

3570

Annex 1

Statement of Filip Reyntjens, 11 March 2011

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

THE PROSECUTOR

-v-

JEAN UWINKINDI

(Case No. ICTR-2001-75-R11*bis*)

STATEMENT OF FILIP REYNTJENS on behalf of JEAN UWINKINDI

I am Filip Reyntjens, Professor of Law and Politics at the University of Antwerp, Belgium.

- A. I understand that my duty in writing this report is to help the Court in the matters within my expertise. I understand that this duty overrides any obligation to the person from which I have received instructions or by whom I am paid. I have prepared this report on a pro bono basis. This is an independent statement prepared after having been contacted by Defence lawyers representing Jean Uwinkindi.
- B. I understand that this report is addressed to the Court.
- C. This report:
 - 1. Gives details of my qualifications.

2. If I have relied on any literature or material in compiling this report, then I have included details of it.
 3. Where there is a range of opinion on the matters dealt with in the report:
 - i. I have summarised the range of opinion.
 - ii. I have given my own opinion.
 4. Contains a summary of the conclusions reached.
- D. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
- E. I confirm that insofar as the facts stated in my report are within my own knowledge, I have made clear which they are and I believe them to be true.
- The opinions I have expressed represent my true and complete opinion.

1. As a Professor of Law and Politics at the University of Antwerp, Belgium, my faculty teaching concerns Comparative Legal Systems, Political Problems of the Third World, Political and Institutional Aspects of Development, Legal Pluralism, African Law, Law and Development. I attach my Curriculum Vitae and a list of my publications¹.
2. I have knowledge of and written extensively on Rwanda and the Great Lakes Area of Africa. My publications include books and articles on Rwandan Constitutional law and general law, political development, modern history, Human Rights and their abuse, including Genocide, and recent developments in these areas. I have, in particular, an interest and expertise in the development of the constitution, legal

¹ See Annex I.

system and Human Rights in Rwanda. I was one of the founders of the faculty of law at Butare University, Rwanda. I have lived in Rwanda and reported on various aspects of concern both before and after the Genocide in 1994. I have been an advisor or consultant to the Belgian, Dutch, Japanese and U.K. Governments and have appeared as an expert witness on the Law and Politics of Rwanda in the courts of Belgium, the UK, the USA, Switzerland and Canada and the International Criminal Tribunal for Rwanda ('ICTR'). I have reported on Human Rights violations in Rwanda both before and after the genocide. Prior to the genocide I, and indeed others, published reports stating our acute concern at the deterioration of affairs in Rwanda and our consequent fear for the Tutsi minority.

3. I was last in Rwanda in 1994. In November of that year I published an article that was critical of the Human Rights position under the newly established RPF Government². The Rwanda Government consequently declared me *persona non grata*. I have not been allowed to revisit Rwanda since that article was published, but I continue to follow all developments in that country. I have extensive contacts with persons both within and outside of Rwanda and I rely on a network of researchers working in Rwanda who provide me with further material. It is through these multiple sources that my regular publications regarding Rwanda are researched. I consider myself to be well informed and up-to-date as to events and circumstances within Rwanda.

² 'Sujets d'inquietude au Rwanda en Octobre 1994', published in November 1994, whose title translates as 'Subjects of Concern in Rwanda, October 1994'. I attach it at Annex II.

4. I have been asked whether I know or have had any connection at all with the accused in this case, Jean Uwinkindi. So far as I can recall I had never heard of him until his arrest in Uganda in June of last year. I am unable to shed any light on the allegations against him.
5. I have read the Prosecutor's request for the referral of Mr Uwinkindi's case to Rwanda pursuant to Rule 11bis of the Tribunal's Rules of Procedure and Evidence dated 4 November 2010. I have also read the *amicus curiae* brief filed by the Republic of Rwanda in support of the Prosecutor's request dated 18 February 2011. I am familiar with the wording of Rule 11bis of the Rules of Procedure and Evidence. I am also very familiar with the matters at issue in cases where individuals face the prospect of either being referred to Rwanda from the ICTR or extradited to Rwanda from other States. I have read the previous referral decisions of the Trial and Appeals Chambers of the ICTR in the cases of *Munyakazi*,³ *Kanyarukiga*,⁴ *Hategekimana*,⁵ *Gatete*,⁶ and *Kayishema*.⁷ I have also read the Judgment of the Divisional Court of the High Court of England and Wales in the case of *Vincent Brown (aka Bajinja) and others v The Government of*

³ ICTR-97-36-R11bis, *Decision on the Prosecutor's Request for Referral of Case to the Republic of Rwanda* (28 May 2008); *Decision on the Prosecutor's Appeal Against Decision on Referral Under Rule 11bis* (8 October 2008).

⁴ ICTR-2002-78-R11bis, *Decision on Prosecutor's Request for Referral to the Republic of Rwanda* (6 June 2008); *Decision on the Prosecution's Appeal Against Decision on Referral Under Rule 11bis* (30 October 2008).

⁵ ICTR-00-55B-R11bis, *Decision on Prosecutor's Request for the Referral of the Case of Ildephonse Hategekimana to Rwanda* (19 June 2008); *Decision on the Prosecution's Appeal Against Decision on Referral Under Rule 11bis* (4 December 2008).

⁶ ICTR-2000-61-R11bis, *Decision on Prosecutor's Request for Referral to the Republic of Rwanda* (17 November 2008).

⁷ ICTR-01-67-R11bis, *Decision on the Prosecutor's Request for Referral of Case to the Republic of Rwanda* (16 December 2008).

Rwanda and the Secretary of State for the Home Department [2009] EWHC 770 (Admin). In fact I was instructed by the solicitors representing Dr Vincent Bajinja (Brown) as an expert witness and prepared a report in that case. I gave evidence before the District Judge at the first instance hearing. My testimony and expert report were relied upon by the High Court in the subsequent successful appeal against the District Judge's decision that those four appellants should be extradited to Rwanda. For the reasons set out in this statement, it is my firm view that Mr Uwinkindi would not receive a fair trial in the High Court or Supreme Court of Rwanda.

6. I do not propose to set out here the general history and events leading up to the Genocide of 1994, nor to deal with the Genocide itself, nor many of the events that have taken place since. Much of it has been the subject of books and articles I and others have written over the past twenty years or so and I refer generally to my attached bibliography. Amongst those books and articles I will specifically refer to my 2004 article, *Rwanda, Ten Years on - From Genocide to Dictatorship*⁸, *Post-1994 politics in Rwanda: problematising 'liberation' and 'democratisation'*⁹ and *Constructing the Truth, Dealing With Dissent, Domesticating the World: Governance in Post-Genocide Rwanda*.¹⁰ My views expressed in the earlier articles still hold true today. I do not repeat all that those

⁸ Reyntjens, F. *Rwanda, Ten Years on - From Genocide to Dictatorship* Royal African Society, *African Affairs*, Vol. 103:177-210 (2004). See Annex III.

⁹ Reyntjens, F. *Post-1994 politics in Rwanda: problematising 'liberation' and 'democratisation'*, *Third World Quarterly*, 27(6) 2006: 1103-1117 (2006). See Annex IV.

¹⁰ Reyntjens, F. *Constructing the Truth, Dealing With Dissent, Domesticating the World: Governance in Post-Genocide Rwanda*, *African Affairs*, Vol. 110/438: 1-34 (2011). See Annex V.

articles contain but I hope to paraphrase it here and allow the reader to refer to the article. My 2004 article aimed at reviewing the ten years that had elapsed since 1994 and to identify the trends and what they indicated for the future. My 2011 article updates and further elaborates my earlier analyses.

7. The causes of the violence that overtook Rwanda between April and July 1994 are complex and are not explained simply by stereotypical arguments that rest on a Tutsi/Hutu divide. The RPF - essentially a Tutsi army, following its victory in the war, inherited a devastated country that had suffered over a million dead and three million displaced. It is not easy to achieve accuracy in the figures but the Tutsi population before the genocide was about 800,000 of whom about 75% were killed - providing a figure of about 600,000. My own research indicates a total figure killed as a consequence of the 1994 war and genocide as between 1,050,000 and 1,150,000, which indicates that about 500,000 Hutus were killed, by violence and disease, in that period¹¹. While the total figure of just over one million is very close to that stated by the Rwandan Government the ethnic make up of those killed is different, with the Rwandan Government arguing about one million of Tutsi killed¹². I believe my figures to be more accurate.

8. In the sixteen years since 1994 there have been many positive advances made by the present regime. In particular, it has shown itself capable of reasonably good

¹¹ Estimation du nombre de personnes tuées au Rwanda en 1994, in: S. Marysse, F. Reyntjens (eds.), *L'Afrique des grands lacs. Annuaire 1996-1997*, Paris, L'Harmattan, 2007, 179-186.

¹² Arthur Asimwe, *Rwanda census puts genocide death toll at 937,000*, Reuters, Kigali, 4 April 2004, available at: <http://www.alertnet.org/thefacts/reliefresources/108117321274.htm> (accessed 10.08.07).

economic and bureaucratic governance - an area in which African countries are not usually given credit. I do not withhold praise for that but it is not the area that concerns the subject of this statement. Advances have not occurred in political governance in Rwanda. In 1994 the RPF voiced its commitment to the principle of power sharing found in the Arusha Accords¹³, but from 1994 onwards developed a consistent policy of excluding Hutus from effective power and concentrating both power and wealth in the hands of a few. The International Community over those first ten years displayed a degree of tolerance for the regime's excesses - doubtless because of the history of genocide that is astutely invoked by those presently in power. Those ten years were marked by early optimism being displaced by increased repression by the regime.

9. Many persons started to flee the country. First, Hutus who had remained - typified by the flight of Faustin Twagiramungu in 1995, who had been appointed the first Prime Minister by the RPF, and the flight of Seth Sendashonga who was a Hutu member of the RPF and later murdered in Nairobi, probably at the behest of Kigali. The Hutu elite were subject to persecution and prejudice. Some were physically eliminated. This affected the whole breadth of Hutu civil life - businessmen, the military, doctors, journalists, teachers, high ranking civil servants, judges and lawyers. Those who fled spoke of prejudice, discrimination and fear. The next group to flee were Tutsis who had survived the genocide. They began to flee from early 2000 claiming to have been discriminated against and

¹³ The Arusha Accords were a set of peace agreements signed on 4 August 1993 between the government of Rwanda and the rebel Rwandese Patriotic Front (RPF), to end a 3 year civil war.

threatened by the RPF, which was largely composed of Tutsis who had lived outside Rwanda for many years as refugees. Finally, some hardcore RPF supporters, including prominent members of the leadership, began to leave Rwanda.

10. There were local elections in 2001 and Presidential elections in 2003 and August 2010. The elections of 2001 and 2003 were deeply flawed¹⁴. The few remaining, independent voices were silenced. The principal Hutu party of opposition, the MDR, was effectively banned¹⁵. Opponents were arrested or 'disappeared'. Voters were intimidated and, in reality, the vote was not secret. Paul Kagame achieved 95% of the vote - which rather indicates the point.

11. The Presidential election held on 9 August 2010 was no better. The Government silenced dissent in the period leading up to the election. Human Rights Watch described "increasing political repression and a crackdown on free speech." It had "documented a worrying pattern of intimidation, harassment and other abuses – ranging from killings and arrests to restrictive administrative measures – against opposition parties, journalists, members of civil society and other critics."¹⁶ None of the three challengers to the incumbent President posed any kind of real challenge. The parties they represented (Parti Social Démocrate, Parti Libéral, and

¹⁴ US State Department, *Rwanda: Country Reports on Human Rights Practices 2006*, Bureau of Democracy, Human Rights and Labour, 6 March 2007 (hereinafter 'US State Department 2006 Report').

¹⁵ US State Department 2006 Report, *ibid.*

¹⁶ Human Rights Watch, *Rwanda: Silencing Dissent Ahead of Elections*, available at <http://www.hrw.org/en/news/2010/08/02/rwanda-attacks-freedom-expression-freedom-association-and-freedom-assembly-run-presi?print> (accessed 8 March 2011).

Parti du Progrès et de la Concorde) are supportive of the President and the current regime in Parliament, and voice no opposition to official policy. "In contrast, none of the three parties that have openly criticized RPF policies have been allowed to take part in the elections."¹⁷

12. The Report of the Commonwealth Observer Group¹⁸ which monitored the 2010 Presidential elections concluded that they had been conducted in a peaceful atmosphere and that the candidates enjoyed freedom of movement and assembly. The National Electoral Commission was reported to have administered the election well; it worked professionally and diligently. However, it was noted that although freedoms and rights are provided for in the legal framework, there remain problems in implementation and practice.¹⁹ There are limits on freedom of association and participation. The fact that all four candidates were drawn from the governing coalition meant that there were no critical opposition voices. "A number of opposition parties had earlier stated their intention to stand but faced either legal or administrative problems, which resulted in their non-participation. Each case appears to be different, but the overall impact is a concern."²⁰

13. However, the BBC described the electoral campaign itself as marred by violence. Several opposition critics had been killed or attacked in the weeks leading up to the election. The partly decapitated body of the vice-president of the Democratic

¹⁷ *ibid.*

¹⁸ Available at <http://www.thecommonwealth.org/files/229333/FileName/RWANDAFINALREPORT-PrintVersion.pdf> (accessed 8 March 2011).

¹⁹ *ibid* at page 30.

²⁰ *ibid.*

Green Party, André Kagwa Rwisereka, was found in Butare a short time after he had gone missing.²¹ The journalist Jean-Léonard Rugambage was murdered on 24 June 2010 outside his home in Nyamirambo, Kigali. Mr Rugambage was shot at close range in his car as he was approaching the gate of his house by a single assailant on the same day the independent newspaper for which he worked, *Umuvugizi*, published an article online alleging that the Rwandan government was behind the attempted murder in South Africa of the former general Faustin Kayumba Nyamwasa. Mr Rugambage had been investigating the attempted murder and had reported being under increased surveillance in the days leading up to his murder.²² The Government denied having anything to do with the killing. President Kagame won the election with 93.08% of the vote.

14. Freedom of the press has been consistently targeted by the Government. Papers were forced to close down or toe the line. Journalists were forced to flee. The rare independent papers currently existing in Rwanda are constantly threatened and intimidated, often in a violent fashion²³. In August 2010 the government introduced a media law which placed undue restrictions on press freedom,

²¹ BBC, *Paul Kagame: Rwandans 'free to decide' at election*, available at <http://www.bbc.co.uk/news/world-africa-10694722> (accessed 8 March 2011).

²² HRW, *Rwanda: Stop Attacks on Journalists, Opponents*, available at <http://www.hrw.org/en/news/2010/06/26/rwanda-stop-attacks-journalists-opponents?print> (accessed 8 March 2011).

²³ See for example: *Rwanda: Freedom of Expression Under Attack*, Amnesty International, Public Statement, 27 Feb. 2007, AI Index: AFR 47/002/2007; Amnesty International *Annual Report 2006*. Available at: <http://web.amnesty.org/report2006/rwa-summary-eng> (accessed 10.08.07); Amnesty International *Annual Report 2007*. Available at: <http://thereport.amnesty.org/eng/Regions/Africa/Rwanda> (accessed 10.08.07); *Attacks on the Press in 2005 Africa*, Rwanda section, Committee to Protect Journalists, 2005. Available at: http://www.cpj.org/attacks05/africa05/rwanda_05.html (accessed 10.08.07); *Attacks on the Press in 2006 Africa*, Rwanda section, Committee to Protect Journalists, 2006. available at: <http://www.cpj.org/attacks06/africa06/rwa06.html> (accessed 10.08.07); Human Rights Watch, <http://www.hrw.org/en/news/2010/06/26/rwanda-stop-attacks-journalists-opponents?print> (accessed 08.03.11).

including a requirement that Rwandan journalists possess a degree or certificate in journalism as a precondition to practising. Some journalists who were critical of the government continued to be excluded from government press conferences. On 25 April 2010, the BBC Kinyarwanda service was suspended by the Rwandan government after it aired a trailer for a show discussing forgiveness after the 1994 genocide. The government argued, without basis, that the broadcast constituted genocide denial, which is a criminal offence in Rwanda. The advertisement included Faustin Twagiramungu, a former presidential candidate, opposing attempts to have all Hutus apologize for the genocide as not all had participated in it. The broadcast also contained an excerpt from a man of mixed ethnicity reflecting on why the government had not allowed relatives of those killed by the Rwandan Patriotic Front (RPF) to grieve. The BBC service was reinstated in June following negotiations between the BBC and the government.²⁴

15. One month ago, two journalists, Agnès Nkusi Uwimana and Saidaiti Mukakibibi, were sentenced to 17 and 7 years' imprisonment respectively in connection with articles published in the independent newspaper, *Umurabyo*, that were viewed as critical of the government and of President Kagame. On 4 February 2011, the High Court in Kigali ruled that by publishing these criticisms, the journalists had incited the public to rise up against the state. It found both women guilty of endangering public order. Ms Uwimana, the newspaper's editor, was also found

²⁴ Amnesty International *Annual Report 2010* available at <http://www.amnesty.org/en/region/rwanda/report-2010> (accessed 8 March 2011).

guilty of “minimizing the genocide,” which accounted for 10 years of her sentence, “divisionism,” and defamation.²⁵

16. In both civil and military society the domination by a Tutsi elite in a country composed 85% of Hutu has been a steady development since 1994. There are a majority of Hutu ministers in the cabinet but this is window dressing and the real power is to be found elsewhere. Most executive secretaries are Tutsi. ‘Tutsization’ has been a marked feature of the State, in contrast to its claim to have abandoned ethnic preference²⁶. The judicial system that has developed bears out the phenomena of Tutsization. Most Judges and Prosecutors are Tutsi.

