

Part 1.**Summary.**

”The national reconciliation in Rwanda through local conflict management.”

Is it possible for the people of Rwanda to restore trust and confidence, and create mutual reconciliation, after the genocide?

The methods used in this post-graduate thesis, presented as a report, are mainly based on qualitative techniques, mainly profound interviews, but also on site visits, observations and studies of literature. The persons interviewed, more than 30 altogether, represent Rwandans and non-Rwandans at different levels, situations and positions both during the genocide and after. They represent different organisations in Rwanda and outside, including the United Nations. This method has been chosen as it was considered the best and most reliable way to have accurate information about what happened then and afterwards up to the present, and what is expected and hoped to happen in the future. The interviews are done directly with some persons in English and Norwegian, but also with the help of translators in French and Swahili, which was a condition for the successful application of the chosen method.

The solutions to the Rwandan problem, public, social and community wise need to succeed to achieve reconciliation. They are dependant on a successful handling of all processes at all levels, like the gacaca process, and the process of political, constitutional, legal and social character and also the challenges linked to the expected huge increase in population.

The work with this report was finished May 2nd 2002

Preface.

Rwanda, the small and beautiful country of the “Thousand hills” was known to the world due to the tragic circumstances of April 6th, 1994.

Terrible pictures showing massacres of big groups of the population were broadcast all over the world. The world was shocked. But when the media could no longer show new and even worse pictures or worse situations, as it was impossible to get any worse, the journalists retired in the hunt for new scoops and the world lost interest in Rwanda. Suddenly it was a forgotten country and a forgotten people, - or is it a wish inside ourselves that we do not want to know that this kind of cruelty can be committed by human beings, - and that we all have some kind of responsibility for what happened? Myself, I watched the news on the Norwegian television, and some months later, August 1995, I was there! At that time there were Peace Keeping forces from 27 UN nations, without any kind of health services. The UN secretary general, Kofi Annan asked the Norwegian authorities to mobilize a field hospital on 72 hours notice to go to Rwanda. I was requested to join this NORMED mobile field hospital and was given a deadline to answer of 3 hours. After 1½ hours everything was cleared with my family and my employer, the hospital (Buskerud Central Hospital). I had been working there as a practical nurse for 10 years in the paediatric ward, although the last years as an elected member of the hospital steering committee and as such a member of the hospital administration. Both of my qualifications were in demand, and it was on the basis of these I was asked.

After the end of the commission I returned to cold Norway on New Year’s Eve, a big contrast to Rwanda. The time I stayed in Rwanda had changed me as a person. To work in the bureaucracy of the hospital and health systems in Norway became impossible for me. And I changed my work and entered into an administrative position in the Norwegian Red Cross. I had been captured by an interest for human rights, humanitarian questions and the role of different cultures and religions on a local, regional and national level. In the autumn of 2000 I started a four module study over two years, “Human Rights, Multicultural Understanding and Conflict Management”, at the Buskerud University College. It was a very welcome opportunity!

Already at the start of these studies I knew that my thesis had to be about Rwanda. On the study travel to Rwanda I was accompanied by three fellow students, but the thesis, “ The national reconciliation process through local conflict management” is written by me alone.

I am grateful to all the persons that have contributed to the report, especially my partner Gunnar, who has been supportive when I have been sitting hour after hour with books, at the PC. He joined the group to Rwanda as interpreter, and was always willing to discuss the different questions that arose on the Rwanda issue. Furthermore I am grateful to my two grown up sons who have seen little of their mother during the period of study, and never got invitations for dinner. Further I wish to express my gratitude to my employer. The Norwegian Red Cross have given economical support to the studies and the study tour, and to my colleagues at my office who with great good humour have accepted the increased amount of work due to my absence during periods. Last, but not least, I thank my professor in charge, Lars-Petter Soltvedt, for the inspiring lecturers and my fellow students at HIBU (Buskerud College University)

Table of contents:

Part 1:

Summary	.....Page	1
Preface	.....	2
Table of contents	.....	3
Abbreviations and selected dictionary	.....	4
Introduction	.....	9
Theme and definition of problems	.....	9
Background and purpose of the inquiry	.....	9
Choice of method and accomplishment	.....	10
Structure of the report	.....	12

Part 2

Facts about Rwanda.	.....	13
The genocide in Rwanda	.....	18
Reconciliation.	.....	20
Means and methods of reconciliation.	.....	22
The importance of information.	.....	29
Gacaca process and courts	.....	33

Part 3

Conclusion	.....	41
List of references and literature	.....	44
List of interviewed persons	.....	48
Appendix	.....	51

Abbreviations and selected dictionary (words in *Italics* are also to be found in the alphabetic list)

Akazu	Clan with heavy influence and indirect political power, and with it's own death squads. Organized in <i>Butare</i> . Consisting of professors and researchers in philosophy and history, and some intellectuals
Arusha	Town in Tanzania where the ICTR is located
Arusha-agreement	Peace agreement between the Rwandan government and the <i>RPF</i> in 1992, with the intention of starting a democratic process with elections and social and economical development
ASF	Avocats sans frontières, lawyers without boundaries
Assemblée Nationale de	Transitional parliament instituted after the genocide in 1995 and to continue till the new elections August 2003. (Comment August 2003: The

Transition	presidential election was won by Kagame, with 94,9% of the votes)
Burundi	The neighbouring country of Rwanda to the south
Butare	The main university town of Rwanda
CDR	Coalition pour la défense de la République, political party, extreme Hutu
Celle	The most local administrative structure of society, comparable to a 10-house group or neighbourhood. The lowest level of the <i>gacaca</i> system
Congo, The Democratic Republic of -	Country to the west of Rwanda. Formerly Zaire. In French RDC
CUR	Commission de l'Unité et de Réconciliation, Commission for Unity and Reconciliation
District	Second highest administrative structure of society, comparable to county. Also the second highest level of the <i>gacaca</i> system
DRC	Democratic Republic of Congo
FACT	Forum des Activistes Contre la Torture, an anti-torture organisation
FPR	Front Patriotique Rwandais, same as <i>RPF</i>
Gacaca	Public court of law, literally meaning "they who sit together and talk"
Genocide	Murder of population groups for political reasons, as defined by the UN resolution 96 of December 11th 1946
Gisenyi	Town in the north-west part of Rwanda, on the border of the Democratic republic of Congo, <i>DRC</i>
Hotel Milles Collines	Hotel in Kigali with a position as a free state during the genocide. Not to be confused with the radio station of the same name
Hutu	Formerly a majority population group in Rwanda constituting approximately 85% of the population, mostly with agricultural background
Hutu Power	Political group of extreme <i>Hutus</i>
Hutu manifest	See <i>Manifeste des Bahutu</i>
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda, in French <i>TPIR</i>
Identity cards	Introduced by the Belgians in 1933, to classify and segregate between

	Hutus, Tutsis and Twa
IDP	Internal displaced persons, refugees in their own country
IHR	International Human Rights
Interahamwe	Hutu militia organisation
Interfaith	Humanitarian organisation, tasked to help political prisoners back to society after doing time. Established as an idea and after initiative of church related organisations in Norway.
Internews network	Foundation working with information on the <i>ICTR</i> in Rwanda
Kigali	Capital of Rwanda from 1965
Kinyarwanda	National language of Rwanda
Kirkens Nødhjelp	The Norwegian Church Aid, Norwegian humanitarian organisation based within the church and with projects in Rwanda
LIPRODHOR	Ligue Rwandais pour la Promotion et la Défence de Droigt Humaine The only independent human rights organisation in Rwanda
Manifeste des Bahutu	“The Hutu manifest” made public in 1957, demanding political and economical power and justice to the Hutus, and also the right to education
Massacre	Undiscriminating killings of any group of persons.
Milles Collines	The thousand hills, pet name of Rwanda. Also used in other contexts, as the radio station and the hotel with the same name
MRND	Mouvement révolutionnaire National pour le Développement, political party, extreme <i>Hutu</i> , the “Revolutionary national movement for development”
MSF	Médecins sans frontières, Medicine without frontiers
Mwami	Indication of a Tutsi king
NGO	Non-governmental organisation
NORMED	Name of the Norwegian field hospital in Kigali 1995-1996
Norwegian Church Aids	See <i>Kirkens Nødhjelp</i>
Norwegian People’s help	Norwegian aid organisation with different projects in Rwanda.
Ntarama	Village with a church where 5000 seeking refuge were <i>massacred</i>

NUPI	The Norwegian Institute for Foreign Policy
Nyamata	Village with church where 10 000 refugees were <i>massacred</i>
Nyanza	The seat and capital of the Rwandan kingdoms
OAU	Organization of African Unity, an African organisation of co-operation organized after the European Common Market model, to work on political and economical matters
Operation Turquoise	French, doubtful military operation in southern Rwanda at the end of the genocide
PARMEHUTU	Parti du Mouvement de l'Émancipation des Bahutu, the political party for the liberation movement of Rwanda, an extremist party of Hutus founded 1959
Pères Blancs	The White Fathers. The first missionaries entering Rwanda at the beginning of 1900. They started building schools and got almost a monopoly of the education in Rwanda at the beginning of the 20th century. They were mostly French, but also some Germans, Belgians and other European nationalities
Province	The highest administrative structure of society, comparable to a region. Highest level in the gacaca system
PSD	Parti Social-Démocrate, the social democratic party
RCHR	Rwanda Commission of Human Rights
RPA	<i>Rwandan patriotic army, associated with RPF</i>
RPF	Rwandan Patriotic Front, the present party of government. (comment August 2003: Also after the election August 2003). In French <i>FP</i> .
RTML	Radio Télévision Libre de Milles Collines, local radio station, very active during the genocide, also called the "hate radio"
Ruhengeri	Town and <i>district</i> north in Rwanda. A place with strong influence of <i>RPF</i> and a site of many disturbances and riots
Rwanda-Urundi	Name of the original German protectorate from 1885, comprising Rwanda and present day <i>Burundi</i>
Secteur	Second lowest administrative structure of society, comparable to a municipality. Second lowest level in the gacaca system

Security Council, The -	The UN Security council. Some members have a permanent seat, others are elected for a certain period. Rwanda was elected to a non-permanent seat in 1994
Tanzania	The country on the east border of Rwanda
Terror	Typical means of terror are death squadrons, disappearances, clear-outs
TPIR	Tribunal Pénal International Pour Rwanda, same as English <i>ICTR</i>
Tutsi	Earlier recognised as a minority group in Rwanda, ca.12% of the population, mostly intellectuals and cattle owners
Twa	Population minority consisting of Bantus and Pygmies, representing 2% of the population
Uganda	Border country to the north of Rwanda
UNAMIR	United Nations Assistance Mission for Rwanda, the peace keeping forces in Rwanda
UNAR	Union Nationale Rwandaise, Tutsi party, started 1958 with purpose to make a fast realisation of liberation based on the tradition of Rwandese Kings
UNOMUR	United Nations Observer Mission Uganda-Rwanda, the observation corps of UN for Rwanda and Uganda, later included in the <i>UNAMIR</i>

Introduction:

Subject and approach:

Is it possible for the Rwandan population to restore and rebuild trust and confidence, and create mutual reconciliation after the genocide of 1994? More than 1 million people were killed and a much larger number was mutilated and injured. An important element in the reconciliation is the court process at three levels working in parallel: the UN International Criminal Tribunal for Rwanda based in Arusha in Tanzania, the traditional civil court system of Rwanda, and the local gacaca processes. The gacaca has been an old Rwandan tradition for many centuries, now being revitalized and put into action. Another element of great importance is how clever the authorities are in creating a favourable atmosphere to enable the other processes necessary for a successful reconciliation, it has to be based on respect for human rights and democratisation.

The main subject of this report is to elucidate the reconciliation in three different arenas:

- Means and methods of reconciliation.
- The importance of information and the role of media
- The gacaca courts

Background and purpose of the investigation:

Is it possible for the Rwandan population to restore and rebuild mutual trust and confidence after the genocide in 1994? As I was left with a lot of strong impressions during my engagement for UNAMIR at the NORMED field hospital, and also during the work with and in the local population, especially at children's nurseries, it is of the greatest interest for me to follow the processes of the Rwandans in their struggle to be able to live side by side after the atrocities they have experienced. It is interesting to see what has been done, and which strategies and means are being used, especially within Rwanda, to create justice and reconciliation, It is equally interesting to

see if it is possible to find new methods and angles to improve the internal processes, and also what concrete contributions other countries, in my case primarily Norway, can give in the further process of reconciliation.

