaca Law ensure that 'the largely unrestricted popular participation' does not render *gacaca* a form of 'mob's justice' (ibid).

The balancing of retributive with 'voice-based' justice (Gibson 2002, 543) made possible through the three levels of courts in Rwanda, hold great potential in bringing about a durable post-conflict societal memory. Nonetheless, a central dilemma faces Rwanda's post-genocide pursuit of justice pertaining to the production of a formal narrative wherein the government is exempt from accountability while omitting forms of suffering unimportant to the 'One Truth' preferred by the state.

Statebuilding through commemoration

Across Rwandan public memory the spirit of 'never again' through 'never forgetting' is striking. Various forms of state enforcement upon Rwandan collective memory 'the One Truth' about the genocide are illustrative of the statebuilding backdrop to post-1994 remembrance. This 'Truth' centres on: the divisiveness of colonial legacies; the Catholic Church's complicity in the colonial project and later in supporting post-independence Hutu rule; Hutu leaders' orchestration of and civilian docility in executing the genocide; RPF/RPA heroism juxtaposed to the international community's powerlessness (Desforges 1999, 39; HRW 2008; 36; Jansen 2014, 203; Thomson 2014). This narrative makes itself heard in the story told at the country's largest memorial, the Kigali Genocide Memorial Center. Displaying the 'official understanding' of the genocide, the Museum repeats 'the Truth' noted above, effectively '[giving] priority to certain memories' while 'Hutus who have memories of violence perpetrated by the RPF, [and] Tutsi, and ethnically mixed Rwandans whose memories contradict the narrative upon which the RPF legitimates its position, are silenced' (Selimovic 2013, 345; Steele 2006). The museum's memory work consequently reveals the production of 'a post-genocide national narrative which involves a closely orchestrated selection of memories and the construction of a collective identity … based on civic rather than ethnic identity' (Selimovic 2013, 345).

This meta-narrative must further be situated within wider policies of not only controlling public memory but also supressing political opposition, to which the implementation of a civic rather than ethnic identity pertains. Recent additions to the Rwandan penal code have outlawed 'divisionism' or 'genocidal ideology', denoting any actions or rhetoric potentially stirring up ethnic or other tensions (Hintjens 2008; HRW 2008; Lemarchand 2008). 'Ethnicity' has further been removed from schoolbooks, government identification cards, and purged out of former Hutu fighters through re-education camps (Lemarchand 2008, 66; Lacey 2004). Yet, attempts to erase ethnic affiliations and foster civic identities have occurred within a context where state practices and local experiences are still moulded along lines of division, some transformed by the post-1994 context and others closely resonating with enduring historical grievances. Examples of the latter would be: the RPF's operationalisation of divisionism to quell government dissent, falsely accusing and jailing opposition parties and journalists 'for being too divisive' (Hintjens 2008, 18; HRW 2008; Lacey 2004); returning Hutu convicts' experiences of harassment by survivors (Clark 2010, 114); or the lingering ethnic tensions arising from contestations over land as refugees or detainees return home to find new residents or other returnees squatting in their property (Hintjens 2008, 13; Mamdani 1996). These tensions are then exacerbated by the state's unwillingness to admit to RPF war crimes vis-á-vis people's inability to hold government officials accountable for the widespread killings of alleged Hutu collaborators during and after the genocide (Hintjens 2008, 23; HRW 2008, 36;). As demonstrated in the testimony of Alphonse, a Hutu *gacaca* detainee: '"Some friends found [the bodies of my father and brother] lying on the road …, RPF soldiers had come through the marketplace… I've seen

the same soldiers come back here, even this year [in 2006]. It's like they're mocking us"' (Clark 2010, 121).

