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### RPF Controlled International Intervention

In 1994, the Rwandan genocide led to the deaths of 800,000 people carried out by nearly 200,000 perpetrators. The genocide was carried out by Hutus in an effort to annihilate the Tutsi population. It stemmed from the ongoing inter-ethnic power struggle in Rwanda. To end the genocide, the Rwandan Patriotic Front (RPF), led by Paul Kagame, led a military initiative to retake the capital, Kigali. The RPF was founded in Uganda by Tutsi refugees as a military and political movement, but became the ruling political party when it overthrew the Hutu extremists who took power during the genocide. Today the RPF holds over three-quarters of the parliamentary seats while Paul Kagame, a member of the party, has been president since 1998. Under this regime, the reconciliation efforts are centered around suppressing ethnic identity and trying genocide suspects being held in prisons in order to alleviate the pressure on the judicial and prison systems. In 1998, the Rwandan government repurposed the gacaca courts, a traditional judicial system, to try the remaining 130,000 suspected perpetrators being held in prisons. The Rwandan government only accepted financial support from the international community for the gacaca courts (Haskell). This allowed the Rwandan government to maintain close control over the courts. Despite the gacaca courts' clear failure to comply with international standards on fair trials, many foreign governments donated large sums to their operation. These courts are the only viable method to try all those awaiting justice. They are also strategically designed to limit foreign involvement by keeping trials local and not accepting foreign judicial volunteers or training.

This allows for the Rwandan government to continue their suppression of Hutus with international support by maintaining a façade of justice and reconciliation.

The Rwandan genocide began on April 6, 1994 when President Habyarimana's plane was shot down. Throughout the following hundred days Hutus killed their Tutsi neighbors at a rate of 6 deaths per minute. The massacre was coordinated by top government officials who often forced local officials to choose between their life and cooperation. Prosecutor v.

Akayesu was a case one such case seen by the International Criminal Tribunal for Rwanda (ICTR) (Prosecutor v. Akayesu 1). Akayesu was convicted for complicity in genocide for not intervening in the genocide within his jurisdiction and for not intervening in rape since he had a duty to protect the area (165-166). Meanwhile, the international community was slow in responding to the genocide. The genocide had ended months before 5000 UN troops arrived in Rwanda (Haskell). Meanwhile the RPF, lead by Paul Kagame, overthrew the government with military force to stop the genocide.

The RPF committed numerous atrocities during their intervention and after. They treated all Hutus and surviving men within captured areas as perpetrators of genocide. Their response left a wake of bodies as they killed anyone suspected as complicity in genocide (Leave None to Tell). Following July 4th, 1994, when the RFP retook Kigali, the party began questioning survivors in order to identify perpetrators; very few Hutus made it through the rounds of questioning and many of them disappeared all together.

Immediately following the genocide, the RPF established their power using strict limitations on foreign presence and engagement within the country. They broke international law to displace 70,000 people from medical humanitarian aid facilities in June and July 1994. In addition, the RPF sought to influence the perceptions of remaining aid workers and journalists through information and liaison officers who interacted with these foreign actors.

While in RPF controlled areas, all foreigners were required to be accompanied by an escort. The Human Rights Watch (HRW) reports that human rights investigators who exposed the RPFs ethics were stopped by the military.

Following the international community's failure to intervene in the genocide, many countries stepped up to support the reconciliation efforts. The international community remained involved despite the RPFs rejections of direct foreign involvement. A central aspect of reconciliation was identifying and punishing the 200,000 suspected perpetrators. While the International Criminal Tribunal for Rwanda tried 53 cases over the course of 20 years (Longman 306), it was far from being capable of giving a fair trial to all of the perpetrators. Until 1998, the Rwandan government sought to process all of the genocide cases through their existing judicial system. At that point, there were still 130,000 people awaiting trial which would have taken 200 years at the present rate (Haskell). The international community offered to bolster its judicial system by providing volunteer judges and lawyers, but the RPF rejected their offers in favor of more localized control. The Rwandan government revived the gacaca court system to expedite the trials and elected community members to serve as judges for these courts. Rwanda accepted donations to finance the gacaca courts, but continued to reject other types of aid.

Historically, the gacaca courts were used to try civil cases such as theft or disputes. Criminal cases were seen by the village chief or king. During colonization, legal matters were increasingly decided by Western court systems rather than the traditional systems. The RPF reinstated these courts in name; however, they were more closely related to the Western court systems than the traditional gacaca courts. The new gacaca courts were run by elected officials rather than village elders. In addition, they tried criminal cases using codified law

under a state institution rather than civil cases using reconciliation and restoration measures. Reconciliation and restoration are now secondary to serving prison sentences.

The post-genocide gacaca courts followed procedures which break international definitions of a fair trial. They do not follow due process by trying some suspects twice, giving limited notice of trial, and denying defendants the right to a lawyer or knowledge of their rights on trial. In addition, the gacaca courts frequently are subject to judicial biases, bribes, and government influence. The judges were often far too involved in the communities and the cases that they are judging to remain impartial. Nor is there a system to condemn bribery or government officials influencing the verdict. Notably, very few members of the RPF have been put on trial for their involvement in the genocide (BBC). Their ongoing influence is perhaps connected to this immunity. Despite these numerous breaches in due process, neither Rwanda nor donors appear to be making great attempts address them.