To fully understand the challenges that have to be resolved, it is important to bring in the historical perspective. By comparing the knowledge obtained from studies of literature, from our study tour with the interviews and on site observations and my own experiences during my work there in 1995, I have been able to make a description of the situation today. This can maybe initiate some new ideas on how the international society, and being Norwegian, especially Norwegian authorities, organisations and individuals, can play a role in the process of reconciliation. Hopefully this can make a small contribution to help the Rwandan people in the difficult task of reconciliation. If this succeeds these solutions can even be helpful in conflicts in other parts of the world and hence be solutions that can be applied globally.

Nobody wishes that the atrocities in 1994 should ever happen again. The group therefore wanted to study how the different elements of the reconciliation process are interacting, and to see if they can contribute to a process and development that can be both peace creating and peace keeping. To be able to see the processes in a proper context it is important to have the historical perspective when interpreting the situation during the genocide and the time after.

We have also studied the importance of the different processes in the different court systems in the reconciliation. It is also important to point out what the Rwandans themselves have to do, what contributions the international society can make, and see how these factors can influence the reconciliation. During the interviews we asked questions concerning the notions of justice, truth and reconciliation, but also questions concerning how to make a peaceful society in the future. Exchange of experiences, both nationally and internationally, has to be done in a constructive way to contribute to avoiding future fractures on the principles of human rights. Then this can become peace creating and peacekeeping.

Choice of methods and accomplishment.

We have tried to learn about and show the complexity of the problems through studies of literature (see list) as well as qualitative techniques as profound interviews and personal observations and registrations.

Studies of literature:

Throughout the studies at the University college of Buskerud, focus has been on human rights, conventions and fractures on the international conventions. During all the four modules of this study, topics have been of a character that has made it natural and logical to use Rwanda as an example. For this reason and also my special interest in the population and people of Rwanda, I have read and compared newspaper articles, chronicles and books on Rwanda. The subject has not been covered extensively neither in Norway nor internationally, but important books have been obtained from the USA and England and with a special thanks to Linda Melvern, at The Documentation Centre for Rwanda in Wales/UK. The written material was studied and discussed by the study group prior to our journey to Rwanda to let all the five members of the study group have the best possible knowledge of Rwanda, the history, the destiny and geography.

The study tour. The decision to make this study tour was taken during the spring of 2001, and during the autumn the details were planned, covering budget and economy, leave of absence from jobs, reservations for transport, hotels and housing. Our choice was to travel during the month of February, as this is outside the rainy season with stable weather conditions and also the best time according to the school program. In addition to making interviews, we also had as an objective to spend as much time as possible with the everyday Rwandans in towns and the countryside, talk to them and to observe different physical and social environments.

Qualitative techniques. It was soon decided that profound interviews was the best method of investigation in the present situation due to the purpose of the study, the complexity of the problem, the language problems and also the time aspect. We interviewed more than 30 persons. Prior to the interviews we had chosen seven categories of interview subjects and environments to ensure that we would obtain representative and broad information input on the actual situation. The persons were representing Rwandan authorities, politicians, university people and researchers, religious leaders, NGO-workers especially human rights organisations, people

working in media, representatives of international organisations and the ordinary, everyday Rwandan women and men. The interviews were performed in Rwanda February 3rd to 10th 2002 and at the International Tribunal for Rwanda in Arusha in Tanzania February 11th to 13th 2002. Prior to the interviews we prepared a set of standard set up questions. The first part was common questions to be posed to every subject of interview, the other part consisting of individual questions with relation to the social position of the interview subject.

Most of the interviews were done in English or French, but some few were done in Swahili or Norwegian. As we expected the language to be a possible problem, we always brought two interpreters, one Norwegian as a French-English-Norwegian interpreter, and one Tanzanian translating Swahili-English, and we had no linguistic problems. On the other hand, from the first day we discovered the differences of culture between us and the interview subjects, as to cultural codes, waiting, time for appointments, planning, times, politeness codes in different settings and also other culture related codes. Obvious and understandable differences between authorities and the ordinary Rwandans made it necessary to balance and adapt the questions to each individual interviewed.

Structure of the report.

The report is divided into three parts. Part 1 is the introduction showing the problems raised and techniques applied. The intention of the introduction is both to give an informative background and to awake the curiosity of the reader and invite him or her to seek more information on the reconciliation process in Rwanda. In this part there is also a list of abbreviations and selected related dictionary.

Part 2 is the main part, again divided in two parts. The first is a theoretical part including a summary of the history of Rwanda from the early history up to the genocide, and also geographic and demographic facts. The second is an empirical part including the discussion. Reconciliation is the main topic and the different judicial authorities play an essential role, but just as important are all the additional local processes outside the court systems. In this report, the focus is placed on these local processes, with special attention to 1) Means and methods of reconciliation, 2) The importance of the media and information, 3) The gacaca court system. Together with these are elucidated political, social and constitutional actions, with referral to the interviews in the

empirical part of the report. A list of persons interviewed is to be found after part 3 at the end of the report.

Part 3 of the report is the closing of the report, with the conclusion and also with suggestions on further reconciliation and also the possible Norwegian official role as well as of Norwegian organisations, groups of persons and also individual persons. In part 3 there is also a list of literature and a list of interviewed persons. At the end of the report there are 4 attachments, according to list.

Part 2.

Facts about Rwanda.

The geography and demography of Rwanda.

Rwanda is situated in central Africa, approximately 100 km south of the Equator and has no border to the sea. The nearest harbour is Dar es Salaam in Tanzania, some 1550 km away. It shares borders with Uganda, Tanzania, Burundi and The Democratic Republic of Congo (DRC, former Zaire), and covers a surface of 23 000 sq. km, less than half of Scotland. The country is the most densely populated in Africa, and the third densest in the world with 9 million inhabitants. The population density is 340 inhabitants per sq. km (the official statistics). The whole country is situated at an altitude of more than 1000m, and the landscape consists mostly of hills and mountains, the highest being Kalisimbi, 4507 m. The soil is fertile and more than 50% is cultivated land, often as terraces high in the hills. There is no abundance of natural resources other than the soil, but there are some small occurrences of pewter, and also a little bit of gold and natural gas. The main export goods are coffee and tea (Briggs 2001). The capital is Kigali and the country is a republic governed by a broad interim government. The first election after the genocide will take place in June 2003 (Rutaremara, interview 2002.) (Comment 2003: The election was carried out August 2003, with a great majority of the votes for the acting president Paul Kagame). Expected mean duration of life at birth is 50,1 years for women and 48,1 years for men. More than half of the population are women. The great majority are Christians, representing

more than 90%, mostly Catholics, but also some Lutherans. The number of Moslems is increasing, with a natural explanation in the genocide and the time thereafter, where Moslems were not a target. The language is Kinyarwanda, a language related to but still different from, Swahili. Traditionally the administrative language has been French and many still speak French. A little less than 50% of the population is illiterate, and according to official statistics 11% of the population between 15 and 50 years of age are HIV infected or living with AIDS (Briggs 2001).

The history of Rwanda up to April 6th 1994.

Many researchers postulate that the cradle of mankind can be found in Rwanda. Their arguments are discoveries made during archaeological excavations where traces and fossils of primates and primitive men in early stages of evolution have been found, the homo erectus. Further, remnants from habitats of the Stone Age and Iron Age have been found. Among other discoveries melting furnaces with diameters 1½ metres paved with bricks dated to 3-4000 years BC have been seen. The Alexandrian explorer Ptolemeios, who lived 150 years BC described this region as the Mountains of the Moon, and considered the source of the Nile to be located here. The earliest inhabitants were farmers and gatherers. They were pygmies and are considered to be the predecessors of the Twa population, still a minority group in Rwanda representing 2% of the population. From around 700 years BC the Bantu migrations began and these people started to invade the region. They settled down and started to cultivate the fertile soils. They are considered to be the origin of the Hutus, who through hundreds of years have been the majority population group of Rwanda. (Oliver, 1975).

During the period 1000 to 1500 AD new migrations of populations were seen in Africa, starting in the northeast in the region of present day Ethiopia and Somalia, spreading to the central parts of Africa. From these migrations rose settlements which have a tradition of herding cattle as their basis of existence. These are the origin of the population group called Tutsis, the word meaning cattle owner.

The documentation of the early history of Rwanda is difficult due to lack of written sources and material. All transmission of history has been through oral tradition, which has been very rich, and carried on by members of the royal court. From around 1400 a hierarchy developed, with the cattle owners at a higher social level than the farmers, and as a consequence the development of kingdoms where the king, the “mwami” was Tutsi. From 1506 AD it has been only one kingdom

and the social development has been comparable to the European feudal societies. The Rwandan kingdom was very isolationistic and closed to foreigners, including Africans, until the end of the 19th century. The American explorer, Henry Stanley, tried many times to enter into Rwanda, but had to retire every time due to attacks with bows and arrows, knives and spears. As a consequence there was no trade with the surrounding countries and Rwanda had no monetary system at this time, up to the beginning of 1900.

At the Berlin conference in 1885, Rwanda-Urundi was assigned to Germany as a part of German East-Africa, even though no European or white man had ever set foot in the country. The first person to formally have done so was the German Count Gustav Adolf von Götzen on May 4th 1894. Later he became governor of German East-Africa. During his travels to the interior parts of Rwanda he stopped in Nyanza and greeted the “mwami” King Rwabugiri who until that moment didn’t know that the country had been under German control for the past nine years. The Germans were very surprised to find that their new colony was thoroughly organized, with tight and effective structures of power and systems of administration. For tactical reasons the Germans chose to govern through the already existing systems in the belief that support of the king and local chiefs would create a pro-German attitude and loyalty. A short time after the appointment of von Götzen as governor the missionaries started to flow into the country. The first to arrive were the “White Fathers (Père Blancs) in 1900 and they very soon started to build up a school system. In 1913 coffee was introduced as a monetary unit and in 1914 the Germans introduced a pro capita taxation system. The Germans had the advantage of this colony only for a few years. During the First World War in 1916, Rwanda-Urundi was invaded by the Belgians who officially took over the administration of the country through a mandate in the League of Nations, and it became a true colony confirmed by the same organisation in 1923. During the years as a Belgian colony, there was an important material development in Rwanda. There was an important increase in the production of goods, building of roads, schools, hospitals, official buildings and administrative infrastructures. The Catholic Church was very preoccupied with building schools and from the end of the 1920s had almost a monopoly on schools, churches and activities within organisations. The Belgian Bishop in Rwanda, Monsignor Léon Classe who was the head of the Catholic Church in Rwanda, became a very important person in the future social development in Rwanda. He was strongly pro-Tutsi. Throughout all his time as a bishop, until the 1950s, he warned the Belgian authorities against giving power or office to the Hutus. He strongly defended

and advocated the racial theories of the English explorer and anthropologist John Hanning Speke. Working a lot and successfully with the infrastructures, the Belgians were not as clever when it came to the human development, as history later showed.

Over time the colonialists had noticed different physical characteristics among the population, and this was elaborated into a pseudo science, especially through the works of John Hanning Speke (who also named Lake Victoria) (Renhazo, 1986). He was very preoccupied by “race science”, which was at that time a very hot topic in European scientific discussions. His doctrine from 1863, “The Hamittic hypothesis” was compulsory reading for all students of Central Africa. Speke’s anthropological theory was that a people he considered to be a Caucasoid tribe of Ethiopian origin introduced all culture and civilisation in Central Africa. These people were taller, had sharper features of the face and more slender bodies than the original negroid population. He had the opinion that they were descendants from the Biblical King David, and as a consequence they were of a superior race. (Renzaho, 1986). In 1933, the same year that Hitler came into power in Germany and the yellow “Star of David” was introduced to identify the Jews, the Belgian administration introduced the system of compulsory identity cards, on which it was stated if the person was Hutu, Tutsi or Twa. This was done based on this pseudo-science, and was in reality impossible as all the population groups had been living together for many hundred years, with intertribal marriages, and had the same culture, language and religion. In fact all the possible specific characteristics of the different population groups were completely blurred. The selection was done based on physiognomy, like measurement of body length, the length and width of the skull, the length and width of the nose, the shape of the ears, hands and fingers. In addition, family and property were also parameters in the classification system. (Classe, 1935). A person who owned more than 10 head of cattle was automatically classified as Tutsi, whatever the physiognomy. This system made it easier for the Belgians to keep control over the country, giving the possibility to form bilateral political and administrative alliances with the Tutsis who constituted approximately 20% of the population. (Melvern, 2000). The system with identity cards is still in use, but from 1994 it is only stated Rwandan, not Hutu, Tutsi or Twa.