17. There has been, and remains, an obsession in controlling the population. When Pasteur Bizimungu, one time President under the RPF but a Hutu, announced his intention to form a new party he was placed under house arrest and later sentenced to fifteen years imprisonment on charges of fraud, embezzlement and ‘associating with criminal elements’. Amnesty International, in its 2004 report on Rwanda commented that ‘*The underlying motive for the trial of Pasteur Bizimungu and his seven co-defendants was Pasteur Bizimungu’s launch of a new political party, the Democratic Party for Renewal (PDR-Ubuyanja), Parti Démocratique du Renouveau in May 2001*’²⁷. The trial was notoriously unfair²⁸.

²⁵ Human Rights Watch, *Rwanda: Prison Term for Opposition Leader* at <http://www.hrw.org/en/news/2011/02/11/rwanda-prison-term-opposition-leader> (accessed 8 March 2011).

²⁶ Reyntjens 2004, *supra* n.8; see Table 1 at page 189.

²⁷ *Rwanda: Government slams door on political life and civil society*, Amnesty International, AI: Index: AFR 47/012/2004, 9 June 2004.

²⁸ Human Rights Watch, *Rwanda World Report 2005*, available at: <http://hrw.org/wr2k5/wr2005.pdf> (accessed 10.08.07); US State Department 2006 Report.

It is little surprise that there has been a steady increase in opposition groups outside Rwanda - often on a joint Hutu/Tutsi basis. Such bi-ethnic opposition is of real concern to the RPF. Those who voice opposition abroad or are perceived as persons of influence in their community, become targets to discredit, or worse.

18. The present regime in Kigali has one of the worse Human Rights records of any government. 'Africa Watch' accused the RPF of grave human rights violations from the very beginning of the war in 1990. Thousands were murdered during the war in 1994 by the RPF.²⁹ Smaller scale, but significant, killings took place subsequently, at least up until 2000³⁰. Since then large scale killings appear to have stopped within Rwanda itself - though forcible regrouping of villages has caused significant hardship³¹.

19. On 1 October 2010, the United Nations published a report entitled, 'Democratic Republic of the Congo, 1993-2003'³² on 600 of the most serious reported atrocities in the DRC, many of which were committed by invading RPF troops and their rebel allies. Many thousands of civilian Hutu refugees were murdered. The report specifically documents deliberate reprisal attacks on civilians; the systematic nature of the massacres 'suggests that the numerous deaths cannot be attributed to the hazards of war or seen equating to collateral damage. ... The

²⁹ Reyntjens 2004, *supra* n. 8, p.194.

³⁰ *ibid.* p.195.

³¹ *ibid.* p.198-199.

³² Report of the Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed Within the Territory of the Democratic Republic of the Congo Between March 1993 and June 2003, ('Mapping Exercise Report') available at <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/RDCProjetMapping.aspx> (accessed 08.03.2011).

majority of the victims were children, women, elderly people and the sick, who were often undernourished and posed no threat to the attacking forces.³³

20. The New York Times reported:

The release of the report appears to have been delayed in part over fears of the reaction of the Rwandan government, which has long enjoyed strong diplomatic support from the United States and Britain. There is concern in the United Nations that Rwanda might end its participation in peacekeeping operations in retaliation for the report.

...

[A senior official at the UNHCHR, speaking on the condition of anonymity] said: "Voices have said, 'Can't we just delete the genocide references? Isn't this going to cause a lot more difficulties in the region?' But these voices have not carried the day."

...

The report presents repeated examples of times when teams of Rwandan soldiers and their Congolese rebel allies lured Hutu refugees with promises they would be repatriated to Rwanda, only to massacre them.

...

In other instances, as survivors scrambled desperately through thick rain forest in a country as large as Western Europe, extermination teams laid ambush along strategic roadways and forest paths, making no distinction between men, women and children as they killed them.

...

An element of the report that could help determine any judgment of genocide concerns the treatment of native Congolese Hutu. The report suggests they were singled out for

³³ Reported at http://www.nytimes.com/2010/08/28/world/africa/28congo.html?_r=1&pagewanted=print.

elimination along with Hutu refugees from Rwanda and Burundi. The report asserts that there was no effort to make a distinction between militia and civilians, noting a "tendency to put all Hutu people together and 'tar them with the same brush.' "

Pascal Kambale, a prominent longtime Congolese human rights lawyer who was consulted by the United Nations investigators, said: "The ex-F.A.R. fighters were said to be hiding behind the refugee populations, but the truth is that the attackers were targeting both the Rwandan Hutus and the Congolese Hutus," referring to the Hutu-led Rwandan militia, F.A.R. in its French initials. "Entire families were killed, whole villages were burned, and in my view this remains the most heinous crime that happened during these 10 years."

Timothy Longman, the director of the African Studies Center at Boston University, said that people in eastern Congo had long charged they were victims, too. "The reason it didn't get more attention is that it contradicted the narrative of the Rwandan Popular Front as the 'good group' that stopped the genocide in Rwanda," he said.³⁴

21. The Mapping Exercise Report includes this paragraph:

Drawing up an inventory of the most serious violations of human rights and international humanitarian law that were committed on DRC territory between March 1993 and June 2003, the report concludes that the vast majority of the 617 listed incidents could constitute crimes under international law, given full judicial investigation and prosecution. These include war crimes committed during armed conflict, either internal or international, or crimes against humanity committed in the context of a generalised or systematic attack against a civilian population, or in many cases both. The issue of

³⁴ *ibid.*

*whether the many serious acts of violence committed against Hutus in 1996 and 1997 constitute crimes of genocide can only be decided by a competent court.*³⁵

22. The response from the Rwandan government was predictable. It categorically rejected the report, using terms such as malicious, offensive and ridiculous. The regime accused the UN, rather inexplicably, of seeking to rewrite history, and charged the lead investigator, Luc Cote, of personal bias and of only succeeding in trivializing the genocide.³⁶ It also accused the UN of deliberately leaking a draft of the report to 'divert international attention from its latest failure in the Great Lake Region where recently hundreds of Congolese women were savagely raped under the watch of its peacekeeping force MONUSCO...'³⁷

23. So incensed by the contents of the draft report was President Kagame that he threatened to withdraw Rwandan troops from UN peacekeeping operation in Darfur. The Government complained that the release of the report would cause instability in the region. Why the Rwandan Government believed that insecurity was an outcome about which the UN might be recklessly unconcerned is unclear.

24. In addition to the mass killings of innocent persons in Eastern Congo by the RPF, the region was plundered. The United Nation's Panel on the Illegal exploitation of

³⁵ Mapping Exercise Report, para 85.

³⁶ Rwanda Comments on UN Genocide Mapping Report, available at <http://rwandainfo.com/eng/rwanda-comments-on-un-genocide-mapping-report-v-the-double-genocide-theory-must-be-rejected/> (accessed on 9 March 2011).

³⁷ Statement by the Government of Rwanda on Leaked Draft UN Report on DC, <http://www.finanznachrichten.de/nachrichten-2010-08/17811621-statement-by-the-government-of-rwanda-on-leaked-draft-un-report-on-drc-004.htm> (accessed on 9 March 2011).

the DRC's resources final report was particularly condemning of Rwandan and Ugandan 'elite networks'³⁸.

25. There have been no significant prosecutions brought by the Rwandan government in respect of any of the documented gross violations of Human Rights.

26. Efforts by the ICTR to investigate members of the RPF with a view to prosecute them for crimes committed in 1994 have been consistently frustrated.

27. Kigali has proved itself adept at managing the news and restricting international observation of its excesses. Those that criticise it are subjected to strenuous attack. This has included attacks on Amnesty International and Human Rights Watch as well as many other organisations and individuals³⁹. On 23 April 2010, HRW published a report on its website highlighting a pattern of increasing restrictions on free expression in Rwanda ahead of the Presidential elections.⁴⁰ In particular it reported the denial of a work visa to HRW's senior researcher on Rwanda, Carina Tertsakian. The decision, which immigration officials refused to put in writing, was based on questions over the authenticity of HRW colleagues' signatures on her visa application documentation. Attempts to resolve the problem with letters from HRW confirming the documents' authenticity were fruitless. Eventually, Ms Tertsakian was obliged to leave the country.

³⁸ United National Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of Congo, 23 October 2003, UN Doc: S/2003/1027.

³⁹ Reyntjens 2004, *supra* n. 8, p.204.

⁴⁰ <http://www.hrw.org/en/news/2010/04/23/rwanda-allow-human-rights-watch-work> (accessed 8 March 2011).

28. Rwandans living abroad who adopt opposition postures, or even those who are suspected of having a capacity to do so, are subjected to diverse forms of pressure and character assassination.
29. While I emphasise that I have no knowledge of the merits of the Uwinkindi case, I cannot discount the possibility that allegations are capable of being contrived by the Rwandan regime to control opposition abroad or to demonstrate the reach of the regime to those minded to oppose it.
30. My view, expressed at the close of my 2004 article, and reiterated in my evidence in the *Bajinja* (Brown) case, still holds true. Namely, that misplaced tolerance by the International Community of the excesses of the Rwandan regime has given those in power in Kigali an overbearing confidence, leading them away from discussion with the opposition⁴¹. The latter are increasingly frustrated and the long term consequence can be precisely what the regime fears, namely, a violent reaction by the Hutu majority.
31. Since my article was published in 2004, and my expert report in *Bajinja* was taken into consideration by the High Court in April 2009, I have not found evidence that things have improved. As shown in my 2011 article,⁴² there remains excessive control and suppression of any opposition and a continued concentration of power in the hands of the Tutsi elite - or some of them.

⁴¹ Reyntjens 2004, *supra* n. 8, p.204.

⁴² Annex V.

32. The United States Department of State Human Rights Report for 2009⁴³ says:

Citizens' right to change their government was effectively restricted. Violence against genocide survivors and witnesses by unknown assailants resulted in deaths. There were reports of abuse of suspects by security forces and local defense members, and prison and detention center conditions remained generally harsh. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem. There were restraints on judicial independence and limits on freedoms of speech, press, association, and religion. The government forcibly returned refugees. Official corruption and restrictions on civil society remained a problem. Societal violence and discrimination against women, trafficking in persons, and discrimination against Twa and the lesbian, gay, bisexual, and transgender (LGBT) community occurred. There were restrictions on labor rights, and child labor occurred.

33. While the Rwandan government has insisted on full accountability for the genocide it has in fact 'associated itself with impunity' on a substantial scale. There has been no significant prosecution or holding to account of those amongst its own ranks who were responsible for widespread killings within Rwanda and Congo running into hundreds of thousands. Its relationship with the ICTR has been full of difficulties, leading at times almost to the point of breakdown in their

⁴³ Published 11 March 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm> (accessed on 8 March 2011).

relationship. A principal difficulty has been the declared intent of the ICTR to prosecute RPF members for their excesses in 1994, something that Kigali will not tolerate. The ICTR OTP has yet to prosecute a single RPF suspect, and my understanding is that it will not do so – thus leaving behind it a legacy of victor's justice.

34. There were relatively few trials in Rwanda concerning the genocide. A large number of persons - about 130,000 - were detained up to 1998, often in terrible conditions. Most have had no trial and not all were guilty of participating in the genocide. Many were detained on false allegations by persons settling old scores or out to make some gain for themselves. The Rwandan Government could have done much more to move the process on. Eventually the Gacaca system was introduced. It was a compulsory exercise in which every person in every sector takes part. I am sceptical as to the contribution it made to reconciliation and integration. International observers have raised significant concerns about the process⁴⁴. Avocats Sans Frontières ('ASF') describes serious obstacles to freedom of speech within the gacaca courts, with defence witnesses and defendants unable to speak out due to fear of reprisals or convictions. Courts have been known to convict witnesses, evidencing a serious confusion between defence witnesses and defendants⁴⁵. ASF also highlights the fact that confessions are not tested during cross examination despite there often being serious reasons to doubt their veracity

⁴⁴ Amnesty International Annual Report 2007, p.220.

⁴⁵ Monitoring of the Gacaca Courts, Judgement Phase March-September 2005, Analytical Report, Avocats Sans Frontières p25-26. available at: http://www.asf.be/publications/publications_rwanda_monitoring_gacaca_mars_sept_2005_EN.pdf (accessed 10.08.07).

with people confessing simply in order to get out of prison or to ensure a light sentence. Denial of participation in genocide is often interpreted as a failure to reform. Within Rwanda considerable ill will has been generated by the fact that it is limited to crimes committed by Hutus and does not allow for allegations concerning the RPF⁴⁶. Lawyers can not participate. There have been complaints of government interference even at that local level. As Amnesty International points out in relation to their objection to ICTR transferees, '*this situation raises serious concern regarding the approach of the Rwandan judiciary in dealing with cases of people suspected of involvement in the genocide.*'⁴⁷

35. There have been very few ordinary trials for the past few years concerning genocide - category one or not.

Transfer of cases from the ICTR

36. In respect of the transfer of cases by the ICTR to Rwanda I suggest that this needs to be looked at with some caution. Nobody has actually been transferred to Rwanda so far. Only two accused persons have been transferred under Rule 11*bis*,

⁴⁶ In 2004 Gacaca reforms removed 'war crimes' from their mandate, eliminating the possibility of RPF being tried: see, Human Rights Watch 2005, *supra* n. 14. Furthermore any reference to the Geneva Conventions has been taken out of Rwandan law, therefore no court in Rwanda has jurisdiction over war crimes or other violations of international humanitarian law: see *Appeal to the UN Security Council to ensure that the mandate of the International Criminal Tribunal for Rwanda is fulfilled*. Amnesty International, 12 December 2006, AI Index: IOR 40/045/2006.

⁴⁷ Amnesty International, 12 December 2006, *ibid*.

both to France.⁴⁸ (The transfers to France met with a very strong reaction from Rwanda.)

37. The ICTR was established in 1994. It has completed 52 cases, 8 of which are pending appeal. The Security Council seems intent on closing it down. The residual mechanism for the Tribunal is due to come into force on 1 July 2012. The Institution is therefore under considerable pressure. There also remains the RPF trials that the ICTR Prosecutor had said may take place but which almost certainly will not now, not least because of the strong objection to such trials by the present Government in Rwanda.

38. As to transfers, the first transfer to Rwanda was in 2005⁴⁹. This concerned files only in respect of persons against whom the ICTR had not issued any indictment. None of these persons was detained in Arusha or elsewhere. The ICTR transferred the files for the Rwandan authorities to investigate. It is likely that the whereabouts and existence of all those persons whose files were transferred is unknown. It may be that the ICTR never had the intention to prosecute them. In any event the pressure on the ICTR to off-load cases is great. Certainly one hopes that justice will prevail over expediency.

39. It is worth noting that Amnesty International and HRW have objected to any transfers being made to Rwanda. Amnesty International stated in 2006 that it *"opposes the transfer of cases to Rwanda at this time on the basis that the*

⁴⁸ Laurent Bucyibaruta (ICTR-05-85) and Wenceslas Munyeshyaka (ICTR-05-87).

⁴⁹ Report of the Prosecutor of the International Criminal Tribunal for Rwanda to the Security Council on the Completion Strategy. 13 June 2005. UN Doc: S/PV/5199. p.15.

government is unable to guarantee full security to returned suspects before, during and after their detention and that the Rwandan legal system cannot guarantee suspects the right of fair trial in accordance with internationally recognized law and standards"⁵⁰. It added that "there is a real risk that transferred persons would be exposed to torture or other ill-treatment"⁵¹.

Transfer of Cases from other Countries to Rwanda

40. To date there have been no extraditions by any country to Rwanda. There have been attempts made by Rwanda to obtain extradition but none, so far, as I am aware, have succeeded. Consequently, there have been trials of suspected *génocidaires* in jurisdictions outside of Rwanda, despite Rwanda naturally being the *forum conveniens* since the crimes were committed by Rwandans on Rwandan territory. I am led to believe that human rights considerations and capacity have been barriers to transfer. Rwandan genocide suspects have been tried or are the subject of arrests / investigations in Belgium, Switzerland, The Netherlands, Canada, Denmark, Norway, Germany, Italy, France and Finland.

41. I am aware that the Supreme Court of Sweden has ordered the extradition of a Rwandan national, Sylvère Ahorugeze,⁵² but that this decision is currently the

⁵⁰ Appeal to the UN Security Council to ensure that the mandate of the International Criminal Tribunal for Rwanda is fulfilled, Amnesty International, 12 December 2006, AI Index: IOR 40/045/2006.