In 2011, the HRW published an extensive study on the gacaca courts. The study was based on 2000 days of observation (Haskell). The author expressed skepticism of the gacaca trials' success as a result of their blatant failure to follow due process. The study included a list of recommendations for improvement for the judges, Rwandan government, and donors to the trials such as education of judges and fair proceedings for the defendants. The study notes, though, that none of the parties made clear efforts to improve the system.

Each donor designated their funds towards a specific aspect of the gacaca court system which suggests that designations to improve due process could have been made. The main international donors were Belgium, the Netherlands, the EU, Australia and Switzerland. Belgium designated their funds towards logistics and basic supplies, while the EU, Netherlands, Australia, and Switzerland all funded the training of gacaca officials (Haskell). Although their training is valuable to ensuring the courts' operation, it did not solve the

breaches of due process which were written into the court procedures. Switzerland eventually redirected their funds to an NGO that sought to improve the justice of gacaca proceedings, although I did not find any clear results from their work. The HRW noted that any or all of these donations could be used to influence change within the court system (Haskell). The financial weight could have incentivized upholding due process. Notably, none of the foreign donations seem to have been accompanied by such stipulations.

Through the localization of proceedings, the Rwandan government allowed for the oversight of continued discrimination. The RPF benefits from the elimination of opposing leaders through the gacaca trials. The courts were not designed to fairly try the defendants who were rounded up at the end of the genocide on account of being Hutu (Leave None to Tell). As a result, many were convicted for not withholding information or for uninformed self-incrimination (Haskell). Exacerbating the problem, the Rwandan government has enacted strict discrimination laws to limit the discussion of ethnic identity or questioning of the government's authority (Leave None to Tell). Within the trials this could serve to reinforce the unjust punishment of defendants. These regulations make discussing of the motivations for committing genocide and of the governmentally enforced participation in genocide difficult. They force the discussion away from ethnicity, which was the crux of the genocide, to an individual's actions. This prevents punishing a family or community for an individual's crime (Haskell), but arguably also distracts from the collective motivations and organization of the genocide. Individualizing crime could also reinforce the ongoing interethnic tensions by focusing on individuals rather than the overarching political organization which motivated the crimes. Moving the motivation from the individual to an organization would alleviate ethnic tensions. Rather, the RPF has opted to focus on erasing all claim to an ethnic identity.

The RPF's absolute control over justice also covers the trail of injustices on the RPF's part when they retook Kigali and rounded up the perpetrators of the genocide. HRW reports suggest that the RPF imprisoned numerous Hutus on account of their ethnicity and location (Leave None to Tell). In the immediate aftermath of the genocide, the RPF simply shot suspects. Notably, however, very few government officials have been tried or recognized for their crimes (BBC). In this way the RPF can protect their reputation and popularity by hiding their human rights abuses. Simultaneously, they reinforce the evils of the genocide committed by the Hutus and the necessity to adopt a nationalist identity.

In addition to these "reconciliation" courts, as they are sometimes referred to, the Rwandan government has instituted other reconciliatory measures such as Umuganda, a monthly day of service. Umuganda requires all citizens to work together to improve Rwanda. A New York Times article on the event showed pictures of Rwandans digging a drainage ditch to prevent flooding of houses (Specia). Simultaneously, the schools have instituted curriculum for reconciliation that further seeks to efface ethnic identity through reinforcing a Rwandan identity. Rwandan nationalism is being used to cover over the divides between Hutu and Tutsi, but conveniently never addresses the inequalities, power hierarchies, or history of conflict between the ethnic groups. It rather opts to force a uniform identity on all Rwandans.

The party is using the conflict and suppressed tensions to urge citizen support of their party. The gacaca courts allow for the prosecution and imprisonment of many people who had threatened the rise of the RPF, since they often took part in the genocide. The figures who were not silenced by the gacaca courts are silenced by the anti-discrimination laws. These laws were instituted with the outward goal of preventing inter-ethnic discrimination and rising tensions, but also outlaw speaking out against the government and its actions. The

governmental limitations may be justified by the history of government overthrow that was central to the conflict, but also serves to protect the RPFs control.

Regardless of the ways that the reconciliation efforts reinforce the RPFs regime, international organizations continue to fund the gacaca courts. The RPF has effectively eliminated most foreign influence through limiting aid to financial contributions towards the gacaca courts. Nonetheless, after the international oversight and delayed involvement in Rwanda, there is a continued commitment to resolving and preventing a future genocide. The appearance of helping and solving conflict allows foreign governments to feel involved in the reconciliation and soothe their guilt by overlooking unfair trials with the excuse that there is no better solution. As long as this is the case, international actors will continue to fund the security of the RPF through funding governmental reconciliation efforts. In this way, the RPF will continue to evade accountability both within Rwanda and on an international scale.

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