From the 1950s movements and uprisings in many African colonies were seen, with the desire for liberation and independence. Many of the colonies were being prepared through processes of increasing political awareness and training. This was not the case in Rwanda where nothing was being prepared. During the same period more Hutus acquired higher education and were more

and more involved in different arenas, such as politics, economic life and community matters. The Belgians were afraid of this increasing strength of the Tutsis. As the level of education and political experience among the Hutus were increasing, the Catholic Church and as a consequence the Belgian Government and the Belgian King Leopold II, saw it suitable to turn from being pro-Tutsi to being pro-Hutu. By doing this the Belgians wanted to prevent the liberation and independence movements in Rwanda, but in vain, and with the result that historically showed it to be a catastrophe. In 1957 a group of Hutus published the “Manifeste des Bahutu”, calling attention to injustice and different treatment in official, social and political matters. This group consisted mainly of priests and intellectuals, and they were challenging all the Rwandan administrative structure, claiming that the political power should be placed in the Hutu majority. In the wake of this, one saw the creation of new political parties, among them the Tutsi party UNAR (Union Nationale Rwandaise) who had as their aim to declare independence immediately and create a nation based on the Rwandan royal tradition, and the PARMEHUTU (Parti du Mouvement de l’Émancipation Hutu) which was an extremist Hutu political party. Their differences were not only the ethnic questions, but also differences in view on how to obtain independence. The Tutsis, mostly represented through the UNAR wanted immediate independence, but without changing the political and administrative structures, while the Hutus, and especially the PARMEHUTU, wanted first political changes and then independence. These differences in attitude and objective had as a consequence that the Belgian colonial administration, as the Catholic Church had already done, changed their support from being pro-Tutsi to being pro-Hutu. The Catholic Church even played an important role as advisors and supporters in the formation of the PARMEHUTU party. (Renzaho, 1986). The conflict that rose through this polarisation is generally considered to be the cause of the many civil wars that ended with the genocide in 1994.

King Mutara Rudahigwa, who was supported by the Tutsis, visited Brussels in 1958 to plan an election in Rwanda in 1960. But before the election, in 1959 he died under very suspicious circumstances, which aggravated the antagonism between the population groups. The election was arranged in 1960 as planned and resulted in an unexpectedly clear victory for the Hutus, and the King was dethroned after a short time and Rwanda was proclaimed a republic January 28th 1961. An interim government was installed, and a presidential election was carried out. Elected

was one of the founders of the PARMEHUTU, Gregoire Kayibanda, who proclaimed independence July 1st 1962.

From this moment a long series of violence started which was directed towards the Tutsis who in large numbers had to flee, seeking refuge in the neighbouring countries and the situation developed into a lasting state of civil war between the Hutus in government positions, and the Tutsis. The number of refugees was so large that the neighbouring countries were also drawn into the Rwandan civil war. (Renzaho, 1986).

During the period from 1962 up to 1994, when the genocide is considered to have started when the presidential airplane was shot down, there was continuous violence, massacres, riots and unrest with episodes best characterised as a civil war.

The most important of these episodes are mentioned chronologically:

1962: Exiled Tutsis in Burundi attack Hutus in Rwanda with weapons as retaliation for an earlier attack against the Tutsis.

1964: The English philosopher Lord Bertrand Russell described the killing of the Tutsis in Rwanda “the most horrible extermination of a people since the killing of the Jews.”

1967: New wave of killing of Tutsis.

1972: Massacres of Hutus in Burundi, which were followed by the exclusion of the Tutsis in the national administration of Rwanda.

1973: Major Juvénal Habyarimana carries out a coup d'état in Rwanda and he continues as president until he died in a plane crash April 6th 1994.

1978: The first presidential election with Habyarimana as sole candidate.

1980: Colonel Théoneste Lizinde with 30 fellow conspirators tries a coup d'état, but fails. Due to the very unstable and dangerous situation the flow of refugees increased strongly, especially to Burundi, Zaïre (now Democratic Republic of Congo), Uganda and also internally within the countries.

1983: New presidential election with Habyarimana as sole candidate obtaining 98,98% of the votes.

1986: The government proclaims that Rwandan refugees will not be permitted to return to Rwanda, as “the country is not big enough.”

1988: International conference in Washington on the Rwandan refugee situation, and the RPF (Rwandan Patriotic Front) is founded in Uganda.

1990: Habyarimana introduces multiparty democracy. Three months later Pope John Paul II makes a brief visit to Rwanda, and has a narrow escape from the country before RPF in October invades Rwanda and starts a civil war. France, Belgium and Zaïre send troops, and the government buys weapons from Egypt mediated by the Egyptian prime minister Boutros Boutros-Ghali, and South Africa.

1991: In January the RPF attacks the prison in Ruhengeri. Throughout the country, in towns and countryside, Tutsis are massacred. RPF retaliates with guerrilla attacks on Hutus. (Melvern, 2000). All the time the government is buying weapons, mostly from Egypt, but also other countries, which continues into the time of the genocide. (*Ministère des Finances etc.: Contract des achat de wepons ... 1993*)

1993: RPF launches a strong offensive and their soldiers reach the outskirts of the capital Kigali. French troops are called on to join the government army and more than 1 million people are driven into fleeing. Finally the UN Security Council starts to show some interest in the tragedy and starts discussions on what is going on in Rwanda. Boutros Boutros-Ghali is the Secretary General of the UN and serves as secretary for the Security Council. It is decided to raise a peacekeeping force. (Resolution 846, Security Council). The first to be sent is an observation force, the UNOMUR, led by the Canadian general Roméo Dallaire. In August a report is published for the UN Commission for Human Rights where the conclusion is that Rwanda is in a situation that the UN Convention of 1948 on “Prevention and Punishment of the Crime of Genocide” is applicable. At the same time the Rwandan government and the RPF sign the Arusha agreement. The agreement covers such questions as multiparty elections where the RPF is included and that the election shall be carried out within 22 months. To support the observation of the agreement the UN Assistant Mission for Rwanda (UNAMIR) is created where UNAMOR is incorporated and also a neutral, military observation group from the Organisation for African Unity (OAU). The mission is led by the former leader of UNAMOU, General Dallaire. The special envoy of the UN General Secretary, the Egyptian Jaques-Roger Booh-Booh arrives at the same time as a Belgian battalion.

1994: The tension increases from the New Year, with a new presidential election won by Habyarimana who does not succeed in constituting an interim government according to the Arusha agreement. The Belgian ambassador reports that the “hate radio”, RTML, destabilises the country through encouraging killings and riots, and should be stopped, if necessary by using

force. Referring to the rules of freedom of press, the USA opposes this in the UN. General Dallaire is often in contact with the UN headquarters stating that the situation is explosive, and asks for permission to confiscate weapons. The constant stream of weapons, especially from Egypt, is a big concern, but the Security Council refuses to extend the mandate and refuses general Dallaire's request. Félicien Gatabazi, leader of the party PSD (the social democratic party) was murdered, and Martin Bucyana, leader of the extreme Hutu party CDR was lynched in February. Later in February the Belgian minister of foreign affairs visits Rwanda, and emphasises to the UN Secretary General Boutros-Ghali, that UNAMIR must have a stronger mandate. He also informs the USA that president Habyarimana is playing a dirty game. The UN representative Boo-Boo threatens the parties in the conflict that if the Arusha agreement is not followed, the UN will withdraw the UNAMIR forces from Rwanda, which probably was what president Habyarimana wanted. This resolution was voted in the UN Security Council April 5th 1994 and Rwanda was a member of the Security Council at that time. (Resolution 909). At the same time president Habyarimana met with the Burundi president Ntaryamira in Tanzania, together with some members of the respective governments. Just before landing on the return, a rocket shot down the plane and all passengers and crew were killed. (Melvern, 2000). This event triggers an explosion of atrocities, brutalities and massacres among the worst in the history of the world: The genocide in Rwanda in 1994.

The genocide in Rwanda.

It is debatable at what time the genocide in Rwanda started. By the time president Habyarimana was killed in the plane crash, there had for years already been many disturbances and civil wars in Rwanda. But it took some time from the escalation of the civil war until the genocide started. More than one million people were killed with knives, machetes, spears and some were also shot in a short period of three months. The killing rate even exceeded the one during the Holocaust in Hitler-Germany (Gourevitch, 1998). After just a few hours the armed militia started systematic killings of Tutsis, politicians from the opposition and pro-democratic Hutus. RTML broadcast radio programs encouraging killing. They claimed that the RPF and the Belgian peace keeping forces were responsible for the killing of the president. The chairman of the parliament, Théodore Sindikubwabo declared April 8th that he had instituted an interim government with himself as president. In a few days all the Belgian peace keeping forces were pulled out, as well as the

UNAMIR forces with the exception of 270 persons, who had, or were given, no possibility to fulfil the given mandate. Neither the USA, nor Great Britain nor the Secretary General of UN were willing to define the war as genocide, as this would have necessitated a reaction according to the UN resolutions obligation to send forces. They were very vague on this question. Boutros-Ghali pronounced: "It is a question of genocide in Rwanda." He was hence avoiding calling it genocide. As the RPF forces advanced there were terrible fights with a lot of bloodshed and the government forces were driven back. There were terrible killings of civilians, mostly Tutsis, but also many Hutus. The Interahamwe militia was the most aggressive and were also engaging many people in central positions among the local population as politicians, priests and mayors. (Melvern, 2000). The international society stayed away as passive spectators. The Security Council did nothing, in spite that they all the time had first hand and immediate information about what is happening both via telephones and faxes from people on the verge of being murdered. (Gourevitch, 1998). But in addition The Security Counsel also had continuous reports from international organisations as the International Red Cross, Médecins sans frontières (MSF), different religious organisations, and not the least, even the UN observers lead by general Dallaire. He repeatedly asked for reinforcements and redefinition of the mandate, getting no support or reaction. (Gourevitch, 1998). Many sought refuge in churches. There are examples where priests were declaring the church as a safe place and invited people to stay there safely, subsequently calling upon the Interahamwe who slaughtered all persons present. In Ntarama the priest got the "honour" to kill the 40 first and was promised that he and his family would be spared. (Gourevitch, 1998). The genocide ended July 18th 1994 when the RPF forces won the battle at Gisenyi beating the Rwandan government forces. But scattered battles and fights continued for a long time on. Doing a calculation assuming that 1 million persons were killed during the 90 days the real fighting lasted, 11 111 persons were killed every day, 463 every hour, 7,7 every minute. (Borud, 2002). The final number of killed persons probably even exceeds 1 million by 100 -200 000. (ICTR, 2002)

Reconciliation.

Is it possible for the Rwandan population to restore trust and create reconciliation after the genocide?

Studying the process of reconciliation in Rwanda, it is important to know the history and it is necessary to listen to the voices of the people. The genocide happened in 1994, but one has to go further back to see the whole picture, the incidents building up to the genocide and the genocide. Before and during the mass killings, the UN failed. It can be documented that clear information was given at repeated occasions before the genocide, and also that the Convention on Genocide of 1948 was ignored. The present UN Secretary General, Kofi Annan, has later strongly regretted the passive role of the UN. After the genocide and on initiative from the Rwandans, the Security Council decided to establish the International Criminal Tribunal for Rwanda (ICTR), the resolution 955, November 8th 1994. The mandate is limited to the period January 1st 1994 to December 31st 1994. The prime task of the ICTR is to investigate and judge the most central persons, the “architects “ behind the genocide, and through this contribute to the creation of peace reconciliation. The tribunal is expected to finish its work by 2007/2008. (Møse, interview). The Rwandans wanted to have the tribunal located in their own country, as they meant and still mean that physical proximity to the court and judgement would contribute better to the reconciliation. The UN chose to locate the Tribunal to Arusha in Tanzania of security reasons. The disappointment was great and it was seen much bitterness towards the UN-system due to the localisation question. Inside the UN and the Tribunal there is no doubt that the court is contributing to reconciliation, but it is just as clear that the reconciliation belongs inside Rwanda and has to take place there. The Rwandan people themselves have little faith in the role of the Tribunal in the reconciliation process, but this view is more common among official people than among the rural population. Our investigation showed that many people didn't even know of the existence of the Tribunal. On the contrary, the civil court systems, and especially the Gacaca courts, are universally trusted. The Gacaca courts will be thoroughly described later in the present report.