⁵¹ *ibid.*

⁵² Supreme Court of Sweden, Case No. 1082-09 (26 May 2009).

subject of a challenge before the European Court of Human Rights.⁵³ It should be noted, however, that the Swedish Supreme Court acknowledged that there was information before it which indicated a number of problems with the Rwandan judicial system despite regular improvements that have taken place in recent years. The most serious of these problems related to the extent to which the right of an accused person to secure the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him can be satisfied. The Supreme Court refers on several occasions to the issue of the lack of independence of the judiciary but, unlike the English High Court judgment, does not appear to actually come to any conclusion about this problem. The Supreme Court concludes that the provisions of Article 6 of the European Convention on Human Rights do not mean that, with respect to extradition, an extraditing State must satisfy itself that a requesting State will meet all the requirements applicable pursuant to Article 6. It is only flagrant breaches of the principles that constitute impediments to extradition. The Supreme Court found that the evidence in the matter of Mr Ahorugeze provides reason to entertain doubts regarding his possibilities to receive a fair trial after extradition to Rwanda. The doubt applied, primarily, to his ability to call defence witnesses. As already indicated, no finding was made regarding judicial independence and impartiality. On the basis of the evidence adduced before the Supreme Court, it was held that for that reason there was no *general* lawful impediment to extradition to Rwanda. It must be recalled that the bar for successfully resisting extradition under Article 6 of the ECHR is set very much higher than is the case under Rule 11*bis*.

⁵³ *Ahorugeze v. Sweden*, ECHR Application No. 37075/09.

Fair Trial issues

42. The developments in the structure and training for the judicial system are considerable and the growth of the law faculties admirable. I am also sure that there is a wish by many of those involved in the judicial system to develop a strong, independent and worthy judicial system. But that lies still to the future. Of course, the mere fact that the law prescribes certain minimum qualifications for Judges does not ensure judicial independence. Nor does an attractive Constitution, good roads or good court accommodation ensure that Human Rights and democratic freedoms will be respected. In respect of the organic law and its application to transfer or extradition cases it is, of course, the fact that no such trial under that law has yet taken place. Given the Human Rights history of this regime, the Prosecutor's arguments and Rwanda's comments are really expressions of hope triumphing over experience.

43. The Government of Rwanda continues to express its desire to show the world that it can fairly and efficiently try high profile accuseds in the national courts of Rwanda. It argues that, 'Allowing the people of Rwanda to witness first hand justice being administered – whether it results in a conviction or an acquittal – is a

crucial step on the path towards national reconciliation and hearing [*sic.*]⁵⁴ It would not be correct to suggest, of course, that the Rwandan justice system has not, to date, had the chance to try prominent defendants. It is noteworthy, however, that on those occasions when the most high profile accused persons have been tried, serious concerns about the process have been raised.

44. I can state specific examples of gross human rights violations by the Rwandan Government in cases which demonstrate the executive's strong willingness and capacity to interfere in the judicial process. For example, in 1997 Agnes Ntamabyariro, the Minister for Justice in the Interim government, was abducted from Zambia by the Rwandan Government after being drugged and placed in a car boot. She remained in custody until the start of her trial in October 2006 before the High Court in Kigali. Her trial crept from one adjournment to the next until she was convicted and sentenced to life imprisonment on 18 November 2008. These inordinate delays strongly point to a breach of her right to have been tried without undue delay. The Rwandan Government initially refused to allow her transfer to Arusha to testify in the *Bizimungu et al* trial (ICTR-99-50-T), so that a formal order from the Trial Chamber in that case became necessary.

45. Another example of such interference is the very worrying case of Pasteur Bizimungu: he was a Hutu supporter of the RPF and in 1994 appointed President of Rwanda by the RPF regime. When he announced he intended to set up a new political party he was arrested and charged with offences of fraud, embezzlement and 'associating with criminal elements'. The HRW report, referred to, predated

⁵⁴ *Amicus Brief* For the Republic of Rwanda, concluding paragraph at para 136.

the judgement in that case and expressed the hope that the Supreme Court would 'show the judicial competence and independence of the highest Court in the land'⁵⁵. Many believed that it did not demonstrate its independence. HRW later criticised the Supreme Court, as stated in the U.S. State Department Human Rights Report for 2006:

*"HRW also criticised the ruling that the Supreme Court upheld for Bizimungu and Ntakirutinka, stating that the lower court had committed "egregious errors" in 2004 and that evidence presented by the prosecution was weak and contradictory. HRW added that the lower court had limited the defendants' rights to present a legal defence and refused to allow them to cross-examine the prosecution's witnesses and to call other witnesses."*⁵⁶

Elsewhere the U.S. report stated

*"During the year there were trials in the regular courts that did not meet internationally accepted standards due to factors such as the lack of defence counsel for many accused persons, and in one high-profile appeals case--that of former president Bizimungu and former transport minister Charles Ntakirutinka--the Supreme Court based its verdicts of guilt on a previous trial widely criticised by observers for its lack of compelling evidence and limits on the right to cross-examine witnesses and to present witnesses."*⁵⁷

⁵⁵ *Rwanda: Historic Ruling Expected for Former President and Seven Others*, A Human Rights Watch Backgrounder, January 2006.

⁵⁶ US State Department 2006 Report.

⁵⁷ *Ibid.*

46. Bizimungu was later pardoned by Kagame, doubtless as a result of such international concern. It is correct that Bizimungu now lives 'freely in Kigali' - and very quietly, one may add.

47. In its July 2008 report, Human Rights Watch stated about the evidence generated concerning Genocide that:

*"Anxious to obtain or to assist foreign colleagues in obtaining convictions, some Rwandan prosecutors have presented testimony in court which they knew or should have known was obtained through duress or torture. In other cases, they have distorted or assisted witnesses in distorting the plain meaning of written evidence, or have kept exculpatory evidence from counsel for the accused."*⁵⁸

48. In respect of the High Court and Supreme Court, and Amnesty International's lack of criticism of those institutions, it should be borne in mind that these courts have not been particularly active in genocide related cases. Indeed, the regular courts in Rwanda were practically non-functioning due to reforms between 2002 - 2004⁵⁹, and again from January - April 2006.⁶⁰ As recently as March 2007 the International Justice Tribunal confirms that the national courts remain at a virtual standstill with respect to genocide trials⁶¹. I believe that there have been no

⁵⁸ Human Rights Watch, *Law and Reality: Progress and Judicial Reform in Rwanda* (July 2008), at page 50.

⁵⁹ Rwanda: Country Summary, Human Rights Watch, January 2007.

⁶⁰ US State Department 2006 Report.

⁶¹ Rugendo, Martin. *The Impossible Math of Gacaca Justice in Rwanda*, International Justice Tribunal No.63, Paris, 19 March 2007.

genocide appeals heard in the High Court since the reforms and this is where Mr Uwinkindi would be tried if he were returned.

Liprodhor

49. The 'Ligue Rwandaise pour la promotion et la défense des droits de l'homme' is otherwise known as Liprodhor. In the past this human rights group (along with others) has expressed its preference for other States assuming their responsibilities and holding trials of Rwandan defendants themselves rather than effecting transfer or extraditing them to Rwanda. This rather bears out the point that there is a lack of confidence in fair trial in Rwanda itself - hence their preference for States exercising extraterritorial jurisdiction in these cases. In fact, as already said, Amnesty International has opposed transfer in the past on the grounds of the risk of torture.

50. Liprodhor constituted one of the last remaining Human Rights bodies monitoring events in Rwanda but was subjected to a sustained attack by the Government and, in 2004, its leaders were forced to flee Rwanda⁶².

51. Amnesty International issued a press release on 10/1/05 relating to Liprodhor:

"LIPRODHOR was the only independent human rights organisation in Rwanda that maintained human rights monitors at the provincial and district

⁶² *Disappearances, Threats, Intimidation and Co-optation of Human Rights Defenders 2001-2004*, Front Line Rwanda, Dublin, 2005. pp.46-55.

levels. The organisation's expected demise means that Rwandese, particularly those in rural areas, will no longer have an independent human rights monitor to either record or attempt to resolve their human rights complaints.

Without resorting to the criminal judicial system, the government has effectively destroyed one of the remaining human rights pillars of Rwandese civil society.

The expected closure of LIPRODHOR follows a well-known pattern for human rights organisations in Rwanda. In the case of LIPRODHOR, parliamentary commissions have, on two occasions in March 2003 and June 2004, made vague and unsubstantiated allegations regarding their "divisionist" and/or "genocidal" activities. In the Rwanda of today where one's innocence rather than one's guilt has to be proven, such allegations are usually sufficient to effectively blacklist the organisation or individual. Such organisations find it nearly impossible to hire and retain staff or raise funds. Following the release of the more recent parliamentary commission's report, the organisation's assets were temporarily frozen and several key LIPRODHOR staff sought asylum abroad."⁶³

52. This is also referred to in the U.S. State Department's Country report for Rwanda for 2005⁶⁴. Alison Des Forges said of the attack on Liprodhor that "*Dissolving*

⁶³ Rwanda: Human rights organisation forced to close down, Amnesty International, 10 January 2005, AI Index: AFR 47/001/2005.

⁶⁴ Rwanda, Country Reports on Human Rights Practices 2005, Released by the Bureau of Democracy, Human Rights and Labour, US Department of State, 8 March 2006.

Liprodhor would call into question the Rwandan Government's commitment to such basic human rights as freedom of expression and association"⁶⁵.

53. It is uncertain to what extent the present representatives of Liprodhor within Rwanda have had their freedom of expression and activities compromised, but there are those who suggest that they have been 'infiltrated' by government sympathisers and it is no longer an independent NGO but rather a government organ⁶⁶.

54. The effect of attacks such as that made on Liprodhor, and others, is that genuine Human Rights NGO's, such as PRI, probably self-censor, out of a recognition that they will be forced to leave Rwanda if they are too critical of the regime. Most will not send sensitive communications by email, nor use mobile-phones, as they know that they are monitored.

55. In their July 2008 extensive report about judicial reform in Rwanda, Human Rights Watch stated numerous examples of executive interference in judicial proceedings throughout Rwanda.⁶⁷

56. Mr Kenneth Roth, executive director at Human Rights Watch, recently stated in April 2009 about Rwanda:

There is no meaningful opposition. The press is cowed. Nongovernmental organizations are under attack. When parliamentary elections held last

⁶⁵ Rwanda: Parliament Seeks to Abolish Rights Group, Human Rights Watch, New York, 2 July 2004.

⁶⁶ Reyntjens 2006, *supra* n. 8.

⁶⁷ HRW, *Law and Reality supra*. n.56.

September produced a whopping 92% victory for Kagame's ruling party, evidence collected by the European Union and Rwandan monitors suggested that the government actually inflated the percentage of opposition votes so as to avoid the appearance of an embarrassing Soviet-style acclamation.

One tool of repression has been the gacaca courts -- informal tribunals run without trained lawyers or judges -- which the government established at the community level to try alleged perpetrators of the genocide. The original impetus was understandable: Rwandan prisons were overpopulated with tens of thousands of alleged genocidaires and no prospect of the country's regular courts trying them within any reasonable time. The gacaca courts provided a quick, if informal, way to resolve these cases. In theory, members of the community would know who had or had not been involved in the genocide, but in reality the lack of involvement by legal professionals has left the proceedings open to manipulation.

Today, 15 years after the genocide, people are still coming forward and accusing their neighbors of complicity in it, suggesting that gacaca has morphed into a forum for settling personal vendettas or silencing dissident voices. The prospect of suddenly being accused of past participation in the genocide, with little legal recourse against concocted charges, is enough to make most people keep their heads down in the political arena.⁶⁸

57. The Rwandan intelligence service is sophisticated and pervasive within Rwanda, and very active outside Rwanda. Ordinary Rwandans are very sensitive as to the intrusion into their lives of the security apparatus and consequently guarded and suspicious in their comments. They tend to be similarly self censoring. There is a need to build trust and confidence before anything approaching a frank exchange

⁶⁸ Letter published in the Los Angeles Times on 11 April 2009, available at www.hrw.org/en/news/2009/04/11/power-horror-rwanda (last accessed on 03.11.2009)

of views can take place. This sense of the pervasiveness of the State in everyday life is a remarkable phenomenon - though hardly an 'achievement'.

Judicial independence and impartiality

58. The United States Department of State's Human Rights report for 2006 expressed concern as to effective judicial independence⁶⁹. There is a well documented history of concern in this area and nothing I have seen leads me to have confidence that recent statutory reforms have resulted or will result in any change in practice. The whole structure and nature of the present regime militates against it.

59. I must stress that international scrutiny cannot be a substitute for proper fair trials. Interference in judicial independence can take very subtle forms, particularly in a State as competent in such matters as Rwanda. Any interference that occurs is likely to be carried out behind closed doors. It will not be trumpeted.

60. There was international scrutiny in the trial of Bizimungu but he was nevertheless convicted despite what many observers believed was a poor case against him. If the regime wants guilty verdicts in the case of Mr Uwinkindi, as I am sure it will since he would represent the first referred case from the ICTR, then I have no doubt that guilty verdicts will follow. The regime can very easily generate evidence supporting a conviction. Such evidence has been generated before

⁶⁹ US State Department 2006 Report.

against individuals, to silence them, or because they raised their voices against the Rwandan regime.

Torture and other inhuman or degrading treatment of detainees

61. On this topic, I think it is necessary to stress the importance of the case of *United States v Francois Karake et al.*⁷⁰ In that long and careful judgement Judge Huvelle noted that confessions had been obtained after the suspects were submitted to torture and other coercive circumstances while detained by the Rwandan authorities. She therefore decided to suppress the statements. The case collapsed, and the prosecution decided to abandon it.
62. The United States Department of State Human Rights Report for 2009 stated that incidents and severity of abuse by authorities continued to decline. This is, of course, good news. But it can be inferred that abuse by the authorities does continue. Although the law in Rwanda prohibits such practices, instances of abuse of detainees and prisoners by the police or prison guards sometimes occurs.
63. The report goes on to note that:

'HRW stated it received reports of civilians who alleged that security personnel arrested them arbitrarily during the Umoja Wetu operation in the DRC, and that some of the security personnel then changed into Rwandan army uniforms before taking the civilians across the border to Rwanda and beating, detaining, and questioning them over their alleged ties to the FDLR. All reported being returned to the DRC after being held for a period of up to 17 days. None reported having been charged with any offense. There was no other independent confirmation of these reports. Neither Congolese nor Rwandan authorities had taken any steps to investigate or prosecute any soldiers allegedly involved in such incidents by

⁷⁰ US District Court of Columbia (17 August 2006)

year's end. Isolated reports of abuse by local defense members continued. There were reports that unknown assailants on occasion harassed and threatened journalists and other citizens.'

Detention Conditions

64. Rwanda has some of the world's most miserable and overpopulated prisons. Most of the detention premises are still quite disgraceful. The efforts to try to improve those conditions and the finance to do it have come from outside Rwanda. Left to its own devices the Rwandan Government would not have made improvements a priority.
65. Louise Arbour, High Commissioner of Human Rights, has stated: *'Moreover, a large number of these defendants could face sentences of up to 30 years in prison, generating a number of prisoners that the country cannot possibly sustain.'*⁷¹
66. Mpanga prison is a new facility - the only newly-built prison in Rwanda. It is the product of international donors' efforts. I assume those efforts will have to continue for many years. The Rwandan interest in the new facility may be motivated by a wish to obtain transfers rather than an interest in Human Rights - certainly other prison facilities remain very poor. As far as I am aware the Butamwa facility is still on the drawing board and not available for the accused in

⁷¹ United Nations High Commissioner for Human Rights ends visit to Rwanda, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=6574&LangID=E> (accessed 8 March 2011).

this case. If transfers to Rwanda take place I assume the accused will be detained at Mpanga. Defence case preparation will be difficult given the relative difficulties in accessing that prison.

Conclusion

67. I acknowledge the undoubted achievements of the Government in Rwanda in the economic and bureaucratic governance of Rwanda. The Human Rights record on the other hand has been appalling and drives me to the conclusion that Mr Uwinkindi would not receive a fair trial in Rwanda.
68. Given the Rwandan Government's human rights record, its participation in the killing of tens - if not hundreds - of thousands of civilians since 1994, its stifling of opposition, including by extrajudicial killings, the use made of the Genocide as the *raison d'être* for the present Government and an excuse for its excesses, the 'Tutsisation' of Rwandan society and consequent exclusion of Hutu, there are compelling reasons to have the gravest doubts as to the undertakings made by that Government in respect of fair trial issues. This is particularly true of the independence of the judiciary. It is essential to see its functioning in a broader political context, beyond technical considerations such as e.g. the improvement of legal training.
69. In my opinion, the present Rwandan judicial system, imbedded as it is in the Rwandan political system, is not capable of providing the guarantees necessary in

the present case. Mr Uwinkindi cannot expect to receive a fair trial in Rwanda given the nature of the charges against him and the political dimension to them. There is no prospect of a judge, operating under the current regime in Rwanda, being able to act independently of the current pervasive RPF elite. His or her decision will be subject to the will of the Kigali regime and not independent of it.