Consequently, the institutional erasure of ethnicity as part of state efforts to reinvent Rwandan society cannot be extracted from a larger political culture of maximising government legitimacy. Simultaneously imposing the 'One Truth' while outlawing 'divisionism' serve to cause a critical dissonance between public and private memory. Heeding Haugbolle's (2005) warnings of the risks inherent in enforcing any form of 'social amnesia' in transitioning from conflict, the Rwandan case demonstrates the dangers of pursuing a top-down 'ethnic amnesia' (Lemarchand 2008, 73) while failing to address the regime's history of violence in the construction of public memory. The point here is not to deny the legitimacy of regulating hate speech or propaganda that provokes divisive sentiments. Rather, the socio-political and legal opportunities provided to the state through penalising any 'truth' divergent from the formal memory of 1994 comprise significant cogs in the government's strategies to annihilate political dissent. These strategies are not external to larger productions of public memory through which the genocide is remembered 'by the nation' and people are told what forms of accountability to seek, how to grieve, and what constitutes a 'new' Rwandan identity (Hintjens 2008; Selimovic 2013; Steele 2006). Instead, such strategies prove central to understanding how the post-genocide politics of memory perpetuate state-citizen inconsistencies in remembering, and fuelling remaining inter-ethnic grievances.

Memory, dissonance and contestation

National forms of *never forgetting* in Rwanda are thus complicit in the manipulation of collective memory to serve the consolidations of state power. There are some insights to be read from Lemarchand's (2008, 69) position that 'a sustained effort to recognise the profound ambivalence of the notion of guilt' is profoundly lacking within Rwanda's RPF-moulded official memory. As noted by Clark (2010, 123) many Rwandan families 'still saw *gacaca* as a one-sided process that ignored crimes committed against Hutu during and after the genocide.' When issues of Hutu deaths in the immediate aftermath of the genocide were raised in *gacaca* hearings the response was that '… these were irrelevant cases for *gacaca* because they did not concern genocide crimes against Tutsi' (ibid, 121-22). Similarly, when '"some Hutu women complained of rape during the genocide … the judges just ignored them. At *gacaca*, Tutsi women can talk about rape but not Hutu women"' (ibid, 123). The blocking of Hutu accounts of suffering similarly surfaced in relation to the official memorial month occurring yearly in April, '"the Hutu people here say, I need commemoration for *my* family during the period of revenge [after the genocide]"' (ibid, 127). Nonetheless, others contest the extent to which *gacaca* has cemented Hutu-perpetrator and Tutsi-victim categorisations. Rather than institutionalising 'the collective guilt of all Hutu', one Hutu *gacaca* judge argues that '*gacaca* has allowed for crucial differentiation among individuals' (Palmer 2012, 19-20). Importantly, the understanding among *gacaca* practitioners themselves as being servile to the discovery of local 'truths' rather than the meta-narrative of the state, again recognises people's agentive interaction rather than taken for granted acquiescence with the state's 'Truth' (ibid, 19).

Conclusion

Manipulation of genocide knowledge in the regime's remembrance practices, as highlighted in the lack of public acknowledgement of RPF crimes and the unwillingness to commemorate Hutu experiences during and after the genocide, cause serious dissonances between public and private memory. The equation of RPF with heroism, Hutu with perpetrator and Tutsi with victim in the moulding of public consciousness while simultaneously attempting a top-down annihilation of ethnic divisions, further inhibits durable reconciliation in Rwanda. However, it is important not to exaggerate the rule of structure over agency or society over individual, in dealing with the complexities of transitional memory. Acknowledging the citizen agency vibrating through *gacaca* situates 'the peasants … as more than simply passive ciphers or resisters' (Clark 2014, 209) to the state's construction of public memory. In this light, statebuilding efforts to impose 'the One Truth' about 1994 appear feebler. The 'holism' of Rwandan transitional justice intimates a rare kind of survivor's justice challenging claims that view Rwanda as a case of Justice without Reconciliation. Nevertheless, given the unwillingness of the state to look past its own preservation of power, the pursuit of national unity and a 'civic' identity through the various policies of '*Plus jamais!*', are doomed to engrain Rwanda in, rather than uproot her from, a conflictual past prone to erupt.

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About the author:

Nico Edwards earned a BA (Hons) International Relations and Social Anthropology and an MSc in International Politics at SOAS, University of London.