While studying the genocide, one reveals the occurrence of multiple contraventions of the Declaration of Human Rights (The World Declaration of 1948) and other international conventions. In a global aspect the NUPI (The Norwegian Institute of Foreign Policy) has shown that 90% of all registered major conflicts during the period 1990 to 1997 are internal conflicts in countries, and only 10% are conflicts between nations. (Fredriksen, 2002). Knowing the problems of reconciliation between nations whom have been at war, as in Europe after 2nd World

War, one can only have ideas about the problems and challenges arising from internal conflicts. Often there are 10-20 parties or fractions fighting each other. A legal settlement after the conflict is important from a psychological point of view, as this creates a positive synergism between the truth, justice and reconciliation. The documentation of who were the offenders and the nature of the offences strengthens the experience of reality for those who were offended. The facts about the event will be public knowledge, and this will form a picture of the realities, which the survivors of the conflict and their relatives can relate to and enabling them to obtain confirmation of their subjective experience. This is an important element in the psychological part of the reconciliation process.

A genocide strikes both at an individual and a collective level. At the individual level one experiences physical injuries and different psychological conditions, mainly posttraumatic stress syndromes, depressions, anxiety and psychosomatic conditions. But in addition, much focus has also to be directed to the painful experiences at the collective level. The collective identity of human beings is related to the certainty in belonging to a larger population group. This creates a base and reservoir for the individual, from where support, protection and help can be found during crises and stress. In many biographies it has been claimed that the consequence of a traumatisation of the collective identity can result in psychological symptoms and problems. From psychoanalysts such examples have been published referring to the Holocaust and the genocide in Armenia in 1915. To which extent genocide will cause consequences for the following generations, will depend mostly on the later destiny of the population group. In this context, a proper legal process, supported by the national authorities and the world society, will play a very important role. (Lavik, Tidsskrift for den norske lægeforening, 2002).

To achieve reconciliation, forgiveness and satisfaction has to be put in focus. An excellent example of this is the Truth Commissions in South-Africa, where Archbishop Desmond Tutu transformed guilt to trust and courage. Justice does not have to be punishment, but can also be restoring, not necessarily to the order before the conflict, but to a situation as it should be. (Bakkevig 2002).

To be able to forgive, it is necessary to have something to forgive; hence the truth has to be revealed. The truth is probably more important to the victims than for the aggressors. Also for them the truth is important to enhance the awareness of own guilt, and to accept the different

punishments and judgements, and this independently of being Hutu, Tutsi or Twa. Success in this work depends heavily on the consciousness of the authorities, which have to prepare for the creation and development of trust. This is happening in Rwanda, to a much larger extent than in former Yugoslavia. (Djuliman, 2002). In a process of reconciliation, the question of guilt can never be omitted. The rulers of Rwanda today are well aware of the responsibility they have. It is necessary to create arenas of reconciliation and building of friendship and trust for the persons set free after years of imprisonment; some of them innocently imprisoned. These persons have special needs and feelings. Others have been imprisoned and guilty of cruelties and these persons and their families have met and will meet other kind of problems when returning to society. The adults are the ideals the children model themselves on. The children are the future and it is through them it is possible to create new energy, knowledge and moral values. As a consequence, viewing psychological aspects, it is very important to involve and even start processes with the children. Reconciliation is now incorporated as an integral part of the basic education in the primary schools, and the focus is on reconciliation, not on the genocide as such. This is a new approach as the schools at earlier stages have been where the children were taught to hate. But to reach justice one has to seek the truth, and the Rwandan people can not let the past be buried without justice, and justice again is one of the premises on which reconciliation has to be based.

To obtain reconciliation it is necessary that all parts put all old disputes aside. The different social and political structures have to create an environment to develop peace building and peace creating processes. The genocide left 500 000 orphans and 400 000 widows. 80% of the prisoners will be released during the gacaca-processes resulting i.e. 100 000 persons who will have to re-establish themselves with family, home, house and work. The unemployment rate is already 60%. (Borud 2002)

After having done searches in the literature and press and also done a great deal of interviews, there are three sectors we have found especially interesting in the reconciliation process, those are:

1. The means and methods of reconciliation
2. The important role of information through different sources
3. The gacaca courts of justice

1. Means and methods of reconciliation.

The government strongly wishes a process of change to improve democracy and democratic rights. (Murigande, interview, 2002). Democratisation is a process that needs time and develops over time, and it involves both political and cultural aspects. A political system is democratic only when political decisions and questions of importance to the society are made of persons that are appointed through free, just, secret and periodical elections. The candidates are competing to get the support and back-up from the voters. The voters have to consist of the whole adult population, who has to be eligible and have the right to vote. Democracy can be considered to be a procedure that involves the participation of the people, competition between the persons on election, and the election itself. The process of democratisation implies a thorough, long-term building up of democratic institutions and democratic culture. One will always have to go through difficult stages that can stop, restrain or postpone the process. This is not the least valid when it comes to transitional elections passing to a democratic ruling system from an authoritarian. Democratic elections in new democracies are a broad public development of competence. (Andreassen, 1993).

Interview with **John Gunnar Raaen**, Rwanda co-ordinator, Norwegian Church Aid, (Kigali, in Norwegian Feb 4th 2002).

Looking from the outside, but with a good knowledge of the country through his work, he thinks that RPF and the government run a realistic policy. RPF (the minority) shows this by consciously integrating the majority (formerly called Hutus) in all aspects of political, economical and cultural work. This process is taking part at all levels and sectors of the society, and is also including the police and diplomatic corps. The government tries to build up the society and create stability. He also expresses the opinion that the international society to a much larger extent should assist the government in this work. The international society has obligations towards the Rwandan people. He also stresses the fact that use of the notions Tutsi, Hutu and Twa in daily speech has been abolished, now all are Rwandans.

Interview with **Emanuel I. Kayitana**, personal advisor to the president (Kigali, in French, Feb 5th 2002).

If not the right policy is followed, peace can be threatened. Belonging to a social-democratic party he states the opinion that the process of democratisation is running forwards. The governments chief goal is the reconciliation process and to fight poverty. “Poverty is poison” he says. All the different departments have this topic as top priority in their programs and also when officials are travelling around in the country at meetings and talking to people. “Through democracy, Rwanda shall be a country where justice prevails.” A democratic election is taking place during the autumn of 2003, and he is positively expectant for the results of the Constitutional Committee.

Interview with **Ruben Niyubizi**, secretary LIPRODHOR (Kigali, in French, Feb 6th 2002). He is speaking on behalf of his own organisation and also the other organisations of human rights in Rwanda. According to his opinion the freedom of speech is the main challenge in the country. Freedom of speech has to be an important element in all parts of the process of democratisation. LIPRODHOR is working actively to give the “grassroots” a real right to be consulted. LIPRODHOR has met some opposition and adversity, and in fact the organisation has been banned in one of the provinces due to publication of events before informing RPF. “This is not to be tolerated.” The intellectuals can be criticizing what is happening, but as individuals people are still frightened after the genocide and don’t dare to discuss and talk freely. In that context it is of real importance to have people organize in different types of organisations within all the aspects of the society. Some organisations have already grown strong, especially the organisation of widows. He is also very critical towards the authorities, which in the beginning of year 2000 imposed a law, which prohibits the creation of new organisations, and forces all organisations to report to the government and be open for inspections and controls. According to this law, all organisations are obliged to change their regulations and statutes before January 1st 2003. This is considered to be an excuse to be able to control all NGOs, especially those working on humanitarian issues.

Interview with **Tito Rutaremara**, president of the Constitutional Committee (Kigali, in English, Feb 7th 2002):

The Constitutional Committee is working with new legislation and a new Constitution. He told that the RPF has been very preoccupied to create a broad based and not a one-party transitional government, and to obtain this also involve and invite other political groups into councils, committees and boards. To really show the intention of returning the power to the people, they organised in March 2001 a free, and secret election at community level throughout Rwanda. There were three election lists, one for the youth, one for the women and one directly for the chairmen of the communities. In this way women and youth were also represented on the board of the local community councils. The election was to vote for representatives from political parties. It was possible to bar out names from the lists to avoid the election of persons promoting themselves strongly out of dubious motives. Different human rights organisations have reacted positively to this procedure, stating it as being a small, but positive revolution finally taking care of the respect for rights of the people. When asked about the possibilities to incorporate the international human rights concept into the Constitution, he is replying that they are very conscious about this and “it will be done.” Further he explains that the Constitutional Committee must have the base in the realities in the country. One example is the unworthy conditions for the prisoners in the jails. At present the country does not have the economical or personnel resources to follow up this problem. If ideal rules were incorporated in the legislation now when it simply is impossible to follow it up, the effect could be opposite of what is wanted. The Department of Finance has planned a strategy to reduce poverty. To obtain a factual base, people all around the country, especially the poor people themselves, are interviewed on the subject. Here it is important they define themselves what poverty means for them. Questions posed, among others, are how it is felt to be poor, what do people want to be improved both practical and local solutions to get people out of poverty. The government is very aware and officially open to the fact that the economical resources are limited. As a consequence, agreements have to be obtained between the government and the local people, their communities and societies, as for example to participate in the house building program. (This will be presented later in this paper). The government has also approved a new “Family law” (2000) giving right also for women to own land or house. Earlier the suppression of female rights has not been taken seriously enough but that is also to be changed in this new law, where rape now is defined as a criminal act.

Interview with **Taxi driver 2** (anonymous), (Kigali, in Swahili, Feb. 8th 2002).

He is telling that the ordinary Rwandan knows little about what is going on in "the top" of the administration. During the interview he insists of being anonymous, "not to take any chances." When we ask what he is afraid of he answers that he doesn't know, but he feels he is safe in the country now. He doesn't know what to think about the future, but he hopes that the authorities wish for a new massacre just as little as he wishes it himself. He doesn't trust the authorities before he can see that the people are having a better life. When asked what he implies, he is pulling his shoulders, and answers after a while that the children must have better possibilities to access schools and health services, and for him also to be able to say what he thinks without having to be afraid.

Elections and international observation of elections is a way of surveying the human rights. This method is growing increasingly important and used in an increasing number of situations and nations. The main purpose is to observe if the elections are carried out according to the principles of free, democratic, secret and just elections, and to communicate the results of the observation to the people of the country and the international society. Observation of elections as a method is historically a new method and had its breakthrough during the elections in Nicaragua in 1990. (Andreassen, 1993). It is important that the observations from the outside do not interfere with the country's right of self-determination. There are no defined rules in this matter, but the tendency in the field of legal validity, is very clear, and is based in Article 21 in the World declaration of Human Rights and article 25 in the Convention of Civil and Political Rights (1966/76). Human rights, among them the UN-pact are valid for any state who is a member of the UN, even if they have not ratified the Convention for Human Rights. Observers of elections are suppliers of premises, and one has to be very careful when a country chooses to have observers from certain countries due to doubtful motives, such as it happened in Ethiopia during the local and regional elections in 1992. The observers shall behave with a great degree of technical neutrality, impartiality and objectivity, but at the same time use the information and knowledge acquired, to support the transitional process to democracy and report back to UN. The evaluations done have to adhere to standards, and every observer has to study the culture and history of the

country prior to the engagement, and also show respect for the people and the country. (Andreassen, 1993).

All the persons we interviewed and asked directly about how their attitude was towards strangers coming in as election observers, replied that they were very positive to this fact. In addition most of the interviewees also argued for the wish to learn in addition to their need of feeling safety and fairness during the election process. One could think that the people have had enough interference from western countries, but this shows that the population really wishes to receive help from abroad, taken that the culture, history and distinctive character have to be respected.

The government can also refer to specific examples of economical compensations and symbolic actions showing their willingness and seriousness in the work of reconciliation. In many regions in Rwanda, large areas were literally covered with landmines after the genocide. When walking and travelling in the countryside one often met people of all ages either lacking or having deformed body parts. A visible sign of economical and real policy of reconciliation is the economical support to a man who started his own workshop for making prosthesis. (Peace, interview 2002). He himself is handicapped with only one leg. He took the initiative to make his own living. Seeing the needs around him, people who couldn't move around and start working due to injuries from the mines and also had lesser quality of life being outside the active social life. He had small localities but much knowledge and initiative and this resulted in a small workshop. The authorities observed this and appreciated his effort and gave him moral and economical support. This enabled him to teach more people to work in his workshop educating them in the techniques of making prosthesis and resulted in more people acquiring skills and the production increased. Maybe most important was the effect on the rehabilitation of people with handicaps, returning them back to a normal social- and professional life.