Signed Filip Reyntjens

Dated 11 March 2011

ATTACHMENT I

CV and Publications list.

Annex 1

Statement of Filip Reyntjens, 11 March 2011

Attachement I: CV and Publication List

CURRICULUM VITAE F. REYNTJENS
(synopsis)

1. Personalia

Name: Filip L.A. REYNTJENS.
Born: 14 June 1952 in Antwerp, Belgium.
Nationality: Belgian.

Private address:

Keizerstraat 36
B - 2000 Antwerpen
Belgium
tel. +32-3-231.75.80
mobile +32-473-98.14.90
e-mail <filip.reyntjens@ua.ac.be>

Professional address:

Institute of Development Policy and Management, University of Antwerp
Lange St. Annastraat 7 (visit)
Prinsstraat 13 (mail)
2000 Antwerpen
Belgium
tel. +32-3-265.57.72
fax +32-3-265.57.71
email <filip.reyntjens@ua.ac.be>

2. University education

- Licentiaat in de Rechten (LL.M.), University of Antwerp, 1975.
- Master of Laws, University of London, 1979.
- Doctor in de Rechten (Ph.D.), University of Antwerp, 1983.

3. Academic teaching positions

- Professor of Law and Politics, University of Antwerp.
- Sometime Professor (part-time) at the Universities of Leuven and Brussels, Visiting Professor at the Universities of Paris-VIII (France), Rwanda, Mbuji-Mayi (DRC), Kinshasa (DRC) and Mbarara (Uganda); Visiting Fellow at the Human Sciences Research Council (Pretoria).

Courses taught: Comparative Legal Systems, Political Problems of the Third World, Political and Institutional Aspects of Development, Legal Pluralism, African Law, The State, Law and Development.

4. Other positions (selection)

- Member of the Board of Directors, International Third World Legal Studies Association (New York), Belgian Reference Centre for Expertise in Central Africa (E-CA), Brussels, Development Research Institute (IVO), Tilburg University.

- Member of the editorial board of "Afrika-Focus", "Third World Legal Studies", "Journal of Legal Pluralism and Unofficial Law", and "African Affairs".
- Member, Royal Academy of Overseas Sciences of Belgium.
- Vice-President, International Third World Legal Studies Association (New York).
- Member of the Steering Group on Science Sharing, VRWB (Flemish Council for Research Policy).
- Chair, Centre for the Study of the Great Lakes Region of Africa, University of Antwerp.
- Chair, EADI Committee on Journal Ranking.
- Expert, International Criminal Court.

5. Former positions (selection)

- 1976-1978: Lecturer and Vice-Dean, Faculty of Law, National University of Rwanda.
- 1983-1990: Director of the African Studies and Documentation Centre (Brussels).
- 1984-1988: Chairman, Belgian Association of Africanists.
- 1986-1998: Professor of Law (part-time), University of Leuven (KULeuven).
- 1987-1991: Central Africa coordinator, Amnesty International Flanders.
- 1987-1993: Member of the Commission of Development Co-operation, Flemish Interuniversity Council (VLIR).
- 1991-2005: Professor of African Law (part-time), University of Brussels (ULB).
- 1991-2006: Chairman, African Studies and Documentation Centre (Brussels).
- 1991-2005: Member of the Board of Directors of the Africa Institute (Brussels).
- 1991-1996: Member of the scientific board of the Royal Museum for Central Africa (Belgium).
- 1991-2004: Vice-Rector, University of Mbuji-Mayi (DR Congo).
- 1993-2009: Member of the Board of Directors, Institute of Tropical Medecine (Antwerp).
- 1994-2002: Chairman, Centre for the Study of the Great Lakes Region of Africa, University of Antwerp.
- 2001-2007: Chairman, Institute of Development Policy and Management, University of Antwerp.
- 2003-2007: Member of the Bureau "University development co-operation", Flemish Inter-University Council.

6. Consultancies and expert missions

- Management of the Law School at the University of Rwanda (1976-78).
- Constitutional consultation for the Government of Rwanda (1978).
- Central Africa coordinator, Amnesty International, Belgian sections (1983-91).
- Advisor to the Belgian Foreign Minister for the reorganisation of African Studies in Belgium (1986-89).
- Expert witness on the Law and Politics of Rwanda, Burundi and the DR Congo in courts of Belgium, the UK, the USA, Switzerland and Canada, and the International Criminal Tribunal for Rwanda (Arusha).
- Legal assistance mission in connection with the detention of 3,500 political prisoners in Rwanda (1991).
- Fact-finding mission on the Burundi disturbances of November 1991 (1991).
- Constitutional consultation for the Government of Ethiopia (1992).
- Mission of inquiry into Human Rights violations in Burundi (1994).

- Consultant for the World Bank on Rwanda (1995).
- Consultant for the Japanese Government on Rwanda and Burundi (1995).
- Consultant for DFID (UK) on the Administration of Justice in Rwanda (1997).
- Member of the UN Secretary General's Resource Group on the DR Congo (1997-98).
- Evaluation of projects in South Africa and Namibia for BTC (1999).
- Member of the Editorial Group of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and Surrounding Events (OAU) (2000).
- Evaluation of projects in support of the rule of law in Burundi for DGIC (2001).
- Consultant for BTC on the reform of the public administration in the DR Congo (2002).
- Evaluation of activities of Avocats sans Frontières in the DR Congo for DGDC (2004).
- Member of two person expert panel for the assessment of MA Programme "International Development Studies", University of Amsterdam, for the Dutch-Flemish Accreditation Organisation (NVAO) (2005).
- Consultant for the Dutch Ministry of Foreign Affairs on Conflict Prevention and Management in the Great Lakes Region (2006).

Lijst van publicaties
List of publications
Liste des publications

I. Monografieën - Monographies - Monographs

auteur - author

- REYNTJENS, F., Droit constitutionnel rwandais, Butare, Faculté de droit, 1977, ix + 302p.
- REYNTJENS, F., Off the Horseback? Legal Aspects of the Return to Constitutional Government in Africa South of the Sahara, Baden-Baden, Nomos Verlagsgesellschaft, 1980, 85 p.
- REYNTJENS, F., Bibliographie juridique du Rwanda, Bruxelles, CEDAF, 1982, ix+51 p.
- REYNTJENS, F., Pouvoir et Droit au Rwanda. Droit public et évolution politique 1916-1973, Tervuren, Musée royal de l'Afrique centrale, 1985, 584 p.
- REYNTJENS, F., Inleiding tot de Afrikaanse rechten, Leuven, Faculteit der Rechtsgeleerdheid, K.U.Leuven, 1986, 119 p.; 2e. uitgave, 1990, 127 p.
- REYNTJENS, F., Politieke problemen van de Derde Wereld, Antwerpen, Departement PSW, U.I.A., 1987, 96 p.; 2e. uitgave, 1990, 103 p.
- REYNTJENS, F., Burundi 1972-1988. Continuité et changement, Cahiers du CEDAF, 1989/5, 98 p.
- GORLE, F., BOURGEOIS, G., BOCKEN, H. en REYNTJENS, F., Rechtsvergelijking, Brussel, E. Story-Scientia, 1991, 474 p.
- STENMANS, A. et REYNTJENS, F., La pensée politique du gouverneur général Pétillon, Bruxelles, Académie Royale des Sciences d'Outre-Mer, 1993, 123 p.
- REYNTJENS, F., Bibliographie de droit rwandais, Kigali-Bruxelles, Faculté de Droit-Bruylant, 1993, 83 p.
- REYNTJENS, F., Introduction aux droits africains, Bruxelles, Faculté de Droit, U.L.B., 1993, 120 p.
- REYNTJENS, F., L'Afrique des Grands Lacs en crise. Rwanda, Burundi: 1988-1994, Paris, Karthala, 1994, 326 p.
- DE FEYTER, K., LANDUYT, K., REYDAMS, L., REYNTJENS, F., VANDEGINSTE, S., VERLEYEN, H., Ontwikkelingssamenwerking als instrument ter bevordering van mensenrechten en democratisering, Brussel, VLIR-ABOS, 1995, 104 p.; also published in English: Development co-operation: A tool for the promotion of human rights and democratization, Brussels, VLIR-ABOS, 1995, 98 p.

- REYNTJENS, F., Rwanda. Trois jours qui ont fait basculer l'histoire, Bruxelles-Paris, Institut Africain-L'Harmattan, Cahiers Africains, 1995, 151 p.
- REYNTJENS, F., Danse macabre. Ruanda en Burundi tussen haat en hoop, Antwerpen, Icarus, 1996, 368 p.
- REYNTJENS, F., La guerre des grands lacs. Alliances mouvantes et conflits extraterritoriaux en Afrique centrale, Paris, L'Harmattan, 1999, 255 p.
- GORLE, F., BOURGEOIS, G., BOCKEN, H., REYNTJENS, F., DE BONDT, W., Rechtsvergelijking. Studentenuitgave, Mechelen, Kluwer, 2003, 311 p.
- REYNTJENS, F., Les risques du métier. Trois décennies comme "chercheur-acteur" au Rwanda et au Burundi, Paris, L'Harmattan, 2009, 137 p.
- REYNTJENS, F., De grote Afrikaanse oorlog. Congo in de regionale geopolitiek, 1996-2006, Antwerpen-Amsterdam, Meulenhoff/Manteau, 2009, 364 p.
- REYNTJENS, F., The Great African War. Congo and Regional Geopolitics, 1996-2006, New York, Cambridge University Press, 2009, 327 p.
- editor - rédacteur
- REYNTJENS, F. et GORUS, J. (Eds.), Codes et lois du Rwanda, Bruxelles et Butare, Bruylant et Faculté de droit, 1979-1984, 4 vols, 1606 p.; 2e. édition, 1995-1998, 4 vols, 2217 p.
- GORUS, J., HANNUM, H., WEINSTEIN, W. et REYNTJENS, F. (Eds.), Droits de l'homme et développement économique en Afrique francophone, Butare, 1980, 181 p. (numéro spécial de la Revue Juridique du Rwanda).
- VAN BINSBERGEN, W., REYNTJENS, F. en HESSELING, G. (Eds.), State and Local Community in Africa, Brussel, ASDOC-CEDAF, 1986, 400 p.
- REYNTJENS, F., e.a. (Ed.), Constitutiones Africae, Bruxelles-Paris, Bruylant-Pedone, 1988-, 4 vols.
- REYNTJENS, F. (Ed.), Pluralism, Participation and Decentralization in Sub-Saharan Africa, New York, Third World Legal Studies, 1989, 148 p.
- MARYSSE, S. et REYNTJENS, F. (Eds.), L'Afrique des grands lacs. Annuaire 1996-1997, Paris, L'Harmattan, 1997, 342 p.
- REYNTJENS, F. et MARYSSE, S. (Eds.), L'Afrique des grands lacs. Annuaire 1997-1998, Paris, L'Harmattan, 1998, 408 p.
- FOBLETS, M.-C. and REYNTJENS, F. (Eds.), Urban Normative Fields in Africa Today, special issue of the Journal of Legal Pluralism and Unofficial Law, 1998, 274 p.

- MARYSSE, S. et REYNTJENS, F. (Eds.), L'Afrique des grands lacs. Annuaire 1998-1999, Paris, L'Harmattan, 1999, 436 p.
- REYNTJENS, F. et MARYSSE, S. (Eds.), L'Afrique des grands lacs. Annuaire 1999-2000, Paris, L'Harmattan, 2000, 425 p.
- MARYSSE, S. et REYNTJENS, F. (Eds.), L'Afrique des grands lacs. Annuaire 2000-2001, Paris, L'Harmattan, 2001, 437 p.
- REYNTJENS, F. et MARYSSE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2001-2002, Paris, L'Harmattan, 2002, 296 p.
- MARYSSE, S. et REYNTJENS, F. (Eds.), L'Afrique des grands lacs. Annuaire 2002-2003, Paris, L'Harmattan, 2003, 359 p.
- REYNTJENS, F. et MARYSSE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2003-2004, Paris, L'Harmattan, 2004, 321 p.
- MARYSSE, S. et REYNTJENS, F. (Eds.), L'Afrique des grands lacs. Annuaire 2004-2005, Paris, L'Harmattan, 2005, 334 p.
- MARYSSE, S. and REYNTJENS, F. (Eds.), The Political Economy of the Great Lakes Region in Africa. The Pitfalls of Enforced Democracy and Globalization, Basingstoke, Palgrave Macmillan, 2005, 243 p.
- REYNTJENS, F. et MARYSSE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2005-2006, Paris, L'Harmattan, 2006, 481 p.
- MARYSSE, S., REYNTJENS, F., VANDEGINSTE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2006-2007, Paris, L'Harmattan, 2007, 305 p.
- MARYSSE, S., REYNTJENS, F., VANDEGINSTE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2007-2008, Paris, L'Harmattan, 2008, 511 p.
- MARYSSE, S., REYNTJENS, F., VANDEGINSTE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2008-2009, Paris, L'Harmattan, 2009, 391 p.

2. Rapporten – rapports - reports

- DE WOLF, R., NTASHAMAJE, A. et REYNTJENS, F., Projet de constitution de la République rwandaise, Rapport présenté au Président de la République, Kigali, 1978, 68 p.
- ERPICUM, R. e.a. (REYNTJENS, F.), Le Rwanda. Et maintenant?, COOPIBO, FOS, NCOS, Vredeseilanden, 1990, 53 p.
- ERLER, B. et REYNTJENS, F., Les événements de novembre-décembre 1991 au Burundi. Rapport d'une mission d'enquête, 1992, 54 p.

- Human Rights Watch/Africa Watch e.a. (co-auteur), Commission internationale d'enquête sur les violations des droits de l'homme au Burundi depuis le 21 octobre 1993. Rapport final, 5 juillet 1994, 195 p.
- DE FEYTER, K., LANDUYT, K., REYNTJENS, F., VANDEGINSTE, S., Development Co-operation: a tool for the promotion of human rights and democracy? An interim report, Antwerp, University of Antwerp, 1994, 244 p.
- DUPONT, P., MARYSSE, S., REYNTJENS, F., Conflicten in Sub-Sahara Afrika. Een zoektocht naar verklaringen. Twee gevalstudies: oorzaken en mogelijke conflictoplossingen in Ruanda en Burundi 1988-1993, Brussel, DWTC, 1994, 150 p.
- REYNTJENS, F., Burundi: Breaking the Cycle of Violence, London, Minority Rights Group, Report 1995/1, 30 p.; update 1996, 8 p.
- DUPONT, P., REYNTJENS, F., Crisis in the Great Lakes Region of Africa, A Study made on Behalf of the Government of Japan, Antwerp, University of Antwerp, June 1995, 57 p. (also published in Japanese).
- DESOUTER, S., REYNTJENS, F., Rwanda. Les violations des droits de l'homme par le FPR/APR. Plaidoyer pour une enquête approfondie, Anvers, Institut de Politique et de Gestion du Développement, Working Paper, juin 1995, 49 p.
- REYNTJENS, F., Burundi. Landet med kuppen utan slut, Uppsala, Nordiska Afrikainstitutet, Afrikafakta 3, 1996, 36 p.
- REYNTJENS, F., Burundi: Briser le cycle de la violence, Londres, MRG International, mars 1995, 30 p.; mise à jour, octobre 1996, 7 p.
- REYNTJENS, F. et MARYSSE, S. (Eds.), Conflicts au Kivu: antécédents et enjeux, Anvers, Université d'Anvers, Centre d'étude de la région des grands lacs d'Afrique, décembre 1996, 70 p.
- REYNTJENS, F., The impact of some of Zaire's Neighbours, Washington D.C., US Department of State and US Institute of Peace, January 1997, 6 p.
- DE SCHRIJVER, D. et REYNTJENS, F., Le problème des réfugiés rwandais dans la région des grands lacs. Analyse rétrospective, Anvers, Université d'Anvers, Centre d'étude de la région des grands lacs d'Afrique, avril 1997, 91 p.
- VANDEGINSTE, S. and REYNTJENS, F., The Administration of Justice in Rwanda and the International Criminal Tribunal for Rwanda, A Study Paper for the Department for International Development, Antwerp, September 1997, 26 p.
- REYNTJENS, F., VAN DER AUWERAERT, J., Beoordeling van mensenrechten en democratisering, Brussel, V.I.R.-ABOS, 1998, 72 p.
- REYNTJENS, F., The political evolution in Rwanda and Burundi, 1997-1998, University of Antwerp, Institute of Development Policy and Management, Working paper 1998/3, November 1998, 35 p.