Another episode, which also illustrates some of the mechanisms in the reconciliation process, is the history of the new national hymn. At the end of 2001 the authorities launched a national competition where every Rwandan was invited to participate and contribute with text and melody. The winning text was written by one of the prisoners in the central prison of Kigali, while a military officer, an earlier enemy wrote the melody. They were both granted a large prize sum of money, which was delivered to them during a big ceremony. But the prisoner had to return to jail after the formal procedure. When we visited the jail, the prisoner's choir was

exercising singing this song. (Gahamanya, interview 2002 and personal observation). In the year 2002 the nation also got a new national flag.

The house building project, one of the most important that has been started is directed towards the people. During the genocide, a large number of families and persons lost their houses and properties. Much was levelled to the ground or occupied by strangers. The authorities are much concerned but well aware of the problem that will arise when the gacaca courts will come into effect, releasing many persons from the jails. In February 2002, more than 125 000 people were still in prison. The problem will arise both from the large number that will be released, but also due to the fact that these will be released within short time. The people coming out of jail will be very poor, being the poorest of the poor. The authorities have the obligation to welcome these persons in a decent and human way, and also ensure that no more plundering of houses or properties shall take place. The prisoners will be offered a house, but of natural reasons, not necessarily where they lived before. This is meant as a motivation for them to start a new life in freedom, but the authorities will not use force to move people. Some of the prisoners will serve their sentence building these houses. This will also give work to unemployed and also help the economy of the poor. (Rutaremara, interview 2002).

A negative aspect of this policy can be the stigmatisation and social problems when former prisoners are living in areas with many of these houses creating a sort of ghetto. The solution to this problem will be tightly linked to the reconciliation. Public meetings where President Paul Kagame himself is present, speaking to the people and answering questions, has shown to be a success. These kinds of meetings are reducing the big distance between the people and the administration, a distance that historically has been large and marked by a large degree of mistrust.

Interview with **female officer at Trafipro** (Kigali, in Swahili, Feb 6th, 2002).

“We have heard a lot about Kagame, both positive and negative. I didn’t trust him. He is a politician. But I have met him in public meetings a couple of times and he seems to be honest and sympathetic. I believe in him now, - and I wish that our people shall be happy and safe”. She says it is difficult to forgive, but if everything is going as Kagame says, she will be able to forgive.

Interview with **Peace**, politician with link to Norway (Kigali, in Norwegian, Feb. 6th 2002).

A number of symbolic memorials are created during the meetings and other gatherings between the people and the politicians and other officials. The symbolic gesture can be the renaming of streets, market places, buildings, parks and also statues, to honour persons who have done something special during the genocide, as courageous behaviour, saving people, local heroes and others.

We were presented for a courageous woman who showed heroic actions during the attack on the Parliament Building and had a street renamed after her. As symbols some of the churches are kept unchanged with all signs of the atrocities saved. This will be a permanent monument to avoid forgetting what happened, as things tend to be denied as time goes by. But when showing these negative symbols it is equally important to show the positive work and the positive development after the genocide, as the reconciliation and peace.

Interview with **Wanda Hall**, chief of press, Internews, (Kigali, in English, Feb. 10th 2002).

The country needs reforms within health and social policy and structure. It is necessary that these reforms are carried out as soon as possible due to the coming challenges, namely return of refugees, release of prisoners, and an expected enormous growth of population. Within the year 2020 the Rwandan population will be doubled from today’s 8 million to more than 16 million. This will cause huge challenges in problems related to health and social welfare. At present there is no structure in Rwanda to take care of these problems, but through new legislation the base of these structures are created. The population suffers with big traumas after the genocide and the psychological reactions are growing in number and severity. Physical handicaps after injuries are also a big problem, and the need for physical rehabilitation is huge. But even more severe and

important in the field of health is the HIV/AIDS problem. It can be documented that HIV has infected 66% of the many 100 000s women raped during the genocide.

Interview with **John Gunnar Raaen**, Rwanda coordinator, Norwegian Church Aid, Kigali (in Norwegian), Feb. 4th 2002.

Concerning the problem with HIV/AIDS, it is necessary with information, general preventive measures and treatment. The persons having HIV/AIDS represent a severe challenge. It has been reported that men being HIV positive have been used deliberately to rape women who have not been killed. During the trials in Arusha, it has been included in the definition of genocide and criminality towards humanity, that rape by HIV infected persons is an act of this kind. In addition, all the children been born as a result of the rapes, and which are not wanted and nobody wish to take care of, also represent a big challenge for the health- and social services. This is a major field of work for the Norwegian Church Aid. Lone mothers are forced into prostitution to get money for food and house and the danger of spreading HIV is larger than any time previous. The number of street children has increased enormously. A survey done in Kigali March 2002 concluded with more than 50% of the street children have been sexually abused. The Norwegian Church Aid together with other organisations, are organizing and financing information projects where among other methods, drama is used to pass on information. Dramatic performance as means of communication, being an old tradition in Rwanda, makes this an effective and easier way to reach people and challenge their attitude towards the problem, is also including the illiterates in the information programs.

Interview with **Charles Murigande**, secretary general RPF (Kigali, in English, Feb 7th 2002).

It is necessary with reforms in the education systems. The population of Rwanda will be doubled by 2020, and a large percentage of the population will be younger than 20 years of age. To give all these young people an education will be very expensive, but it is absolutely necessary if the country shall be rebuilt and peace restored and kept. The right of all Rwandans to education is a main issue.

Interview with **Innocent Kamanzi**, press officer ICTR (Kigali, in French, Feb 5th 2002).

It is important that all children are attending school. To attend school is free. Still not everybody can or are able to attend, due to health problems, travel distances or availability, or the need of the children to help the family economy by working or begging. The primary schools are very conscious on reconciliation, which is included in all aspects of the education, and the different subjects are visualized through cartoons where human rights, moral standards, conduct and moral values are illustrated.

We visited the University of Butare. This can be considered to be the place of hatching of the strategies of the genocide. (Kapsinski, 2001).

Interview with **Émile Rwamasibaro**, rector at Université nationale de Rwanda (Butare, in French, Feb. 9th 2002).

The highest priority of work at the University today, is reconciliation and to create justice between Rwandans through education and information. In 1993 the University had 2500 students. During 1994, 400 of the students, professors and staff were locked in and killed, and the rest had to run away. The work at the University was taken up again in March 1995, with 250 full time teachers, of whom only 40 were in the staff before the genocide. As of February 2002, there are 350 full time teachers and lecturers, and 700-800 students. Of these 110 are receiving scholarships from the government to study abroad, to seek impulses from other countries, to build up the University and country. A specific program of reconciliation is incorporated in all basic courses.

Elements of the process of reconciliation:

We will discuss some of the means and methods. All elements are mutually dependent.

RPF, is conscious that they are a minority and that it is only through cooperation with other political parties that the goal of developing democracy in Rwanda can be obtained. It is of importance that RPF is very conscious that they are representing the whole country and not only one political party. As a consequence, the political discussions are more constructive and open for other views, than tradition has been. In addition they are aware of the election coming up in a little more than one year, and have to be able to show results before that to have a chance of re-election. They have also changed attitude towards the human rights organisations, are more open for discussions and to listen to arguments. The government has to take more into consideration all questions concerning human rights and it is important that the human right organisations plays the role of watch dog, to see that the government lives up to their promises on human rights. It is also important for the human rights organisations to be included in a close cooperation, to see situations in relation to the economy of the country, human resources and infrastructure, and see the limitations set by these factors, to be able to pose realistic claims. It is equally important that these organisations are cooperating with sister organisations internationally, to get aid to develop competence in Rwanda, be it in the field of economy, or advice, personnel or organisation skills. The process will take a long time, probably a couple of generations, but with the willingness the people are showing from all points of view, all the elements in the reconciliation process will create a fruitful base for a happy future.

The important role of information and media.

The role of information:

In all conflicts all over the world, it has been obvious that information is essential to obtain reconciliation after a conflict. In Rwanda it is problematic to spread information and reach into the rural districts. There are no daily newspapers; only a couple of newspapers published twice to three times a week, of them one is edited only in English. Those newspapers are mainly distributed in the townships. In the real rural districts there are no newspapers at all. In addition illiteracy is wide spread. Rwanda has no national television, and TV-sets are only seen in the towns, mostly in international hotels. The electricity supply is very unstable and unpredictable, often away, and often with varying voltage. This also excludes television as a mean of public

information. As a consequence, radio plays an important role and has a great impact, as also was seen during the genocide with RTML, “the hate radio.” In addition mobile information videos are much used, mounted on lorries travelling around the country. New approaches are also being tried, with success, as drama, theatre, fine arts and cartoons.

Interview with **John Gunnar Raaen**, Rwanda co-ordinator, Norwegian Church Aid (Kigali, in Norwegian, Feb 4th 2002).

The most important element in starting a real process of reconciliation is to disclose and spread the truth about what has happened. All available methods must be used to accomplish this, not only the traditional as radio, TV and newspapers, but also drama and theatre and also others. Many organisations, among them also The Norwegian Church Aids and the Norwegian People’s aid, have on many occasions used this to show the different aspects of the reconciliation process. An art centre has been established in Kigali, Centre pour la Formation des Arts, where fine arts, paintings, sculptures etc. are used to illustrate the different aspects of reconciliation and also to spread facts.

Interview with **Pierce Foster**, ambassador for the USA in Rwanda (Kigali, in English, Feb 6th 2002).

He stresses the huge importance of spreading information, which has to be done factually and balanced, and to be neutral in all aspects. Hence it is important that organisations outside Rwanda take an active part in this, to avoid information being biased. But it is also important that the processes are brought back to the Rwandan people. Internews is doing a marvellous job in spreading information to all parts of the country.

Interview with **Ruben Niyibizi**, secretary LIPRODHOR, (Kigali, in French, Feb. 6th 2002).

Rwandans outside Rwanda have also to be invited to participate in the reconciliation process. They can be reached through television or press. At present there is no real freedom of press or freedom of speech in Rwanda. As an example, LIPRODHOR was refused to have representation in the Ruhengeri province after presenting critical reports on the conditions in the jails in the

region and not informing the government. It is possible that the experience with RTML has scared the government from giving opening for a free press.

Interview with **Tito Rutaremara**, president of The Constitutional Committee (Kigali, in English, Feb. 7th 2002)

Due to the role of media during the genocide, one is afraid to open up for a totally free press. But there is progress and the press is about to be free, even if there still exists some “preventives.” There is about 50% illiteracy in the country, which creates problems to promote good information to all inhabitants. This applies both the spreading of information on the genocide and the reconciliation process, but also to inform about the future elections for parliament. It is a wish to include all. To try to reach as many as possible, there has been made information cartoons, delivered through the schools, except primary schools, to be used in the teaching but also for the students to bring home.

Interview with **Kashka Karegeya**, chairman of the secretariat of FACT (Kigali, in English, Feb 8th 2002).

People have freedom of action, but freedom of speech is not respected. Newspapers and other media are not covering news in a broad enough way and investigative or critical journalism does not exist. To some extent, this is certainly due to the role of the media during the genocide. The authorities wish to establish freedom of speech, but see the need of an organ of surveillance to avoid a repetition of history. FACT understands this argument, but media have still an important role to play. Today media is weak, and doesn't dare much and there is no tradition of investigating journalism. Another problem is the problem of 50% illiteracy in the general population. To criticize the government is not welcome, and the possibility to forward constructive criticism is limited, especially when it comes to questions on human rights.

Interview with **Wanda Hall**, chief of press, Internews (Kigali, in English, Feb 10th 2002).

Internews is an American foundation working with spreading of information. We have a staff consisting of four persons working in Rwanda and in ICTR in Arusha in Tanzania. We work very closely with ICTR, especially with their information office in Kigali but also with the tribunal in Arusha. We are producing information videos, intended for being shown at schools, football

stadiums, assembly rooms, churches, police stations, prisons and any other place where people are gathering. The Internews staffs are doing all the work themselves, as recording, sound, pictures, editing, translation and presentation. They travel around in Rwanda in their own Landrover, carrying with them their own generator, projectors and wide-screen. She is worried because of the tension that exists between the populations in the villages and out in the country. She stresses that it is important that information about the law processes, both in Arusha, the civil trials and gacaca reach the population. There are many illiterates, no newspapers (no national daily newspaper at all), very few with a TV-set, few television programs and unreliable electricity supply. Radio has the most impact and radios are widely spread. She mentions the role of RTML during the genocide, which during that period agitated strongly and effectively, and managed to arouse large parts of the population. Internews brings with them a team of crises-management, to be able to assist people with psychological problems after seeing the videos. At some occasions it has been necessary to stay for a couple of extra days at some places due to psychological reactions to the videos.