- COGEN, M. and REYNTJENS, F., The Great Lakes, Kivu and the Search for Peace, Gent-Antwerp, August 1999, 16 p.
- REYNTJENS, F. en GOEKINT, K., Formuleringsverslag van de lopende samenwerkingseprestaties in Zuid Afrika en Namibië, Brussel, BTC, Augustus 1999, 95 p.
- REYNTJENS, F., Talking or Fighting? Political Evolution in Rwanda and Burundi, 1998-1999, University of Antwerp, Institute of Development Policy and Management, Working paper 1999/5, July 1999, 43 p.; also published by Nordiska Afrikainstitutet, Current African Issues no. 21, 1999, 27 p.
- REYNTJENS, F., Small States in an Unstable Region - Rwanda and Burundi, 1999-2000, Uppsala, Nordiska Afrikainstitutet, Current African Issues no. 23, 2000, 24 p.
- REYNTJENS, F., Burundi: Prospects for Peace, London, Minority Rights Group, November 2000, 32 p.
- REYNTJENS, F., State Reconstruction in Central Africa, Washington D.C., Department of State, December 2000, 5 p.
- REYNTJENS, F., Again at the Crossroads - Rwanda and Burundi, 2000-2001, Uppsala, Nordiska Afrikainstitutet, Current African Issues no. 24, 2001, 25 p.
- Delta-i (co-auteur), Etude sur la réforme de la Fonction Publique de la République Démocratique du Congo, Delta-i Consulting, octobre 2002, 65 p.
- DEMAY, S., REYNTJENS, F., ROMBOUITS, H., VANDEGINSTE, S., Programme 2001-2003 d'Avocats sans Frontières en Afrique Centrale. Rapport d'évaluation, Anvers, Institut de politique et de gestion du développement, février 2005, 160 p.
3. Hoofdstukken in verzamelwerken - chapitres dans des ouvrages collectifs - chapters in collective works
- REYNTJENS, F., Africa South of the Sahara, in: ZEMANS, F.H. (Ed.), Perspectives on Legal Aid - A World Survey, London, F. Pinter, 1979, 12-42.
- VERHELST, T. and REYNTJENS, F., Rwanda, in: BLAUSTEIN, A.P. and FLANZ, G.H. (Eds.), Constitutions of the Countries of the World, Dobbs Ferry N.J., Oceana, 1980.
- REYNTJENS, F. and VERHELST, T., Burundi, in: BLAUSTEIN, A.P. and FLANZ, G.H., Constitutions of the Countries of the World, Dobbs Ferry N.J., Oceana, 1983.
- REYNTJENS, F. and WOLF-PHILLIPS, L., Revolution in the Legal Systems of Third World States, in: MARASINGHE, L. and CONCKLIN, W. (Eds.), Essays on Third World Perspectives in Jurisprudence, Singapore, 1984, 105-136.

- REYNTJENS, F., Machthebbers als revolutionnaires: van indirect beheer naar intern zelfbestuur, in: VAN BINSBERGEN, W. en HESSELING, G. (Eds.), Aspekten van Staat en Maatschappij in Afrika, Leiden, Afrika Studiecentrum, 1984, 257-278.
- REYNTJENS, F., De juridische opleiding in zwart Afrika, in: De kennis van het Recht in Afrika, Brussel, Koninklijke Academie voor Overzeese Wetenschappen, 1984, 16-37.
- REYNTJENS, F., Genot en verlies van de burgerlijke rechten (art. 7-33 B.W.), in: CASMAN, H., HEYVAERT, A., PAUWELS, J.M. (Eds.), Personen- en Familierecht, Antwerpen, Kluwer, 1985, art. 7-33 B.W.
- RIMANQUE, K. en REYNTJENS, F., Kunst, kunstvrijheid en haar beperkingen, in: RIMANQUE, K. (Ed.), Kunst en Recht, Antwerpen, Kluwer, 1985, 1-24.
- REYNTJENS, F., Een eeuw Afrikaans recht in België, in: Honderd jaar documentatie over Afrika, Brussel, Afrika Bibliotheek, 1985, 21-24 (publié également en français: Un siècle de droit africain en Belgique, in: Un siècle de documentation africaine, Bruxelles, Bibliothèque africaine, 1985, 20-23) (auch in Deutsch veröffentlicht: Hundert Jahre afrikanisches Recht in Belgien, in: Hundert Jahre Afrika-Dokumentation, Brüssel, Afrika-Bibliothek, 1985, 20-23).
- VAN BINSBERGEN, W., REYNTJENS, F. en HESSELING, G., Aspects of Modern State Penetration in Africa, in: State and Local Community in Africa, 369-400.
- REYNTJENS, F., Les problèmes spécifiques posés par la protection des droits fondamentaux dans les pays en voie de développement, et en Afrique noire en particulier, in: Le nouveau droit constitutionnel. Rapports belges au IIe. Congrès mondial de droit constitutionnel, Louvain-la-Neuve/Bruxelles, Academia/Bruylant, 1987, 47-68.
- REYNTJENS, F., The Growing Role of Human Rights in Development Cooperation, in: D. VAN DEN BULCKE (Ed.), Recent Trends in International Development, Antwerp, College for Developing Countries, 1988, 143-163.
- REYNTJENS, F., Belgian Constitution of 1931, in: BLAUSTEIN, A.P. and SIGLER, J.A. (Eds.), Constitutions that made history, New York, Paragon House, 1988, 182-184.
- REYNTJENS, F. and VERHELST, T., Burundi, in: BLAUSTEIN, A.P. and FLANZ, G.H. (Eds.), Constitutions of the Countries of the World, Dobbs Ferry N.J., Oceana, 1988.
- REYNTJENS, F., Rwanda, in: Africa South of the Sahara 1989, London, Europa Publications, 1988, 826-830.
- REYNTJENS, F., Burundi-supplément, in: REYNTJENS, F. e.a. (Ed.), Constitutiones Africae, Vol. I, 17 p.
- VANDERLINDEN, J. et REYNTJENS, F., Rwanda, in: Encyclopedia Universalis, 1989, 424-430.
- REYNTJENS, F., Rwanda, in: REYNTJENS, F. (Ed.), Constitutiones Africae, Vol. III, 1990, 86 p.

- REYNTJENS, F., Burundi. Recent history, in: Africa South of the Sahara 1990, 304-306.
- REYNTJENS, F., Rwanda. Recent history - Economy, in: Africa South of the Sahara 1990, 811-815.
- REYNTJENS, F., De Universiteit Antwerpen en de Derde Wereld, Forum Ontwikkelingssamenwerking, Antwerpen, Provinciebestuur, 1990, 43-49.
- REYNTJENS, F., Burundi. Recent history, in: Africa South of the Sahara 1991, 303-305.
- REYNTJENS, F., Rwanda. Recent history - Economy, in: Africa South of the Sahara 1991, 822-826.
- REYNTJENS, F., Juridische aspecten van taal in Afrika, in: J.-J. SYMOENS en J. VANDERLINDEN (Eds.), De Talen in Afrika in het Vooruitzicht van het Jaar 2000, Brussel, Koninklijke Academie voor Overzeese Wetenschappen, 1991, 17-26.
- REYNTJENS, F., La problématique générale soulevée par l'exil dans la région des grands lacs africains et ses conséquences sur la sécurité des peuples, in: Actes du Colloque sur le problème des réfugiés burundais, Genève, 1991, p. 27-30.
- REYNTJENS, F., Guest Editor's Introduction, in: REYNTJENS, F. (Ed.), Pluralism, Participation and Decentralization in Sub-Saharan Africa, Third World Legal Studies, 1989, vii-xii.
- REYNTJENS, F., Burundi-Recent History, in: Africa South of the Sahara 1992, 286-288.
- REYNTJENS, F., Rwanda-Recent History - Economy, in: Africa South of the Sahara 1992, 813-818.
- REYNTJENS, F., Zaire begrijpen: continuïteit en discontinuïteit in een zachte Staat, in: Afrika van Kaap tot Cairo, Utrecht, Studium Generale reeks, 1991, 57-62.
- REYNTJENS, F., "Peoples' Rights" in the Banjul Charter: a short note on an elusive concept, in: The African Charter on Human and Peoples' Rights: Development, Context, Significance, Marburg, African Law Association, 1991, 225-229.
- REYNTJENS, F., The Development of the Dual Legal System in former Belgian Central Africa (Zaire-Rwanda-Burundi), in: W.J. MOMMSEN and J.A. DE MOOR (Eds.), European Expansion and Law. The Encounter of European and Indigenous Law in 19th-20th Century Africa and Asia, Oxford-New York, Berg Publishers, 1992, 111-127.
- REYNTJENS, F., Les mouvements armés de réfugiés rwandais: rupture ou continuité?, in: G. THOVERON et H. LEGROS (Eds.), Mélanges Pierre Salmon, Bruxelles, U.L.B., Civilisations, 1992, no. 2, 170-182.
- REYNTJENS, F., Burundi - Recent History, in: Africa South of the Sahara 1993, 195-197.

- REYNTJENS, F., Rwanda - Recent History - Economy, in: Africa South of the Sahara 1993, 678-682.
- REYNTJENS, F., Some institutional aspects of state-society interactions during the colonial period, in: Democratisation in Sub-Saharan Africa: The Search for Institutional Renewal, Maastricht, ECDPM, 1993, 49-62; Quelques aspects institutionnels des relations Etat-société au cours de la période coloniale, in: Démocratisation en Afrique sub-saharienne: A la recherche d'un renouveau institutionnel, Maastricht, ECDPM, 1993, 53-65.
- REYNTJENS, F., The Future of Customary Law in Africa, in: J. CHURCH (Ed.), The Future of Indigenous Law in Southern Africa, Pretoria, UNISA, 1993, 3-21.
- REYNTJENS, F., Démocratisation et conflits ethniques au Rwanda et au Burundi, in: P. WYMEERSCH (Ed.), Liber Amicorum Marcel d'Hertefeldt. Essais anthropologiques, Bruxelles, Institut Africain, 1993, 209-227.
- REYNTJENS, F., Le parcours constitutionnel et politique du Congo/Zaïre, in: D. KABANGA MUSAU (Ed.), La recherche scientifique et l'avenir du Zaïre, Antwerpen, Centre for Development Studies, 1993, 2-8.
- REYNTJENS, F., Het recht van het grasveld: statelijk en niet-staatelijk strafrecht in Rwanda, in: Liber Amicorum Jules D'Haenens, Gent, Mys en Breesch, 1993, 269-275.
- REYNTJENS, F., La "nouvelle" conditionnalité dans la politique belge. Application aux relations avec le Zaïre, in: G. DE VILLERS (Ed.), Belgique/Zaïre. Une histoire en quête d'avenir, Bruxelles, Cahiers Africains, 1994, nos. 9-10-11, 214-218.
- REYNTJENS, F., La réception en Afrique centrale anciennement belge, in: M. DOUCET et J. VANDERLINDEN (Eds.), La réception des systèmes juridiques: implantation et destin, Bruxelles, Bruylant, 1994, 579-606.
- REYNTJENS, F., Justice et politique: la Cour constitutionnelle, in: A. GUICHAOUA (Ed.), Les crises politiques au Burundi et au Rwanda (1993-1994), Lille, Université des Sciences et Technologies, Karthala, 1995, 173-175.
- REYNTJENS, F., Akazu, "escadrons de la mort" et autres "réseau zéro": un historique des résistances au changement politique depuis 1990, in: A. GUICHAOUA (Ed.), Les crises politiques au Burundi et au Rwanda (1993-1994), Lille, Université des Sciences et Technologies, Karthala, 1995, 265-273.
- REYNTJENS, F., Rwanda. Les dessous d'un génocide, in: Universalis 1995, Paris, Encyclopaedia Universalis, 1995, 284-287.
- RENARD, R. and REYNTJENS, F., Aid and Conditionality: the Case of Belgium, with Particular Reference to Burundi, Rwanda and Zaïre, in: O. STOKKE (Ed.), Aid and Conditionality, London, Frank Cass, 1995, 88-109.
- REYNTJENS, F., Etnisch geweld tussen Hutu en Tutsi in Rwanda en Boeroendi, in: De Wereld in 1994. Spectrum Jaarboek, 76-79.

- REYNTJENS, F., L'ONU au Rwanda: le discrédit, in: L'ONU dans tous ses Etats, Bruxelles, GRIP, 1995, 88-90.
- REYNTJENS, F., Situatieschets van de Centraalafrikaanse regio: de verschillende dimensies van het conflict, in: Conflictbeheersing in Centraal Afrika. Verslagboek, Brussel, NCOS, 1996, 9 p.
- REYNTJENS, F., Description historique et institutionnelle de la coopération entre la Belgique et le Rwanda, in: Rwanda. Les enjeux de la reconstruction nationale, Bruxelles, Edifie L.L.N., 1996, 195-210.
- REYNTJENS, F., La démocratisation en Afrique: écueils et possibilités, in: Jaarboek Groep Handelshogeschool 1996, Antwerpen, Handelshogeschool, 1997, 36-41.
- REYNTJENS, F. et PAUWELS, A., Des mesures préventives. Etude de cas: Namibie, Angola, Rwanda, Kenya, in: Conflits en Afrique. Analyse des crises et pistes pour une prévention, Bruxelles, GRIP - Editions Complexe, 1997, 67-96 (ook in het Nederlands verschenen: Preventieve maatregelen. Casestudies: Namibië, Angola, Rwanda, Kenya, in: Conflicten in Afrika. Crisisanalyse en preventiemogelijkheden, Brussel, GRIP - Van Halewyck, 1997, 67-96) (also published in English: Preventive Measures. Case Studies: Namibia, Angola, Rwanda and Kenya, in: Conflicts in Africa. An Analysis of Crises and Crisis Prevention Measures, Brussels, GRIP, 1997, 67-93).
- REYNTJENS, F., Rwanda et Burundi: les acteurs politiques, in: Rwanda-Burundi, Bruxelles, Académie Royale des Sciences d'Outre-Mer, 1997, 111-126.
- REYNTJENS, F. et VANDEGINSTE, S., Burundi. Evolution politique en 1996-1997, in: L'Afrique des grands lacs. Annuaire 1996-1997, Paris, L'Harmattan, 1997, 1-13.
- REYNTJENS, F., Rwanda. Evolution politique en 1996-1997, in: L'Afrique des grands lacs. Annuaire 1996-1997, Paris, L'Harmattan, 1997, 43-57.
- REYNTJENS, F., Estimation du nombre de personnes tuées au Rwanda en 1994, in: L'Afrique des grands lacs. Annuaire 1996-1997, Paris, L'Harmattan, 1997, 179-186.
- REYNTJENS, F., La production constitutionnelle en situation de crise: les cas du Rwanda et du Burundi, in: D. DARBON et J. DU BOIS DE GAUDUSSON (Eds.), La création du droit en Afrique, Paris, Karthala, 1997, 293-307.
- REYNTJENS, F., Staat en maatschappij in Afrika, in: Koninklijk Hoger Instituut voor Defensie, Sub-Sahara Afrika. De toekomstige veiligheidsontwikkeling, Brussel, 1997, 47-55.
- REYNTJENS, F., Situation géo-stratégique en Afrique centrale: la nouvelle donne, in: Kabila prend le pouvoir, Bruxelles, GRIP-Editions Complexe, 1998, 145-155.
- REYNTJENS, F. and LEGUM, C., Burundi. Towards Power-Sharing: A Brave Experiment in Democracy, in: Africa Contemporary Record 1990-1992, New York and London, Africana Publishing Cy., 1998, B 272-275.