Interview with **Fidél Rubayiza**, student of journalism, chairman of student union, Université Nationale de Rwanda (Butare, in French, Feb. 9th 2002).

“I am originally Rwandan, but have been a refugee in The Democratic Republic Congo (former Zaire) with my family. I came back to Rwanda four years ago to take part in the rebuilding of Rwanda and also to take part in the reconciliation process. The young people of Rwanda are very preoccupied with the reconciliation process. Many of the younger have a larger distance to the genocide than the elder and as a consequence they are more ready to look constructively forwards instead of looking backwards full of bitterness. Young Rwandans, but mostly in the towns are interested and motivated to build Rwanda to be a democratic and peaceful country. Already today Rwanda is the safest country to live in and to travel in, in the whole of Africa. To study journalism is the most popular of the studies at the university. It is necessary to develop media in a positive direction, with considerations both to a free press and freedom of speech and also the ethical aspects. The work of reconciliation is an important and integral part of all studies. The university is responsible for the education in the different communities and communes, to where the students have an obligation to do lectures and participate in education programs for a period

of six weeks. In addition the students have their own programs, educational and also to develop the skills in work inside organisations, with the student organisations as an example.

Interview with **Émile Rwamasirabo**, rector, Université Nationale de Rwanda (Butare, in French, Feb 9th 2002).

The university, which is the only one in Rwanda, has an important role in the reconstruction of the country. A lot of elements have to be built in the process, where among others the education in academic professions like journalism, doctors, lawyers, jurists, researchers and historians are very important. Exchange programs between Rwandan students and European universities are being established, and groups of students have already been to Sweden and have received invitations from the Norwegian universities in Bergen and Trondheim.

Reconciliation has to start early, already early in primary school, and cartoons have been made as teaching aids. The development of internet is also considered to be able to play an important part in spreading of information. The university has a specific, dedicated computer section, and is linked to World Wide Web through Intelsat. At present we have 20 students in this section.

In 1999 we started a Centre for Conflict Management, based on the history of the country. On this base are being developed strategies on further progress. The centre is working with research and surveys on how to precede in future areas of reconciliation, justice, socio-economic factors, information and education on constitution and reconciliation, both on a personal and an official level. We will also arrange seminars and educate people who can be local leaders for conflict management.

The role of information in the reconciliation process:

Reconciliation in Rwanda is a complicated process. It is essential that the attitude in the population is positive towards this process. This is easier among the younger than the older Rwandans. Of central importance is the information of the public about what is going on and what has been obtained in the court processes. But to give information, as such, is not enough. It is necessary that the information given is comprehended and understood, and it has also to bring an element of education contributing to reconciliation and a sense of community, resulting in changed attitude, reduced bitterness and increased knowledge and consciousness. All these elements are included in the broad construction of the reconciliation process. The government has

been very conscious to use all traditional methods available in the society of information. But there has also been will to find new ways and methods to reach those who live in rural and isolated parts of the country where also the degree of illiteracy is big. Many officials in central positions feel that the lack of proper media structures, be it non-existence of daily newspaper or television, is a serious obstacle in view of reaching all of the population with important information. Central persons in the political life are also sharing this feeling, and also representatives in the education systems and within the humanitarian organisations. It will be exciting to see how the new and creative methods will work.

The gacaca courts.

During the genocide in Rwanda in 1994, of a population of more than 12 million people, more than 1 million people were killed. Every single family in Rwanda has been affected directly by the tragedies. As many as 10% of the population may have killed somebody. After the genocide 120 000 persons were imprisoned, and still 110 000 are in jail, all of them without having had a trial or sentence. After the genocide there was not a single judge or lawyer left in Rwanda. All were killed or had fled the country. In addition there were only a handful policemen left, no teachers, doctors or other academics. The prisons were dramatically packed, and the prisoners were serving under conditions beyond description. In some prisons the prisoners were not able to sit or lie down. They had to sleep in turns. We saw prisons with 600 persons in a “cell” where two prisoners were standing with their legs apart and the third sleeping between his legs on a floor 10-15cm high with water and sewage, and with gangrenous toes were floating around. In another “cell”, just as crowded but dry on the floor, they had to sleep in a criss-cross pattern in three layers. If everyone who at present is imprisoned shall have his or her trials through the civil court system, it will take more than 200 years to get through. Court trials and sentence is an important element in the process of reconciliation, both for victims and offenders, and one cannot live with the present situation for the prisoners (Kagabo, interview 2002). As a consequence the old, traditional Rwandan system with public courts, has been revitalised. It was abolished at the end of 1800 as it was considered to be a foreign body by the colonial governments. This system was called gacaca. The revitalisation work started in 1995 to create a juridical base and form the necessary laws, and also planning of the practical sides of those trials and courts. The law was put to vote in the transitional parliament (*L'Assemblée Nationale de Transition*) October 12th 2000 and

carries the name *”Loi organique no. 40/2000 du 26/01/2001 portant creation des ”Juridictions Gacaca” et organisation des poursuites des infractions constitutives du crime de genocide ou des crimes contre l’humanité, commises entre le 1er Octobre 1990 et le 31 Decembre 1994,”* in short called the Gacaca Law (La Loi Gacaca). The law has been constructed on the same principles as in the Western World, and consists of 100 articles dealing with all sides of court practice and with a defined appeal system. As indicated in the name of the law, the gacaca system is specifically directed towards persons who has committed crime against humanity or participated in genocide during that limited period. Crimes of the same character, but committed outside this period, will be processed in the normal civil courts. Other types of criminality committed during this period will also be tried in civil courts, and also in some cases, which could have been tried in gacaca. The gacaca courts are not yet in activity, but it is expected that the system will be in activity from the middle of 2002. On the other hand, some test trials have already been processed, among them have about 50% ended with acquittal. This has as an effect that the number of prisoners has been somewhat reduced. The crimes within the frame of genocide have four categories. In category 1 are placed the persons accused of the most serious offences, like planning and organisation of the crimes and killings, those who have been the motive power in the killings, leaders at different levels, nationally, regionally, in the communities, or leaders of political parties, the army, church and religious organisations, and the militia. But in addition, in this category are also those who have been doing the killing in an especially beastly way. Category 1 criminals cannot be tried in the gacaca system, but only in the civil courts or the Arusha Tribunal. The three other categories can be treated in the gacaca courts at different levels according to the seriousness of what they are suspected of having done. Category 2 are the persons suspected of having committed killings or have participated in actions with the intention to kill, or have used a degree of violence leading to death. Category 3 are persons suspected of other actions of violence, but not resulting in death, and it also includes rape. Category 4 are persons suspected of serious violation of the right of property. The gacaca system has a pyramid like construction with four levels: cell (”celle”), sector (”secteur”), district (”district”) and province (”province”). Every inhabitant above 18 years of age creates a general assembly (Assemblée Générale) at the level of cells. If a cell has more than 200 members it has to be divided (”fision”), but no cell can have less than 50 members. The main task for the general assembly is to work out a list over which inhabitants in the cell who were

killed as a result of the genocide, but also who did the killing, to list those who were raped and who did it. In addition the general assembly shall elaborate a list over persons who have moved from the cell. The general assembly chooses a law council of 19 persons who will be able to judge in the trials of category 4. The sector, district and province levels in gacaca are organised according to the same system with general assemblies with members from the lower level. At all levels the law council consists of 19 members. At sector level category 3 accused can be sentenced, and on district level category 2 can be accused. Gacaca at province level is an appeal court for the courts on the lower levels. There is a close cooperation between the gacaca courts and the civil courts. The gacaca courts will be guided and instructed by a committee of coordination (Comité de Coordination). They will also be supervised by national and international human right organisations to avoid abuse of the system. An information program has been published, to inform the population about the system and the role it is meant to play. A part of this information program will be administered by the foundation Internews who also is responsible for the present information about the work of the Arusha tribunal. The members of the gacaca law counsels or courts need to be educated in the system and procedures. A number of 250 000 persons chosen by the general assemblies at cell level are included in an education program to give them necessary competence to act as gacaca judge. The gacaca system is organised in a way that each court will have around 10 cases each to take care of. The hope is therefore that all the cases shall be finished in a few years. (Secrétariat Général du Gouvernement, all information about gacaca is taken directly and translated from the original text of the Gacaca-law).

Interview with **Innocent Kamanzi**, information officer ICTR (in French, 040202, in Kigali): He stressed the importance of the administration of justice to include and involve the local communities. This is important as it will show the local population that the law system is reacting, and it will also contribute to let the local population know as much as possible about the truth about what happened. It is important for people to see that even leaders can be standing handcuffed in front of the judges. The Gacaca system will contribute to this.

Interview with **Peace**, politician with Norwegian link (Kigali, in Norwegian, Feb 5th 2002).

She has a clear opinion that the gacaca is important in the process of reconciliation and the restoring of Rwanda. People wish justice with punishment of the guilty and excuse and compensation of a sort. She believes in the gacaca system because the system is based on old Rwandan traditions through hundreds of years. The gacaca courts will work just, independently of the composition of the courts as to clan or geographical origin. To be able to form a judgement there has to be evidence and proof and nobody can be sentenced without such. The gacaca system with many judges and the obligation of unanimity of voting is representing the safety for the accused. Gacaca will also work as a purification process because the processes are taking place locally and is open for everybody, and many of the local people will themselves participate actively in the gacaca processes.

Interview with **Emmanuel Imanzi Kayitana**, personal advisor to the president (Kigali, in French, February 5th, 2002).

He expresses the opinion that the Tribunal in Arusha only to a small extent can contribute in the process of reconciliation. He has little confidence in the Tribunal that according to his views should have been located inside Rwanda and that the reconciliation process has to take place in Rwanda. Accordingly the local gacacas have a much more important role and can contribute substantially to reconciliation through these processes.

Interview with **Ruben Niyubizi**, secretary LIPRODHOR (Kigali, in French, February 6th 2002):

The attitude of the authorities is to be helpful and to create good conditions. But one must not lose focus on the victims giving all the attention to “the others” during the court processes. Gacaca is very important on all levels, but some critics are afraid that these processes can result in new adversities, as there are many family- and social relations among the witnesses, victims and judges. Everyone will have a fair trial, as the gacaca is an open process. It will be neutral and observers from human right organisations both from Rwanda and from the international society will be present to control. The government has also been very alert as to involve all the population groups in these processes.

Interview with **Philibert Kagabo**, professor, anthropology (Kigali, in French, Feb 7th 2002).

To have a successful reconciliation process, it needs good will from the government and the people. After 1994 the authorities appointed a team of researchers and anthropologists and gave them the task to find a way that the Rwandans could be united again and put a stop to an almost continuous state of civil war for almost 30 years. Looking back to historical roots and old culture, some work was done. Rwanda has existed as a nation since the 13th century. At earlier times conflicts were resolved by wise men that made their decisions on right and wrong. These wise men were chosen among the local society creating a counsel working according to a consensus system without judges and without defence. The group of wise men discussed till they found a solution. If the case involved the son of one of the wise, it was not considered to be a problem as to disqualification, as the wise man, the father, was only one in the group. Only men could be a member of the counsel, but no decision could be taken before each of them consulted their wives. To be eligible it was necessary to have some material goods. This system was destroyed when the colonialisation started and introduced the court systems that were used in Europe. Now this old system is being revitalised and called by the old name, gacaca. “Can it happen also today that a father is judging his son”?, - was a question asked during the interview, and the answer was “It might happen.” Disqualification is not an issue, as the gacaca always has to discuss to consensus. If consensus is not obtained in first round, there are procedures to follow on how to proceed the discussions, to obtain consensus. The court system introduced by the Belgians was concluded in 1994, after some years when it was not working. The first two years after the genocide no courts existed in Rwanda, nor were there any judges, lawyers, police or investigators. The system had to be constructed from the bottom. The prisons are now more than full, literally packed, and there is an immediate need to get the court processes going. Some say it will take 200 years to finish them all, if one is to rely on civil courts alone. That is why it is so important to have the gacaca system working as early as possible.

Interview with **Tito Rutaremara**, president of the Constitutional committee (Kigali, in French, Feb. 7th 2002).

Gacaca is very important and we are discussing if this system shall be incorporated in the Constitution. In the gacaca trials, the sentence will be reduced by $\frac{1}{4}$ if the convicted confesses after the sentence has been declared, and halved if accused confesses before the sentence has been declared. According to our calculations the processes both in Arusha and gacaca need six

years to finish the trials. The lawyers have little faith in gacaca, both as a system and also in regard of legal protection.