- REYNTJENS, F. and LEGUM, C., Rwanda. The Roots of Genocide, in: Africa Contemporary Record 1990-1992, New York and London, Africana Publishing Cy., 1998, B 357-362.
- REYNTJENS, F., Evolution politique au Rwanda et au Burundi, 1997-1998, in: F. REYNTJENS et S. MARYSSE, L'Afrique des grands lacs. Annuaire 1997-1998, Paris, L'Harmattan, 1998, 71-96.
- PARQUE, V. et REYNTJENS, F., Crimes contre l'humanité dans l'ex-Zaïre: une réalité?, in: F. REYNTJENS et S. MARYSSE, L'Afrique des grands lacs. Annuaire 1997-1998, Paris, L'Harmattan, 1998, 273-306.
- DEBAR, J., RENARD, R. and REYNTJENS, F., Coherent Approaches to Complex Emergencies: Belgium and the Great Lakes Region of Central Africa, in: J. FORSTER and O. STOKKE (Eds.), Policy Coherence in Development Co-operation, London, Frank Cass, 1999, 429-461.
- REYNTJENS, F., Evolution politique au Rwanda et au Burundi, 1998-1999, in: S. MARYSSE et F. REYNTJENS (Eds.), L'Afrique des grands lacs. Annuaire 1998-1999, Paris, L'Harmattan, 1999, 124-157.
- REYNTJENS, F., La deuxième guerre du Congo: plus qu'une réédition, in: S. MARYSSE et F. REYNTJENS (Eds.), L'Afrique des grands lacs. Annuaire 1998-1999, Paris, L'Harmattan, 1999, 272-283.
- PARQUE, V. and REYNTJENS, F., Shifting Alliances, Extraterritorial Conflicts and Conflict Management, in: Searching for Peace in Africa, Utrecht, European Platform for Conflict Prevention and Transformation, 1999, 181-186.
- REYNTJENS, F., Legal and Judicial Pluralism in Africa South of the Sahara, in: F. VAN LOON et K. VAN AEKEN (Eds.), 60 maal recht en 1 maal wijn. Liber Amicorum Prof. Dr. Jean Van Houtte, Leuven, Acco, 1999, 673-681.
- REYNTJENS, F., Congo in het oog van een regionale storm, in: L. WALCKIERS (Ed.), Oorlog in Congo, Brussel, Noord-Zuid Cahiers, 2000, 11-23.
- REYNTJENS, F. et PARQUE, V., La diplomatie belge face aux crises rwandaises (1990-1999), in: O. LANOTTE, C. ROOSENS et C. CLEMENT (Eds.), La Belgique et l'Afrique Centrale de 1960 à nos jours, Bruxelles, GRIP-Editions Complexe, 2000, 237-245.
- REYNTJENS, F. et PARQUE, V., La diplomatie belge et la crise burundaise, in: O. LANOTTE, C. ROOSENS et C. CLEMENT (Eds.), La Belgique et l'Afrique Centrale de 1960 à nos jours, Bruxelles, GRIP-Editions Complexe, 2000, 305-314.
- REYNTJENS, F., Chronique politique du Burundi et du Rwanda, 1999-2000, in: F. REYNTJENS et S. MARYSSE (Eds.), L'Afrique des grands lacs. Annuaire 1999-2000, Paris, L'Harmattan, 2000, 95-125.
- REYNTJENS, F. and VANDEGINSTE, S., Traditional Approaches to Negotiation and Mediation: Examples from Africa. Burundi, Rwanda and Congo, in: L. REYCHLER

- and T. PAFFENHOLZ (Eds.), Peace-Building. A Field Guide, Boulder-London, Lynne Rienner, 2001, 128-138.
- REYNTJENS, F. et VANDEGINSTE, S., Démarches traditionnelles de négociation et de médiation - Burundi, Rwanda, Congo, in: L. REYCHLER et T. PAFFENHOLZ (Eds.), Construire la paix sur le terrain. Mode d'emploi, Bruxelles, Editions Complexe, 2001, 150-160.
- REYNTJENS, F. en VANDEGINSTE, S., Traditionele bemiddelings- en verzoeningsmechanismen – Regio van de grote meren van Afrika, in: L. REYCHLER en T. PAFFENHOLZ (Eds.), Handboek Terreindiplomatie, Leuven, Garant, 153-163.
- REYNTJENS, F., Chronique politique du Rwanda et du Burundi, 2000-2001, in: S. MARYSSE et F. REYNTJENS (Eds.), L'Afrique des grands lacs. Annuaire 2000-2001, Paris, L'Harmattan, 2001, 21-51.
- REYNTJENS, F., From Ethnicity to Genocide in Rwanda, in: U. ROSENTHAL, R.A. BOIN and L.K. COMFORT (Eds.), Managing Crises: Threats, Dilemmas, Opportunities, Springfield Ill., Charles C. Thomas Publisher, 2001, 89-100.
- REYNTJENS, F., Chronique politique du Rwanda et du Burundi, 2001-2002, in: F. REYNTJENS et S. MARYSSE (Eds.), L'Afrique des grands lacs. Annuaire 2001-2002, Paris, L'Harmattan, 2002, 45-77.
- REYNTJENS, F., Het Belgisch Afrika-beleid, in: Koninklijk Hoger Instituut voor Defensie, Defensiestudiecentrum, Voordrachtencyclus 2^{de} semester 2002, Proceedings, Brussel, 2003, 61-71.
- REYNTJENS, F., Chronique politique du Rwanda et du Burundi, 2002-2003, in: S. MARYSSE et F. REYNTJENS (Eds.), L'Afrique des grands lacs. Annuaire 2002-2003, Paris, L'Harmattan, 2003, 1-29.
- REYNTJENS, F., Les nouveaux habits de l'Empereur: analyse juridico-politique de la constitution rwandaise de 2003, in: S. MARYSSE et F. REYNTJENS (Eds.), L'Afrique des grands lacs. Annuaire 2002-2003, Paris, L'Harmattan, 2003, 71-87; Dialogue, no. 234, mai-juin 2004, 3-28.
- REYNTJENS, F., Statut international et droit constitutionnel du Ruanda-Urundi, in: L'ordre juridique colonial belge en Afrique centrale. Eléments d'histoire, Bruxelles, Académie Royale des Sciences d'Outre-Mer, 2004, 67-120.
- REYNTJENS, F., La "transition politique" au Rwanda, in: F. REYNTJENS et S. MARYSSE (Eds.), L'Afrique des grands lacs. Annuaire 2003-2004, Paris, L'Harmattan, 2004, 1-21. (également publié dans Dialogue, no. 238, janvier-février 2005, 53-81)
- REYNTJENS, F., VANDEGINSTE, S., Rwanda: An Atypical Transition, in: E. SKAAR, S. GLOPPEN, A. SUHRKE (Eds.), Roads to Reconciliation, Boulder-Oxford, Lexington Books, 2005, 101-127.

- REYNTJENS, F., Chronique politique du Rwanda et du Burundi, 2003-2005, in: S. MARYSSE et F. REYNTJENS (Eds.), L'Afrique des grands lacs. Annuaire 2004-2005, Paris, L'Harmattan, 2005, 1-26.
- REYNTJENS, F., Burundi, in: Africa Yearbook, Leiden-Boston, Brill, 2005, 259-265.
- REYNTJENS, F., Rwanda, Ten Years On: From Genocide to Dictatorship, in: MARYSSE, S. and REYNTJENS, F. (Eds.), The Political Economy of the Great Lakes Region in Africa. The Pitfalls of Enforced Democracy and Globalization, Basingstoke, Palgrave Macmillan, 2005, 15-47.
- REYNTJENS, F., Governance and Security in Rwanda, in: KHADIAGALA, G. (Ed.), Security Dynamics in Africa's Great Lakes Region, Boulder Co., Lynne Rienner, 2006, 15-39.
- REYNTJENS, F., Les transitions politiques au Rwanda et au Burundi, in: REYNTJENS, F. et MARYSSE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2005-2006, Paris, L'Harmattan, 2006, 3-23.
- REYNTJENS, F., Staatlichkeit in der Region der Groszen Seen Afrikas, in: WEISS, S. und SCHMIERER, J. (Eds.), Prekäre Staatlichkeit und internationale Ordnung, Wiesbaden, VS Verlag für Sozialwissenschaften, 2007, 279-294.
- REYNTJENS, F., Rendre les droits africains aux peuples, in: CASTONGUAY, L., KASIRER, N. (Eds.), Etudier et enseigner le droit. Etudes offertes à Jacques Vanderlinden, Montréal, Editions Yvon Blais, 2007, 195-206.
- REYNTJENS, F., Impact de la géopolitique régionale sur les transitions nationales, in: BARAMPAMA, A., ERAERS, R. (Eds.), Scénarios d'avenir pour le Burundi et l'Afrique des grands lacs, Paris, L'Harmattan, 2007, 68-80.
- REYNTJENS, F., Chronique politique du Rwanda, in: MARYSSE, S., REYNTJENS, F., VANDEGINSTE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2006-2007, Paris, L'Harmattan, 2007, 1-19.
- REYNTJENS, F., Omgaan met het verleden? Recente parlementaire onderzoekscommissies over Midden-Afrika", in: PEETERS, B., VELAERS, J., De Grondwet in groothoekperspectief, Antwerpen-Oxford, Intersentia, 2007, 457-482.
- REYNTJENS, F., "Chronique politique du Rwanda et du Burundi, 2007-2008", in: MARYSSE, S., REYNTJENS, F., VANDEGINSTE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2007-2008, Paris, L'Harmattan 2008, pp. 1-28.
- PARQUE, V., REYNTJENS, F., "Le rôle de la Belgique au Rwanda et au Burundi", in: REMACLE, E., WINAND, P. (Eds.), L'Amérique, l'Europe, L'Afrique 1945-1973, Bruxelles, P.I.E. Peter Lang, 2009, pp. 285-306.
- REYNTJENS, F., "Chronique politique du Rwanda, 2008-2009", in: MARYSSE, S., REYNTJENS, F., VANDEGINSTE, S. (Eds.), L'Afrique des grands lacs. Annuaire 2008-2009, Paris, L'Harmattan 2009, pp. 1-27.

4. Artikels in internationale tijdschriften - articles dans des revues internationales - articles in international journals

GORUS, J. and REYNTJENS, F., Research in the Law Faculty of the National University of Rwanda. A brief Outline 1976-1978, African Law Studies, 1977, 137-141.

REYNTJENS, F., Assistance judiciaire et barreau en Afrique, et au Rwanda en particulier, Penant, 1979, 11-26.

REYNTJENS, F., La nouvelle constitution rwandaise du 20 décembre 1978, Penant, 1980, 117-134.

REYNTJENS, F., Afrikaanse eenpartijstaten: evolutie, recente ontwikkelingen, perspectieven, Res Publica, 1984, 144-179.

REYNTJENS, F., Rwandese Hoofden en bureaucratische normen. Conflicten onder Belgisch koloniaal bestuur, 1916-1940, Sociologische Gids, 1984, 327-343.

REYNTJENS, F., Les élections législatives rwandaises du 26 décembre 1983: considérations juridiques et politiques, Le Mois en Afrique (Revue française d'études politiques africaines), 1984, n° 223-224, 18-28.

REYNTJENS, F., The Contribution of the Law School to the Knowledge of Law in Africa, Commonwealth Legal Education Association Newsletter, No. 42, July 1985, Annex 2, 18 p.

REYNTJENS, F., Juridische mechanismen van conflictbeheersing in België: het onderwijsprobleem, Res Publica, 1986, 591-614.

REYNTJENS, F., Recent developments in the Public Law of Francophone African States, Journal of African Law, 1986, 75-90.

REYNTJENS, F., Chiefs and burgomasters in Rwanda: The Unfinished Quest for a Bureaucracy, Journal of Legal Pluralism and Unofficial Law, 1987, nrs. 25-26, 71-97.

REYNTJENS, F., Authoritarianism in Francophone Africa. From the Colonial to the Postcolonial State, Third World Legal Studies, 1988, 59-76.

REYNTJENS, F., Cooptation politique à l'envers. Les législatives de 1988 au Rwanda, Politique Africaine, n° 34, juin 1989, 121-126.

REYNTJENS, F., Le gacaca ou la justice du gazon au Rwanda, Politique Africaine, n° 40, décembre 1990, 31-41.

REYNTJENS, F., Du bon usage de la science: l'"école historique burundo-française", Politique Africaine, n° 37, mars 1990, 107-113.

REYNTJENS, F., Note sur l'utilité d'introduire un système juridique "pluraliste" dans la macro-comparaison des droits, Revue de droit international et de droit comparé, 1991, 41-50.

- REYNTJENS, F., The Winds of Change: Political and Constitutional Evolution in Francophone Africa, 1990-1991, Journal of African Law, 1991, 44-55.
- REYNTJENS, F., L'ingénierie de l'unité nationale. Quelques singularités de la constitution burundaise de 1992, Politique africaine, octobre 1992, no. 47, 141-146.
- REYNTJENS, F., Protecting human rights in Sub-Saharan Africa: specific problems and challenges, SA Public Law, 1992, 40-50.
- REYNTJENS, F., The constitutional status of ethnicity in Africa south of the Sahara, SA Public Law, 1993, 36-52.
- REYNTJENS, F., The Proof of the Pudding is in the Eating: the June 1993 Elections in Burundi, The Journal of Modern African Studies, 1993, 563-583.
- REYNTJENS, F., Subjects of concern: Rwanda, October 1994, Issue, 1995, nr. 2, 39-43.
- REYNTJENS, F., Rwanda: Genocide and Beyond, Journal of Refugee Studies, 1996, 240-251.
- REYNTJENS, F., Constitution-Making in Situations of Extreme Crises: The Case of Rwanda and Burundi, Journal of African Law, 1996, 234-242.
- REYNTJENS, F., La rébellion au Congo-Zaïre: une affaire de voisins, Hérodote. Revue de géographie et de géopolitique, no. 86-87, 3e.-4e. trimestre 1997, 57-77.
- REYNTJENS, F., The New Geostrategic Situation in Central Africa, Issue, 1998, nr. 1, 10-13.
- FOBLETS, M.-C. and REYNTJENS, F., Urban Normative Fields in Africa Today, Journal of Legal Pluralism and Unofficial Law, nr. 42, 1998, 1-8.
- REYNTJENS, F., A dubious discourse on Rwanda, African Affairs, 1999, 119-122.
- REYNTJENS, F., The second Congo war: more than a remake, African Affairs, 1999, 241-250.
- REYNTJENS, F., The First African World War, Africa Now, August-September 2000, 22-26.
- REYNTJENS, F., La RDC, carrefour des conflits africains, Géopolitique Africaine, 2001, no. 2, 225-238 (also published in English: Shifting Alliances and Extra-territorial Conflicts in Africa, African Geopolitics, n° 2, Spring 2001, 207-218).
- REYNTJENS, F., The Democratic Republic of Congo, from Kabila to Kabila, African Affairs, 2001, 311-317.
- REYNTJENS, F., Rwanda, Ten Years On: From Genocide to Dictatorship, African Affairs, 2004, 177-210.
- REYNTJENS, F., The privatisation and criminalisation of public space in the geopolitics of the Great Lakes Region, The Journal of Modern African Studies, 2005, 587-607.

- REYNTJENS, F., Burundi: A Peaceful Transition after a Decade of War?, African Affairs, 2006, 117-135.
- REYNTJENS, F., Post-1994 Politics in Rwanda: problematising 'liberation' and 'democratisation', Third World Quarterly, 2006, 1103-1117.
- REYNTJENS, F., Democratic Republic of Congo: Political Transition and Beyond, African Affairs, 2007, 307-317.
5. Artikels in nationale tijdschriften - articles dans des revues nationales - articles in national journals
- REYNTJENS, F., De keerzijde van de sollicitatiemedaille: ontslag omwille van feiten uit het privé-leven, Ars Aequi, 1975, 245-255.
- REYNTJENS, F., Noot onder conseil constitutionnel fr. 15.1.1975, Tijdschrift voor Bestuurswetenschappen en Publiekrecht, 1975, 160-164.
- REYNTJENS, F., Over vreemdelingen en de motiveringsplicht, noot onder Raad van State 5.11.1975, Rechtskundig Weekblad, 1975-76, 1814-1817.
- REYNTJENS, F., Adviezen aan de minister: nog eens de gewestvorming in België, Bestuurswetenschappen, 1976, 150-153.
- DE JONGHE, J. en REYNTJENS, F., De twijfels van het Hof van Cassatie, Rechtskundig Weekblad, 1975-76, 2113-2130.
- REYNTJENS, F., Het valse dilemma van het bikameralisme, Tijdschrift voor Bestuurswetenschappen en Publiekrecht, 1976, 202-211.
- REYNTJENS, F., Assistance judiciaire et barreau au Rwanda, Etudes rwandaises, 1977, no.3, 3-18.
- REYNTJENS, F., L'interprétation authentique en droit rwandais, note sous Cass. rw. 18.8.1976, Revue juridique du Rwanda, 1977, 161-163.
- REYNTJENS, F., La grande misère de la détention préventive au Rwanda, Revue juridique du Rwanda, 1978, 364-371.
- VAN HOUTTE, J., BASOMINGERA, A. et REYNTJENS, F., Litiges et besoins juridiques au Rwanda. Une enquête préliminaire, Revue juridique du Rwanda, 1981, 188-203.
- REYNTJENS, F., Tien jaar Kultuurpaktwet, Kultuurleven, 1983, 679-685.
- REYNTJENS, F. en PEETERS, B., Kroniek van grondwettelijk en administratief recht (1980-1982), Rechtskundig Weekblad, 1983-84, 975-1002.
- REYNTJENS, F., Identiteitscontroles. De Belgische "pasjeswet" is onwettig, ongrondwettig, strijdig met het E.V.R.M., Tegenspraak, 1983, 316-331.