Interview with **Charles Murigande**, secretary general RPF (Kigali, in English, Feb 7th 2002). Justice is necessary to obtain reconciliation. This is not easy as the entire juridical infrastructure was completely destroyed. One has to take responsibility for one's actions. The majority of the killings during the genocide were done during daytime, and there were witnesses to it in abundance. Hence it is logical that the people of the village themselves will tell about what happened in their own village. This is the way the gacaca courts are working. The people themselves have chosen the judges. The international society was very sceptical to the gacaca system, as it was thought that it was not possible to respect important juridical and human rights within this system. But as Rwanda does not have the formal juridical capacity, one has to base the system on other structures, as the gacaca. Many persons who had an active part in the genocide have not been caught. Some have also confessed, but there is no more space in the prisons and they have to wait in the outside world till their case in coming to court. In addition a lot of persons are also hiding their actions. There is no other option than to consider everyone outside the prisons to be innocent until a trial and a final sentence. In the court processes after the genocide, there is need for both a traditional court system, and the gacaca. Both have important elements and are very useful for different purposes. Sometimes it can be difficult to have witnesses in court standing face to face with the accused. But it is important to reveal the truth. Many have confessed to have participated in acts of genocide and have given details of the acts. The evidence given by the accused and witnesses can be used as important information in the gacaca.

Interview with **Valérie Bémériki**, former journalist in RTML, now in jail (Prison Céntral de Kigali, in French, Feb 8th 2002). (The interview was done in the Central Prison of Kigali, where she was imprisoned waiting for her trial. We were admitted to the prison, and we were allowed to interview any person we wanted, and the interview was done without any presence of the prison authorities. There were no restrictions on what questions we could ask. She is accused according to offences of category 1, who are the most serious.)

She says that nothing sudden or abrupt happened in 1994, but it was a terrible civil war from 1990. She was working as a journalist in Radio Télévision Mille Collines (RTML) and is accused of having had a very central position in using the radio to spread anti-Tutsi harassments and propaganda. She is also accused of organising and directing where to do the killings, which town or village who were next to be liquidated. In a way RTML is said to have been a sort of commando central for the killings during the genocide. She denies any such accusations. As a category 1-case, her trial will not be in the gacaca system, but tried in the civil court system, where she can risk to be sentenced to death. She is not very enthusiastic, rather luke-warm, to the gacaca. But the processes have not started yet, and one has to see how it works before judgements can be given. She has doubts on some of the legal sides of the gacaca system, especially that a sentence, according to the principle of consensus, only can be absolutely guilty or not guilty. Furthermore she doesn't consider gacaca to be objective given the fact that RPF (the political party on which the government is based representing a minority of the population the Tutsi) has too much influence in the nominations to the gacaca.

Interview with **Jean Bosco Barayagwiz**, CDR-politician, now jailed (in Prison Central de Kigali, where the interview was done, in French, 080202).

The genocide is not a consequence of our civil war. It was the RPF who started the war with the sole purpose to seize power. They arrived in great numbers to Kigali to kill, which they did. The Gacaca tribunals will certainly be misused by the RPF and will not help in the reconciliation. On the contrary, it is a game to cheat people to let them be ruled by the RPF in a regime led by Tutsis. This was what we wanted to get rid of through the Hutu Manifest in 1958. Gacaca has as a goal to punish Hutus not Tutsis and that is reflected in the headline of the Gacaca law, where the law shall only cover the period October 1st 1990 to December 31st 1994.

Interview with **Wanda Hall**, chief of press, Internews (Kigali, in English, Feb 10th 2002).

She is expressing optimism and hopes that the gacaca system will work, but she is uncertain on how soon it can start to work. It has been planned for seven years, but is still not in action. On the other hand, 300 test trials have been performed. During a trial the accused are faced to 19 judges who are asked if they know the accused and if they know if he has done something wrong. If nobody has any objections, he will be acquitted immediately. All conclusions have to be unanimous,

but if it isn't possible to reach consensus in the first round of the trial, there is a system on how to proceed further in view of obtaining consensus. As a part of the rebuilding of the country, the government is about to carry out a program for house building and settlement. This can cause problems for the work of gacaca, as migration of the population will increase. One is offered a new house, but not necessarily in the original cell, sector or district. At a new location where the person is unknown, the local gacaca court has fewer possibilities to know if the person has committed a crime. As a consequence the program can have as a negative effect that a person who has done a crime can move to a new place to escape penalty. The trials in the civil courts have been a difficult process, and they still are. An important bottleneck is the lack of lawyers for the defence. Those are available almost exclusively through Avocats sans Frontières as most of the Rwandan lawyers do not wish to defend persons accused for killings and crimes. Most of the reason seems to be economical, but there is also a question of principles and capacity. Quite often the lawyer for the defence has to be brought in from other countries, often with another language, and who as a consequence has difficulties communicating with his client. The defence has a huge load of work and every lawyer has many cases, often up to 30 going on at the same time. In the rural districts there is a lot of disturbances, with a lot of bitterness and also confrontations between different groups. She has herself experienced situations she calls "explosive" in certain regions. There are a lot of bridges to be built in more than one way, a lot of conflicts have to be worked through, and the requirement on the structures working for reconciliation is important.

How effective are the gacaca courts:

Rwanda faces big challenges in the work with reconciliation after the genocide and it is necessary to work along many axes. One of the most important, both for victims and offenders, is justice in relation to the trials, and consciousness and knowledge concerning what happened and the reasons for it. Gacaca is an important factor in this context. Many sides and elements in the gacaca system bring reason for optimism for the future, not the least as the system has a long tradition and history in the country. It is a system involving a large number of persons, who by participating in or attending to the trials will acquire an understanding that justice can be obtained. Many conflicts can be resolved due to this, and much of the aggressive ambiance, which is seen especially in rural areas, can be smoothed. This will permit the peaceful and positive coexistence as a result of the psychological process. Many persons express the view that

some of the conditions for reconciliation are the trials, judgements, sentences and penalties, and also that the guilty persons admit their offences, and finally that it is given some kind of compensation. The way the gacaca system is organised, it represents not only a court trial but also a way of getting the truth from the witnesses through the witness hearings. When admitting guilt, the penalty will be reduced. It is expected that this will make it easier to explain the circumstances and the person's own participation, and it also will make it easier to ask for forgiveness. The motives for doing this can be various and double, with the hidden motive they have the penalty reduced. But the overall effect is expected to be much on the positive side, and these and any admissions of guilt will be accepted. And there is also the question on compensations, which is being discussed in another part of this thesis.

Almost all official organisations and official authorities as well as political parties, both RPF and the government but also the opposition, are supporting the gacaca, many with great enthusiasm. The same is valid also for other organisations including organisations working for human rights and aid organisations, both within Rwanda but also international. But there is some scepticism against the system. One is that it has taken so long time to have the system working having as a consequence that many have spent up to seven years in jail without any trial, and during that time built up a lot of bitterness. The lawyers in Rwanda and abroad are also having worries on the legal protection and juridical safety within the system. Many Hutus, especially those in political positions and activists consider gacaca to be a system installed by and meant to serve the ruling party, RPF. They are therefore afraid that the system will not function unbiased, objective and neutral, and will focus more on Hutus killing Tutsis than Tutsis killing Hutus, which also happened in a large scale. Another issue that can cause problems is the housing and rebuilding program installed by the government, which will contribute to people moving to another region and hence evade prosecution being unknown at the new place. To neutralise this problem, the gacaca at cell-level will have as designated task to work out a list of persons, which after the genocide have moved away from the cell. The huge problem that has to find a solution as fast as possible is to trial all those 110 000 still are in prison without having had the possibility to trial and to defend themselves. Another side of this problem is to trace down and investigate all those who are not yet been accused and who have participated in the genocide. The critics to gacaca do not have any alternative suggestions how to make just cases and how to handle this problem. They are only criticising the suggested solutions. According to our opinion there doesn't seem to

be any better way to do it. It is therefore important that all forces are used to make gacaca as efficient and good working as possible. To obtain this, Rwanda will need broad international support, including economical help, of which some should be earmarked for education in the gacaca system

Part 3

Conclusion:

Is it possible for the Rwandan people to restore confidence and mutual trust and create reconciliation after the genocide?

In the history of the world there is hardly any example as dramatic and gruesome as the civil war and the genocide in Rwanda in 1994. During the three worst months, more than 11 000 persons were killed every single day, a killing rate that exceeds any other in the world history, including the holocaust of World War 2. The natural question is then: Is it possible for the people to work through antagonisms and bitterness to obtain reconciliation, and what does it take to obtain that goal? In this report we have had as intention to study this and also to consider with what other nations, and Norway in particular, can contribute. The process of reconciliation is extensive and has to be done on many arenas and in many ways, between different groups of population, between the different regions of Rwanda, between Rwandans in Rwanda and Rwandans living as refugees in exile and wishing to return to Rwanda, between the population in the towns and the rural population, between intellectuals and illiterates, between young people and the elders, between university people and craftsmen, between sick persons and healthy persons, and between the different cultures within Rwanda. We asked the advocate of human rights Tom Ndahiro if reconciliation is possible, and he answered: "Who shall be reconciled with whom?"

This illustrates the difficulties with the work for reconciliation and also indicates how difficult it is to define the line of demarcation between whom to be reconciled. It is much easier to define the interface in a war between two nations than in internal conflicts, and especially in a conflict of the kind seen in Rwanda. Our opinion after our 8 days stay in Rwanda, with interviews, impressions after meeting people, experiences of culture and travels, studies before and after the stay, and also the succeeding stay of three days at the Tribunal in Arusha, is that reconciliation is possible. To understand the way of thinking of the people and the individuals, it is necessary to have a basic knowledge of the history of Rwanda. In the Western world people often have the

impression and think that Africa is a primitive continent of hunger and civil wars. But Africa is much more than that, with cultures older than any of the western cultures, with social- and society structures much more advanced than ours and also at earlier stages. An example is the surprise of the Germans when they annexed Rwanda-Urundi around 1880. They were met by an advanced and highly structured society. The importance of the history and having a historical background is also reflected through the fact that during hundreds of years before the arrival of the Germans had peoples' courts with another construction and method of work than ours, men not less effective or just of that reason. This system is now revitalized and the old name is used, "gacaca" which means *those who sit together and talk*. The purpose of this system is in some sort a parallel to the Commissions of Truth in South Africa, but the gacaca has also the authority to judge and sentence. In the beginning we were rather sceptical to this system, but after having studied the legislation, made interviews with different politicians, human right advocates, prisoners and victims, we are convinced that this system of law will play an very important role. We think the system will be effective and just and enable accomplishment of the cases within acceptable time

We have met people who are sceptical and also contrary to gacaca, and who have expressed criticism on different grounds and with different arguments. Common for all of them is that none of them have presented alternative suggestions on how to solve the problems. Consequently we share the view that one has to apply the gacaca system for all it is worth. We have met a glowing optimism and engagement in all parts of the population, to an extent we find almost unbelievable. We are tempted to think that the Rwandans have a short memory, but after collected information, acquired knowledge and experience, we have a very clear impression that the will and ability for reconciliation and to look forwards is real and realistic. Maybe this is due to a lack of alternatives. Political authorities are working thoroughly with reconciliation, and they are following up with proposals for necessary laws. The legislation of the press is about to be changed in the direction to implement freedom of press; they are working intensively in the field of school and education all the way from primary school and even kindergarten, to the university level, to make the best possible ground to let reconciliation grow up from. They are very conscious about the problem, which will arise from the expected enormous growth of population, this already being the densest populated country in Africa, and they are working very actively to improve infrastructure, and systems of communication and information. In this report we have

focused on some special issues. It is said that the reconciliation has take place in Rwanda. Of course this is obvious, but still important to stress. There are many persons and organisations outside Rwanda, who wish to participate from the outside of Rwanda, but their engagement has to be placed inside Rwanda. Typical Norwegian examples of this is the Norwegian Peoples Aid, the Norwegian Red Cross and the Norwegian Church Aid who are all engaged in different ways, where the people is.

In addition, the Norwegian Helsinki Committee has expressed interest in starting an engagement on human rights related to Rwanda. Much more could be done, both by Norway and by the international society, both in a large perspective and in a small scale.

Working with this report, we have had focus most on the problems in the rural districts. We have seen at lot of good initiatives that deserve report and attention, and are important elements in the reconciliation process. Specifically we have mentioned the prosthesis workshop and children's home, but a lot more really deserve to be mentioned. In the larger scale the government's housing- and settlement programs are interesting tools, with a lot of positive and constructive elements, but also with some unexpected negative effects, as for example related to the gacaca processes. The Rwandan society needs economical support and contributions to be able to make these programs work.