- REYNTJENS, F., Een oude koe uit de gracht: de zelfstandige verordenende bevoegdheid van de koning inzake politie, Rechtskundig Weekblad, 1984-85, 1265-1282.
- REYNTJENS, F., Over een 'technische vergissing', Rechtskundig Weekblad, 1984-85, 1112-1115.
- REYNTJENS, F., Note sur le contrôle parlementaire des finances et biens publics au Zaïre, Année africaine 1983, Paris, Pedone, 1985, 145-146.
- REYNTJENS, F., Het einde van godsdienst en moraal? Enkele bedenkingen bij het arrest Sluijs van de Raad van State, Tijdschrift voor Bestuurswetenschappen en Publiekrecht, 1985, 345-349.
- REYNTJENS, F., The Antwerp-Butare Project: Setting up a Faculty of Law at the National University of Rwanda, Jahrbuch für afrikanisches Recht, 1985-86, 243-245.
- REYNTJENS, F., Partijen in Afrika: de moeilijke weg van de staatsvorming, Nieuwe Tijdingen, maart 1986, nr. 19, 9-13.
- REYNTJENS, F., Réformes administratives au Zaïre, au Rwanda et au Burundi en 1984, Année africaine 1984, Paris, Pedone, 1986, 109-115.
- OPDEBEEK, I. en REYNTJENS, F., Kroniek van grondwettelijk en administratief recht 1983-1985, Rechtskundig Weekblad, 1986-87, 1-34.
- REYNTJENS, F., La deuxième République rwandaise: évolution, bilan, perspectives, Africa-Focus, 1986, no. 3-4, 273-298.
- REYNTJENS, F., Rencontres burundaises: "Inyenzi" du Rwanda et rebelles du Kivu, Les Cahiers du CEDAF, 1986, no. 7-8, 123-137.
- REYNTJENS, F., Les partis politiques en Afrique, Dialogue, no. 122, mai-juin, 1987, 16-29.
- REYNTJENS, F., Sectes et atteintes à la sûreté de l'Etat, Dialogue, no. 127, mars-avril 1988, 2-14.
- OPDEBEEK, I. en REYNTJENS, F., Kroniek van grondwettelijk en administratief recht (1986-1987), Rechtskundig Weekblad, 1987-88, 1385-1401.
- REYNTJENS, F., Droits de l'homme, développement et coopération internationale en Afrique, Revue Juridique du Rwanda, 1989, 327-346.
- REYNTJENS, F., L'Etat nonconstitutionnel. Continuités en Afrique centrale anciennement belge, Bulletin des séances de l'A.R.S.O.M., 1989, 81-102.
- REYNTJENS, F., Pacification au Burundi?, La Revue Nouvelle, juillet-août 1990, 88-97.
- REYNTJENS, F., Handing-over of projects, Annales de la Société belge de Médecine tropicale, 1990, Suppl. 1, 57-59.

- REYNTJENS, F., Droit à l'information, droit d'informer, Dialogue, no. 147, juillet-août 1991, 17-24.
- REYNTJENS, F., Afrikaans Recht: een kennismaking en misschien enkele lessen, Vlaams Jurist Vandaag, 1992, nr. 2, 3-6.
- REYNTJENS, F., Sujets d'inquiétude au Rwanda en octobre 1994, Dialogue, no. 179, novembre-décembre 1994, 3-14.
- REYNTJENS, F., La crise burundaise eu égard au droit interne, Ijambo, n° 5, juillet 1995, 6-15.
- REYNTJENS, F., Aspects juridiques et constitutionnels de la crise, Ijambo, n° 7, septembre 1995, 5-13.
- REYNTJENS, F., Le rôle du facteur ethnique au Rwanda et au Burundi. Procès d'intention et refus du débat, Esprit, octobre 1995, 178-181.
- REYNTJENS, F., Un ordre constitutionnel dissimulé: la "loi fondamentale" du 26 mai 1995, Dialogue, no. 186, octobre-novembre 1995, 13-22.
- REYNTJENS, F., Rwanda. Background to a Genocide, Bulletin des séances, Royal Academy of Overseas Sciences, 1995, 281-292.
- REYNTJENS, F., Befreier oder nur Eroberer? Ruandas neue Regierung ist nur dem Anschein nach demokratisch, der Ueberblick, März 1996, 37-41.
- REYNTJENS, F., Gérer le "nouveau Rwanda" né en 1994?, La Revue Nouvelle, juillet-août 1996, 14-21.
- REYNTJENS, F., The Crisis in Eastern Zaire: Domestic, Regional and International, News from Nordiska Afrikainstitutet, May 1997, 6-8.
- REYNTJENS, F., La nouvelle situation géostratégique en Afrique des grands lacs, Dialogue, no. 201, novembre-décembre 1997, 3-16.
- REYNTJENS, F., Anton Van Bilsen, Mededelingen der zittingen, Koninklijke Academie voor Overzeese Wetenschappen, 1999, 85-88.
- REYNTJENS, F., De Europese Unie: grote afwezigheid bij het conflict in het Grote Merengebied, Nieuw Tijdschrift voor Politiek, 2000, nr. 1-2, 101-106; L'Union Européenne: absence manifeste dans le conflit de la région des grands lacs, La revue politique, 2000, no. 1-2, 93-98.
- REYNTJENS, F., Congo en la "primera guerra mundial" africana, Tiempo de Paz, Invierno 2000, no. 57-58, 5-12.
- REYNTJENS, F., Antoine Rubbens, Mededelingen der Zittingen, Koninklijke Academie voor Overzeese Wetenschappen, 2001, 359-364.

- REYNTJENS, F., Analyse de l'avant-projet de la constitution de la République rwandaise, Dialogue, septembre-octobre 2002, no. 230, 107-121.
- REYNTJENS, F., Antony Allott, Mededelingen der Zittingen, Koninklijke Academie voor Overzeese Wetenschappen, 2003, 511-513.
- REYNTJENS, F., Analyse juridico-politique de la constitution rwandaise de 2003, Dialogue, no. 234, mai-juin 2004, 3-28.
- REYNTJENS, F., Crónica política de Ruanda y Burundi 2007-2008, Cuadernos Fundación Sur, Julio-Agosto 2008, no. 4, 22 pp.
- REYNTJENS, F., "Crónica política de Ruanda 2008-2009", Cuadernos Fundación Sur, Julio-Agosto, no. 4, 23 pp.

6. Boekbesprekingen - comptes-rendu - reviews

- REYNTJENS, F., Bespreking van "Juridische organisatie van het Vrij Beroep", Tijdschrift voor Privaatrecht, 1975, 812-813.
- REYNTJENS, F., Bespreking van Ingber, L. (Ed.), L'Egalité, vol. IV, Tijdschrift voor Privaatrecht, 1976, 520-522.
- REYNTJENS, F., Compte-rendu de A. Allott, The Limits of Law, Penant, 1982, 119-121.
- REYNTJENS, F., Compte-rendu de la Bibliographie ethnographique de l'Afrique sud-saharienne, Penant, 1982, 122.
- REYNTJENS, F., Review of G.S. Ibingira, African Upheavals since Independence, Verfassung und Recht in Uebersee, 1982, 351-354.
- REYNTJENS, F., Compte-rendu de la Bibliographie de droit africain, Penant, 1983, 375-376.
- REYNTJENS, F., Compte-rendu de la Bibliographie de l'Afrique sud-saharienne, Cultures et Développement, 1983, 817-818.
- REYNTJENS, F., Compte-rendu de D.J. McQuoid-Mason, An Outline of Legal Aid in South Africa, Penant, 1984, 249-252.
- REYNTJENS, F., Bespreking van G. Hesseling, Senegal: Staatsrechtelijke en politieke ontwikkelingen, Sociologische Gids, 1984, 381-382.
- REYNTJENS, F., Compte-rendu de B.O. Nwabueze, Federalism in Nigeria under the Presidential Constitution, Penant, 1984, 376-378.
- REYNTJENS, F., Bespreking van A.B. Van Rijn, De functie van de vrijheid van meningsuiting in beide Duitse Staten, Rechtskundig Weekblad, 1985-86, 67-70.

- REYNTJENS, F., Bespreking van Lunda-Bululu, La conclusion des traités en droit constitutionnel zairois, Rechtskundig Weekblad, 1985-86, 412-413.
- REYNTJENS, F., Bespreking van Röling en De Puydt, Wapenbeheersing en ontwapening, Rechtskundig Weekblad, 1985-86, 1323-1324.
- REYNTJENS, F., Bespreking van Kokkini-Iatridou, Enkele methodologische aspecten van rechtsvergelijking, Rechtskundig Weekblad, 1985-86, 1597-1598.
- REYNTJENS, F., Review of W.N. Denissow, Rechtssysteme in Entwicklungsländern, Jahrbuch für afrikanisches Recht, 1985-86, 345-346.
- REYNTJENS, F., Bespreking van P.W.C. Akkermans en C.J. Bax (Eds.), Interpretatie in het Staatsrecht, Tijdschrift voor Privaatrecht, 1986, 728-730.
- REYNTJENS, F., Bespreking van het Jahrbuch für afrikanisches Recht, Tijdschrift voor Privaatrecht, 1986, 738-739.
- REYNTJENS, F., Compte-rendu des Law Reports of the Commonwealth, Penant, 1986, no. 791, 431-432.
- REYNTJENS, F., Review of I.G. Shivji, The Concept of Human Rights in Africa, Journal of African Law, 1991, 214-217.
- FOBLETS, M.C. et REYNTJENS, F., Compte-rendu de N. Rouland, Aux confins du droit, Newsletter of the Commission on Folk Law and Legal Pluralism, December 1992, no. XXII, 57-61.
- REYNTJENS, F., Review of J.-P. Chrétien, Burundi: l'histoire retrouvée and R. Lemarchand, Burundi: ethnocide as discourse and practice, The Journal of Modern African Studies, 1994, 725-726.
- REYNTJENS, F., Compte-rendu de M. Graf, Die Rolle der geschriebenen Presse im Demokratizierungsprozess von Afrika, Dialogue, no. 204, mai-juin 1998, 106-107.
- REYNTJENS, F., Review of A. Ould-Abdallah, Burundi on the Brink 1993-1995: A UN Special Envoy Reflects on Preventive Diplomacy, Journal of Contingencies and Crisis Management, June 2001, 114-115.
- REYNTJENS, F., Compte-rendu de M. Mbonimpa, La "Pax Americana" en Afrique des Grands Lacs, Revue Canadienne des Etudes Africaines, 2001, 400-402.
- REYNTJENS, F., Review of S. Bastian and R. Luckham (Eds.), Can Democracy Be Designed? The Politics of Institutional Choice in Conflict-Torn Societies, Development and Change, 2004, 614-615.
- REYNTJENS, F., Review of K.A. Bentley, R. Southall, An African Peace Process: Mandela, South Africa and Burundi, Journal of Modern African Studies, 2006, 481-482.

REYNTJENS, F., Review of A.J. Ruzibiza, Rwanda. L'histoire secrète, Africa Today, Spring 2008, 141-144.

7. Publicist - publiciste

Vrijheden in open lucht: gemeentelijke politiereglementen in het Hof van Cassatie, Nieuwsbrief Liga voor Mensenrechten, 1983, nr. 10.

Rwanda herontdekt, De Standaard der Letteren, 26 maart 1988.

België en Burundi, De Standaard, 16 september 1988.

Rwanda's revolutie, De Standaard der Letteren, 19-20 november 1988.

Afrika-studiën, hier en elders, De Standaard der Letteren, 10 juni 1989.

De Senaat, een pseudo-probleem, De Standaard, 12 september 1989.

Nieuw dossier Zuid-Afrika, De Standaard der Letteren, 30 september 1989.

La course à la terre, Faim Développement Magazine, janvier 1990.

Een minister neemt ontslag, Tijdschrift Rechtsdocumentatie, februari 1990.

Hvad skal der til for at opna Forsoning i Burundi, Burundi Nyhedsbrev, nr. 6, Marts 1990, 5-7.

Er der mulighed for fred i Burundi? En situationsrapport, Burundi Nyhedsbrev, nr. 7, Juni 1990, 4-9.

La tiers-mondisation d'un pays, Faim Développement Magazine, octobre 1990.

Rwanda: historisch en politiek kader, Vredeseilanden Magazine, December 1990, 12-14.

Er is werk aan de winkel in Rwanda, In den vreemde, December 1990, nr. 6, 8-13.

Enfant de la révolution rwandaise?, La Libre Belgique, 21 février 1991.

Burundi, drie jaar na etnisch geweld, De Standaard, 16 augustus 1991.

Mensenrechten in Rwanda, K.B.A.-Info, September 1991, nr. 63, 22-24.

Goede en slechte staten, Noord-Zuid Cahier, september 1991.

België-Burundi, De Wereld Morgen, juni 1992.

Pour mieux comprendre l'attitude belge face à la problématique rwandaise, Rwanda - Points de vue, mars-avril 1992.

Afrika-Instituut: in de goede richting, Artsen zonder grenzen, nr. 46, oktober 1992; Institut
Africain: dans la bonne direction, Médecins sans frontières, no. 46, octobre 1992.

Demokratisering in instabiliteit, De Wereld Morgen, november 1992.

Les escadrons de la mort au Rwanda, Bulletin CRIDEV, no. 109, mars-avril 1993.

Burundi voorbeeld voor veel Afrikaanse landen, De Standaard, 5-6 juni 1993; Le Burundi peut
être un exemple pour l'Afrique centrale et orientale, La Libre Belgique, 7 juin 1993.

Melchior Ndadaye, The Independent, 26 October 1993.

Complices, La Libre Belgique, 3 novembre 1993; België medeplichtig in Burundi, De Standaard,
3 november 1993.

A quand le dialogue national?, Le Renouveau du Burundi, 17 février 1994.

Eerste lessen uit het Ruandese drama, Gazet van Antwerpen, 20 april 1994.

Politiek geweld, Umubano Nieuwsbrief, juni 1994.

Un problème structurel créé au Rwanda, Le Soir, 22 juillet 1994.

Regering in Kigali moet basis verbreden, De Volkskrant, 25 augustus 1994.

Achtergronden van genocidair geweld in Rwanda en Burundi, Mededelingen O.L.V.C.,
December 1994, 5-7.

Het "Nieuwe Ruanda", jaar 1, De Standaard, 14 juli 1995; L'an un du "nouveau Rwanda", Le
Soir, 20-21 juillet 1995.

Tutsificatie in Ruanda draagt bij tot impasse, De Standaard, 7 mei 1996.

Rwanda. The Conspiracy of Silence, Rwandanet, 3 September 1996; 27 September 1996.

Rwandees bewind misbruikt verbijstering over genocide, NRC-Handelsblad, 1 November 1996.

Het probleem ligt in Rwanda, NRC-Handelsblad, 14 november 1996.

De waarheid verdronken in de Grote Meren, Standaard der Letteren, 21 november 1996.

Planner of Apocalypse, Tribunal, February-March 1997.

Nu begint het voor Kabila pas écht, De Standaard, 20 mei 1997, erratum 21 mei 1997 (licht
aangepaste versie: Kabila zal het niet makkelijk krijgen, NRC-Handelsblad, 20 mei 1997).

Minister Pronk deskundig?, De Wereld Morgen, juni 1997.

De wortels van het geweld, De Wereld Morgen, december 1997.

- Op rug van miljoen slachtoffers valt geen politiek te bedrijven, De Standaard, 17 december 1997.
- Ne pas oublier le Burundi, Le Soir, 21 janvier 1998.
- Senatoren staan een Rwanda-oorlog achter, De Standaard, 20 februari 1998.
- De goeden zijn dood. Stukken van de waarheid over Rwanda, Standaard der Letteren, 2 april 1998.
- Een vinger in de pap. Over de rol van de Kerk en de christen-democratie in de Rwandese volkenmoord, Standaard der Letteren, 18 juni 1998.
- De Vlaamse debatcultuur en Midden-Afrika, De Morgen, 30 juli 1998.
- Le problème se trouve au Rwanda, La Libre Belgique, 11 août 1998.
- Schuivende allianties en etnogenese in Midden-Afrika, Koerier, September 1998.
- Honderd bloedige dagen, Standaard der Letteren, 1 april 1999.
- Kosovo-aanpak roept veel vragen op, De Standaard, 26 april 1999.
- Reis naar Rwanda zware vergissing, De Standaard, 23 februari 2000.
- Wie vrede wil moet oorlog duur maken, De Standaard, 25 mei 2000.
- Response to "Towards a State-less Central Africa? Some theoretical reflections" of Stefaan Smis and Saskia Van Hoyweghen, Africa Forum # 7, 20 September 2000.
- Midden-Afrika al tien jaar in de knoop, De Standaard, 2 oktober 2000.
- Il faudra se décider. Si l'accord d'Arusha est cliniquement mort, mieux vaut signer son acte de décès, in-burundi.net, 28 juin 2001.
- Bericht uit de hel, De Standaard der Letteren, 13 december 2001.
- Invité du mois, arib.info, octobre 2002.
- (et al.) Einde aan de straffeloosheid in Kongo: de laatste kans?, De Morgen, 9 december 2002; (et al.) République démocratique du Congo: Il est temps de mettre fin à l'impunité, La Libre Belgique, 14 décembre 2002.
- Afrikabeleid moet een tandje bijsteken, Financiële Economische Tijd, 17 juni 2003.
- De Rwandese dilemma's van Louis Michel, De Standaard, 14 oktober 2003; Les dilemmes rwandais de Louis Michel, Le Soir, 17 octobre 2003.
- An "EADI Label" for Training and Research in Development Studies, EADI Newsletter, 2003-2, 6.

ATTACHMENT II

Reyntjens, F. *Rwanda, Ten Years on - From Genocide to Dictatorship* Royal African Society, *African Affairs*, Vol. 103:177-210 (2004).