It is not only the humanitarian organisations in Norway (and other countries) that can help Rwanda. Official organisations under the umbrella of different departments can participate in many fields. One example is NORDEM within the Norwegian department for foreign affairs who can contribute and participate in programs of education in democracy and democratic processes. NORAD, (the Norwegian Aid Organisation) possesses a lot of expertise, which can be of great use, but Rwanda is not defined as an important cooperation country. We hope this can be changed.

We travelled to Rwanda with a lot of curiosity and a certain amount of scepticism, but we are returning to Norway with a clear opinion that the reconciliation process can be developed in a very constructive way. Maybe even the methods applied in Rwanda can serve as a good example for conflict management in other parts of the world.

List of literature:

Author	year	title	place	publisher
Andreassen, Bård-Anders	1993 book	<i>Hva er internasjonal valgobservasjon?</i> (What is international observation of elections?)	Oslo, NO	Mennesker og rettigheter
Andreassen, Bård-Anders og Elin Skaar	1998 book	<i>Forsoning eller rettferdighet?</i> (Reconciliation or justice?)	Oslo, NO	Cappelen Akademisk Forlag
Bakkevig, Trond	2002 lecture	Speech HIBU 2002.04.14: The role of the church in national and international processes of conflict management and reconciliation.	Drammen, NO	Secretary General of the Norwegian Church
Briggs, Philip and Janice Booth	2001 book	<i>Rwanda, The Bradt Travel guide</i>	Bucks SL9 9QE, UK	Bradt
Classe, Leon	1935 book	<i>Extraits des lettres des Grands lacs</i>	Louvain, BE	Presse Universitaire de Louvain
Norwegian Helsinki committee, The -	2001 report	<i>The difficult reconciliation. Rebuilding of trust and reconciliation after war and conflict.</i>	Oslo, NO	The Norwegian Helsinki committee
Djuliman, Enver	2002 Lecture	Speech HIBU 2002.04.14: <i>The difficulties in reconciliation.</i>	Drammen, NO	The Norwegian Helsinki committee
Fangen, Katrine	2001 book	<i>En bok om nynazister.</i> ("A book about neo-Nazi")	Oslo, NO	University Press
UN	1945, later	<i>Charter of the United Nations</i>	San	United Nations

	revised charter		Francisco, USA	
UN	1948 declaration	Document 1948.12.10: The world declaration on human rights.	New York, USA	United Nations
Fredriksen, Tommy	2002 Lecture	Speech HIBU 2002.01.25: <i>Introduction into international humanitarian law.</i>	Drammen, NO	Norwegian Red Cross
Fredriksen, Tommy	2002 Lecture	Speech HIBU 2002.01.26: <i>Human rights during crises, war and catastrophes: State of emergencies and derogations.</i>	Drammen, NO	Norwegian Red Cross
Gourevitch, Philip	1998 book	<i>We wish to inform you that tomorrow we will be killed with our families</i>	New York, USA	Picador
ICTR	2000 pamphlet	<i>Testifying before the International Criminal Tribunal for Rwanda (ICTR)</i>	Arusha, TZ	ICTR
ICTR	2001 pamphlet	<i>The ICTR at a glance (Pamphlet)</i>	Arusha, TZ	ICTR
ICTR	2001 pamphlet	<i>Textes fondamentaux et Jurisprudence, 1995-2000 (Pamphlete)</i>	Arusha, TZ	ICTR
ICTR	2002 report	Report 2002.02.08: <i>ICTR Detainees, Status on 8 February 2002</i>	Arusha, TZ	ICTR
Kapuscinski, Ryszard	2001 book	<i>Ibenholt</i> („Ivory“)	Oslo, NO	Aschehoug
Karlsen, Gunnar	2002 Lecture	Speech HIBU 2002.01.26: <i>Establishing of international minimum standards.</i>	Drammen, NO	The Norwegian Helsinki committee
Khan, Shaharyar M.	2000 book	<i>The Shallow Graves of Rwanda</i>	London, UK	I.B. Tauris
Krozlak, Daniella	2002 Lecture	Speech HIBU 2002.01.27: <i>The international work to prevent serious harassments and to combat impunity in the post-war period: The role of the UN and</i>	Drammen, NO	Norwegian Institute for Foreign Policy

		<i>other international governmental and nongovernmental organisations.</i>		
Lavik, Nils Johan	2002 article	”Folkemord - noen medisinske og psykologiske aspekter” (”Genocide – some medical and psychological aspects.”)	Oslo, NO	<i>Journal of The Norwegian Medical Association 2002</i> (s 40-44)
Melvern, Linda	2000 book	<i>A people betrayed</i>	London, UK	Zed
Ministère des Finances and Ministère de la Défence Rwandaise	1993 document	Document 1993.05.03: <i>Contrat pour la fourniture de matériels technique militaires. Contrat no: 01/93 Dos 0384/06.1.9 entre le Ministre de la défense et le Ministre des Finances d’une part, et La société DYL-INVEST.</i>	Cran- Gevrier, FR	The Linda Melvern Rwanda Genocide Archive, The Hugh Owen Library, University of Wales
Mugarura, Victor K.	2001 article	“Rwanda gets 260 000 Gacaca Judges”	Nairobi, KE	The New Times 2001.10.11
Mugarura, Victor K.	2001 article	“Gacaca to boost family incomes”	Nairobi, KE	The New Times 2001.10.06
Natvig, Kirsten S.	2001 Article	”Rwanda – seven years after the genocide.”	Oslo, NO	Bistandsaktuelt, Norwegian Ministry for foreign Aids <i>04.2001s.</i> 19
Oliver, Roland og Brian M. Fagan	1975 book	<i>Africa in the Iron Age</i>	Cambridge, UK	Cambridge University Press
Renzaho, Juvenal	1986 book	<i>Rwanda, pays au printemps perpetuel</i>	Kigali, RW	Delroisse

Rognsaa, Aage	2000 book	<i>The methods of shaping a project.</i>	Oslo, NO	University Press
Samset, Ingrid	2002 article	Med historia som maktmiddel.” ”With history as a mean of power.” www.bt.no/meninger/kronikk/article.jhtml? <i>articleID=85145</i>	Bergen, NO	BT.no, Bergens Tidende (newspaper) 2002.04.09
Secrétariat Général du Gouvernement, Services du Premier Ministre	2001 Report	Public report from the Ministry of Justice of Rwanda 2001.01.26: <i>La loi organique portant creation des “juridictions gacaca” et organisation des poursuites des infractions constitutives du crimes de genocide ou de crimes contre l’humanité, commises entre le 1er octobre 1990 et le 31 decembre 1994.</i>	Kigali, RW	Assemblée Nationale de Rwanda
Solberg, Øivind	2002 article	”Et land rammet av folkemord” (”A people paralysed by genocide.”)	Oslo, NO	Journal of The Norwegian Medical Association. 2002, (s. 946-947)
Sæther, Wera	1994 book	<i>Rwandas øyne</i> (The eyes of Rwanda.“)	Oslo, NO	Cappelen
Turatsioze, Theo	2001 article	“Gacaca Court system – A giant step in the right direction for Rwanda”	Nairobi, KE	<i>The New Times</i> 2001.09.24
UN/ICTR	2000 pamphlet	<i>Presentation of the International Criminal Tribunal for Rwanda (ICTR)</i>	New York, USA	United Nations
Université Nationale du	2001 report	<i>Ruptures socioculturelles et conflit au Rwanda</i>	Butare, RW	Université Nationale de

Rwanda				Rwanda
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List over interviewed persons:

Name	date	place	position
Amoussouga, Roland Kouassi Géro	130202	Arusha TZ	Legal adviser, <i>ICTR</i> , responsible for the witness protection programme
Barayagwiza, Jean Bosco	080202	Kigali RW	Central politician in <i>CDR</i> , now prisoner in Kigali
Bémériki, Valérie	080202	Kigali RW	Former journalist, radio <i>RTML</i> , now prisoner in Kigali
Borud, Torild	Feb. 02	Oslo NOR	Delegate in Rwanda for <i>Norwegian Church Aid</i>
Taxidriver 1	030202	Kigali RW	Taxi driver in Kigali, asked for anonymity.
Taxidriver 2	080202	Kigali RW	Taxi driver in Kigali, asked for anonymity
Egeland, Jan	250402	Oslo, NOR	Secretary General Norwegian Red Cross (2002), former Parliamentary Secretary to the Minister of Foreign affairs 1994. (From 2003: Assistant Secretary General to Secretary General of the UN Kofi Annan)
Prisoner 1	080202	Kigali RW	Prisoner, Prison Central de Kigali, admitted killing of 14 persons
Prisoner 2	080202	Kigali RW	Prisoner, Prison Central de Kigali, chairman of a <i>secteur</i> and accused of not interfering with killings.
Foster, Pierce	060202	Kigali RW	The USA Ambassador to Rwanda, profession as a jurist, working in the USA as prosecuting attorney.
Gahamanya, Ididore	080202	Kigali RW	Manager, Prison Central de Kigali, the central prison of Kigali

Guide Nyamata	070202	Nyamata RW	Guide and one out of five survivors of the massacre in the church of <i>Nyamata</i> .
Hall, Wanda	100202	Kigali RW	Country director, <i>Internews Network</i>
Kagabo, Philibert	070202	Kigali RW	Anthropologist, Projét Anthropologique de Gestion et de Résolution des conflits au Rwanda
Kamanzi, Innocent	050202	Kigali RW	Information officer in <i>ICTR</i> , head of the office in Kigali
Karangua, Eustache Amani	080202	Kigali RW	Secretary General, <i>Interfaith</i>
Karegeya, Kashka	080202	Kigali RW	Executive secretary, <i>Forum des Activistes Contre la Torture/Rwanda (FACT)</i>
Kayitana, Emmanuel Imanzi	050202	Kigali RW	Former ambassador for Rwanda in <i>DRC</i> (former Zaire), personal advisor to the president
Kennedy, Tom	120202	Arusha TZ	Publicity manager, <i>ICTR</i>
Mbegu, Maneno	100202	Entebbe, Uganda	Regional Sales Manager for Rwanda, Tanzania Breweries Ltd.
Møse, Erik	120202	Arusha TZ	Judge, vice president of <i>ICTR</i> . (From 2003, president).
Moses, Jonathan	130202	Arusha TZ	Legal adviser for the Accuser, <i>ICTR</i>
Murigande, Charles	070202	Kigali RW	Secretary General, <i>RPF</i>
Ndahiro, Tom	040202 and 130202	Kigali RW and Arusha TZ	Commissioner, National Human Rights Commission, chairman of the national commission for human rights in Rwanda.
Niyubizi, Ruben	060202	Kigali RW	Secretary, <i>LIPRODHOR</i>
Nzejimana,	080202	Kigali	Prisoner, Prison Central de Kigali. Formerly

Robert Seth		RW	working in the Free Methodist Church
Ommundsen, Geir	040202	Kigali RW	Chief coordinator, <i>Norwegian People's Aid</i> in Rwanda.
Peace	Feb. 02 Many occasions	Kigali RW	Politician, niece of the president, lived many years as refugee in Norway.
Raen, John Gunnar	040202	Kigali RW	Chief coordinator, <i>Norwegian Church Aid</i> in Rwanda.
Ristvedt, Frithjof	Feb. 02 many occasions	Kigali RW	Norwegian businessman living and working in Rwanda
Ristvedt, Ragne	Feb. 02 many occasions	Kigali RW	Project coordinator, Norwegian, working in Rwanda
Rubayiza, Fidèl	090202	Butare RW	Student of journalism at University of Rwanda in Butare. Leader of student organisation.
Rutaremara, Tito	070202	Kigali RW	President of commission, Legal and Constitutional Commission, Republic of Rwanda.
Rwamasirabo, Emile	090202	Butare RW	President, Université Nationale de Rwanda
Waiter	060202	Kigali RW	Waiter in a restaurant close to ICTR-office Kigali
Trafipro offiser	060202	Kigali RW	Officer in World Food Program (Programme Alimentaire Mondiale, PAM). Asked for anonymity
Trafipro guard	060202	Kigali RW	Entrance guard at Trafipro/PAM Asked for anonymity

Attachments

Attachment 1

Attachment 2

Attachment 3

Attachment 4

Questionnaires to the interviewed

Contract on trade of weapons from
Egypt

Map over Rwanda

Pictures from Rwanda