Annex 1

Statement of Filip Reyntjens, 11 March 2011

Attachement II:

*„Ten Years On – From Genocide to Dictatorship“
(African Affairs, Vol. 103:177-210 (2004))*

RWANDA, TEN YEARS ON: FROM GENOCIDE TO DICTATORSHIP

FILIP REYNTJENS

ABSTRACT

Ten years after the 1994 genocide, Rwanda is experiencing not democracy and reconciliation but dictatorship and exclusion. Although the government led by the Rwanda Patriotic Front has achieved rapid institutional reconstruction and relatively good bureaucratic governance, it has also concentrated power and wealth in the hands of a very small minority, practised ethnic discrimination, eliminated every form of dissent, destroyed civil society, conducted a fundamentally flawed 'democratization' process, and massively violated human rights at home and abroad. The Rwandan army twice invaded neighbouring Zaire-Congo, where its initial security concerns gave way to a logic of plunder. It has caused protracted regional instability and derailed the transition process in the Democratic Republic of Congo. The Rwandan government has succeeded in avoiding condemnation by astutely exploiting the 'genocide credit' and by skilful information management. The international community has been complicit in the rebuilding of a dictatorship under the guise of democracy. It assumes a grave responsibility in allowing structural violence to develop once again, just as before 1994. In years to come, this may well lead to renewed acute violence.

IN THE SPRING OF 1994, A SMALL AND POOR COUNTRY, hitherto unknown to the public at large, suddenly became international front-page news. Following the shooting down of President Habyarimana's aircraft, a low-intensity civil war that had started in 1990 and supposedly been ended by the Arusha Accord (August 1993) resumed; genocide and large-scale massacres claimed the lives of over a million Rwandans between 7 April and the beginning of July 1994. Although the violence could be seen almost live on television, the international community did nothing to stop the carnage. The UN peace-keeping mission UNAMIR was all but withdrawn, and it took weeks to recognize formally the violence for what it was — genocide.

The media resorted to the comfortable stereotype of 'ethnic' or 'tribal' warfare, but the violence was political, at least initially (it became more

Filip Reyntjens is Professor of African Law and Politics and Chair of the Institute of Development Policy and Management, University of Antwerp. He has greatly benefited from comments on an earlier draft of this article by A. Des Forges, J.-P. Kimonyo, R. Lemarchand, P. Uvin and an anonymous referee of *African Affairs*. Of course, as the saying goes, he alone assumes responsibility for the contents.

complex in the later stages). Those killed by the extremists of the old regime were their opponents, Hutu and Tutsi alike. They included politicians favourable to political change and/or supporting the implementation of the Arusha Accord, persons active in human rights organizations, leaders of civil society, journalists, and the Tutsi generally, as a whole considered allies of the Rwanda Patriotic Front (RPF) rebellion. During the same period, the advancing RPF committed widespread war crimes and crimes against humanity, mostly against Hutu.

After its military victory in early July 1994, the RPF inherited a devastated country. In human terms, the toll was horrendous: about 1.1 million dead,¹ 2 million refugees abroad, over 1 million internally displaced, tens of thousands of deeply traumatized genocide survivors, and over half a million 'old caseload' (i.e. Tutsi) refugees returned in a chaotic fashion. The material damage too was substantial: infrastructure destroyed, banks and businesses plundered, the civil service, judicial system, health care and education services in ruins, crops and livestock lost.

When a new government took office on 19 July 1994, the RPF reaffirmed its commitment to the terms and the spirit of the Arusha Accord and the logic of power-sharing it contained. With the exception of the former single party MRND and the extremist Hutu party CDR, banned for their leading role in the genocide, the political parties (or what was left of them) took up the seats in government and parliament allotted to them by the accord. A Hutu from the *Mouvement démocratique républicain* (MDR), Faustin Twagiramungu, became prime minister, again as provided in the accord. However, a number of amendments made unilaterally by the RPF to the Fundamental Law profoundly modified the political regime agreed in Arusha. They introduced a strong executive presidency, imposed the dominance of the RPF in the government, and redrew the composition of parliament. The amended Fundamental Law was, in effect, a subtle piece of constitutional engineering which attempted to mask the consolidation of the RPF's hold on political power.²

1. Out of a total population of about 7.8 million, i.e. almost 13 percent. An attempt at establishing a casualty figure can be found in F. Reyntjens, 'Estimation du nombre de personnes tuées au Rwanda en 1994', in S. Marysse and F. Reyntjens (eds), *L'Afrique des grands lacs. Annuaire 1996-1997* (L'Harmattan, Paris, 1997), pp. 179-86. A census conducted by the Rwandan government in 2000 arrived at the comparable, but ridiculously precise, figure of 1,074,017 (République Rwandaise, Ministère de l'Administration locale, de l'information et des affaires sociales, *Dénombrement des victimes du génocide. Rapport final*, Kigali, November 2002). However, it must be made clear that the two estimates do not reinforce each other, as the government figure claims that at least 94 percent of the victims were Tutsi, an assumption contradicted by demographic data (Tutsi numbered well under 1 million) and empirical fact (over 200,000 Tutsi survived the genocide, and hundreds of thousands of Hutu died at the hands of other Hutu and the RPF).

2. On this, see F. Reyntjens, 'Constitution-making in situations of extreme crisis: the case of Rwanda and Burundi', *Journal of African Law* 40 (1996), pp. 236-9.

In a context where security concerns were genuine and trade-offs needed to be made between freedom and control, the RPF initially seemed to waver between, on the one hand, political openness and inclusiveness (witness the setting up of a government of national union and the return to Rwanda of a number of non-RPF civilian and military office-holders) and, on the other, a violent mode of management and discriminatory practices (witness the large number of civilians killed by the RPF, see below). However, a strong feeling prevailed in the international community that some latitude needed to be given to a regime facing the colossal task of reconstructing the country in human and material terms. When the first indications of a worrying drift appeared soon after the RPF seized power, most thought it premature to question the good faith and political will of the new regime.³ At a donors' roundtable in Geneva in January 1995, almost US\$600 million was pledged in bilateral and multilateral aid to Rwanda. The failure to tie the pledges to improvements in a rapidly deteriorating human rights situation may well have persuaded the regime that it could act without restraint, and that its impunity was assured. In addition, the RPF was squarely supported by 'Friends of the New Rwanda', in particular the US, the UK and the Netherlands. These countries were not burdened by much knowledge of Rwanda or the region,⁴ and, driven by an acute guilt syndrome after the genocide, they reasoned in terms of 'good guys' and 'bad guys', the RPF naturally being the 'good guys' (see below).

An impressive number of studies, reports and 'lessons learned' exercises, using the benefit of hindsight, have been produced on the Rwandan tragedy. Ten years after, this article attempts to look at the present and the future by analyzing a number of trends visible since 1994. It discusses the evolution towards authoritarian rule and renewed structural violence, and assesses the response by the international community. The article makes no excuse for being mainly concerned with the shortcomings of the present regime, while leaving its achievements (including institutional reconstruction, relatively good bureaucratic governance, the technical level and cosmopolitan outlook of the new elites) largely undiscussed. There are two reasons for this. First, as shown below, these positive aspects have been, and still are, highlighted among the donor community. Second, the previous

3. However, already in November 1994 the main opposition party MDR published a document (*Position du M.D.R. sur les grands problèmes actuels du Rwanda*, 6 November 1994) quite critical of the new regime. Other early warnings can be found in Amnesty International, *Reports of Killings and Abductions by the Rwandese Patriotic Front, April-August 1994* (London, October 1994); Human Rights Watch, *The Aftermath of Genocide in Rwanda* (New York, September 1994); Human Rights Watch, *Rwanda: A new catastrophe?* (New York, December 1994). In the same period, I publicly expressed concern in a November 1994 memo, a summary of which was later published in English (F. Reyntjens, 'Subjects of concern: Rwanda, October 1994', *Issue 23*, 2 (1995), pp. 39-43).

4. Up to then, the UK and the Netherlands had been minor donors and did not have embassies in Kigali.

regime also enjoyed considerable favourable prejudice, and this had a blinding effect that caused major warning signs to be ignored. The same mistakes have been and are still being committed since the takeover by the RPF. For lack of space, some major themes — such as justice, growing poverty and inequality, and the economy — are not discussed here.

Governance

Initially a number of politicians, civil servants, judges and military in place under the old regime either remained in the country or returned from abroad, and indicated their willingness to co-operate with the RPF. The illusion of inclusiveness was soon shattered, however, by the departure into exile of Hutu first, of Tutsi genocide survivors later, and even, eventually, of RPF old hands. From early 1995, Hutu elites became the victims of harassment, imprisonment and even physical elimination. Provincial governors (*préfets*), local mayors, head teachers, clerics and judges were killed in increasing numbers. In most cases, the responsibility of the Rwandan Patriotic Army (RPA, which had become the national army) was well documented.

The first watershed came in August 1995, when Prime Minister Faustin Twagiramungu,⁵ Interior Minister Seth Sendashonga (one of the rare RPF Hutu) and Justice Minister Alphonse Nkubito resigned. The first two went into exile, while Nkubito stayed and died in early 1997. The many who left in this first wave included government ministers, senior judges, high-ranking civil servants, diplomats, army officers, journalists, leaders of civil society and even players in the national soccer team. As soon as they were out of the country, they made allegations of concentration and abuse of power, outrages by the army and intelligence services, massive violations of human rights, insecurity and intimidation, discrimination against the Hutu and even against Tutsi genocide survivors.⁶

A second wave of departures came in early 2000, in part against the background of increasing tensions between Tutsi returnees, those from Uganda in particular, and genocide survivors. The latter felt that they were becoming second-rate citizens who had been sacrificed by the RPF, which was suspected of having been interested in military victory rather than in

5. Twagiramungu was replaced by Pierre-Célestin Rwigema, also of the MDR, who was to quit his position and leave the country in 2000.

6. For a few early examples, see V. Ndikumana and J. Afrika, *Lettre ouverte au Conseil de sécurité de l'ONU sur la situation qui prévaut au Rwanda* (Nairobi, 14 November 1994); E. Ruberangayo, *Mes inquiétudes sur la gestion actuelle rwandaise des fonds publics* (Brussels, 31 May 1995); S. Musangamfura, *J'accuse le FPR de crimes de génocide des populations d'ethnie hutu, de purification ethnique et appelle à une enquête internationale urgente* (Nairobi, 8 December 1995); F. Twagiramungu and S. Sendashonga, *F.R.D. Plate-forme politique* (Brussels, March 1996); T. Lizinde, *Rwanda: la tragédie* (Brussels [in fact: Kinshasa], 1 May 1996).

saving them. On 6 January 2000, the Speaker of the National Assembly, Tutsi genocide survivor,⁷ Joseph Sebarenzi, suddenly resigned under pressure from groups within the RPF who were under parliamentary scrutiny. Fearing for his life, he fled to Uganda and later settled in North America. The Sebarenzi affair was hardly over when Prime Minister Pierre-Célestin Rwigema announced his resignation on 28 February; he sought asylum in the United States. Worse was to come less than a month later. On 23 March, President Pasteur Bizimungu resigned 'for personal reasons'. Accusations were immediately levelled against him: Bizimungu was said to have committed tax fraud, illegally dispossessed farmers, and opposed parliamentary inquiries into corruption for fear of being investigated himself.⁸ Although Uganda offered him political asylum, Bizimungu remained in the country; he was arrested a year later and is still in prison (see below).

The departures of the Speaker, the prime minister and the head of state within three months were a strong indication that the regime was facing a profound political crisis. Although the situation was, of course, very different, the tension recalled that which prevailed in early 1994 during the months preceding the genocide. Sebarenzi summed up this feeling in an interview: 'The situation is becoming uncontrollable, there are deep divisions today particularly among Tutsi and these tendencies could lead to a catastrophe There are many similarities with the period which preceded the 1994 genocide.'⁹

Indeed, the regime was increasingly challenged from within. At the beginning of 2001, the directors of the newspaper *Rwanda Newslines*, who used to be close to the RPF, were threatened after the publication of articles criticizing the government, in particular concerning the RPA's involvement in the Congo. They wrote that they were accused of being in the pay of 'negative forces' ('a term loosely coined by the RPF by which it terrorizes all its critics or opponents into silence').¹⁰ The editorial staff of *Imboni*, another newspaper considered close to the RPF, left Rwanda for Brussels from where they published *Imboni in Exile*. In its first editorial, the staff sarcastically 'apologized' for 'having publicly expressed our indignation at the spirit of sycophancy, the deliberate process of impoverishment of society and public opinion to vassalhood'.¹¹ Even a journalist from the governmental

7. As he left in 1992 to join the RPF, strictly speaking Sebarenzi was not a 'survivor'. However, being a Tutsi from the interior, he was perceived as such and considered close to the survivors' needs and aspirations.

8. AP, Kigali, 23 March 2000. In addition, during a special parliamentary session on 24 March, Bizimungu was accused of 'political crimes' and of 'serious violations of the constitution' (PANA, Kigali, 24 March 2000).

9. AFP, Kigali, 4 April 2000.

10. The expression 'negative forces' is contained in the July 1999 Lusaka Accord on the DRC, which mentions the Interahamwe militia, among others.

11. *Imboni en exil*, 2001, nr. 1.

press was forced to go into exile; on 2 September 2000, Valens Kwitegetse of the newspaper *Imvaho Nshya* sought asylum in Uganda.

High-ranking RPF officials and RPA officers followed suit: MPs Evariste Sissi and Deus Kagiraneza (who was also an officer in the RPA and a DMI¹² cadre) left for Uganda and Belgium respectively; Bosco Rutagengwa, the founder of the genocide survivors' organization Ibuka, found asylum in the United States; RPA Majors Furuma, Mupende, Ntashamaje and Kwikiriza left for Uganda, Belgium or Canada; the banker and former MP Valens Kajeguhakwa, an ertswile funder of the RPF, fled as well. In August 2001 RPA Chief of Staff General Kayumba Nyamwasa went on 'study leave' in the UK, after a violent verbal dispute with Kagame against the background of a malaise in the army around the operations in the DRC.¹³ On 12 April 2001 the editorial of *Rwanda Newsline* interpreted the 'disappearance' on 4 April of retired major Alex Ruzindana as 'a possible attempt to discourage new defections'. Even RPF members abroad were disillusioned enough to quit. At the beginning of September 2000, the leadership of the RPF-United States (including its chairman, Alexandre Kimenyi, and vice-chairman, Augustin Kamongi) resigned from the party.

These departures of Tutsi, many of them active RPF members, showed the extent of discontent with a regime growing more authoritarian by the day. In July 1999, the 'transitional period' was extended by four years to 20 July 2003. Marie-France Cros pointed out that 'we can thus say, to speak frankly, that the RPF has decided to remain in power for four more years and that those who are not members of the RPF who have governmental posts have submitted to its decision - as usual'.¹⁴ Three years later the International Crisis Group summarized relations between the RPF and the other political parties as follows: '... the political parties that exist today in Rwanda are only tolerated if they agree not to question the definition of political life drawn up by the RPF'.¹⁵

As the end of the transition neared, the regime set out to embark on a 'democratization process' in 2001. It held local elections on 6-7 March 2001, claiming this to be an important step on the road to democratization — an assertion accepted by some of its international partners. In fact, the elections offered ominous signs for the future of democracy. The voting system itself was very indirect and of Byzantine complexity, allowing RPF

12. Department of Military Intelligence.

13. Other symbolic departures included Kagame's personal helicopter pilot, Djuma Kamanzi, and the private secretary of Kagame's wife, who both left the country in March 2002. According to members of his family, Djuma Kamanzi declared that he would obey orders only from Kayumba. Although Kayumba returned in mid-2002, the rift with Kagame does not seem to have closed. Some officers close to Kayumba were arrested or retired, and recurrent rumours in Kigali suspect him of plotting a coup against Kagame.

14. *La Libre Belgique*, 11 June 1999.

15. International Crisis Group, *Rwanda at the End of the Transition: a necessary political liberalization* (Brussels, 13 November 2002), p. 2.

placemen to exercise full control over the process. According to an observer accredited by the electoral commission, the 'elected' councillors represented only 20 percent of the electoral college in charge of choosing the mayors.¹⁶ Various observers' reports mentioned the pressure brought to bear on candidates, on aspiring candidates, and on voters.

Candidates did not run under a party label and political parties were barred from campaigning, but the RPF recruited candidates anyway and campaigned in numerous districts; the local authorities appointed by the RPF and elements of the Local Defence Forces and the army gave the electors to understand which candidate they were expected to elect. An NGO observer considered that 'the people in the party machinery' were known to all, a fact 'which distorts the play of democracy and tends to transform Rwanda into an RPF state'.¹⁷ By far the most important flaw in the ballot was its lack of secrecy. Even though voting booths, ballot papers and ballot boxes were used, electors expressed their preference by putting their thumb-print opposite the name and the picture of the candidate of their choice. In Rwanda, just as elsewhere in Africa, the imposition of a thumb-print is the equivalent of a signature; it was therefore the equivalent of a voter, in Europe or North America, signing the ballot paper with his own name.

Human Rights Watch found that 'this election has been flawed from the beginning, and these flaws far outweigh the few election-day irregularities that have been reported'.¹⁸ The International Crisis Group shared this concern. Its report on the elections observed that an important goal was 'to begin to develop a new RPF "cadre" in the countryside and to build the party's political base ahead of presidential and parliamentary elections in 2003'. The RPF-controlled National Electoral Commission 'abused its powers to veto unwanted candidates and guarantee that only supporters of government policies were selected'. 'In this context, "Consensual democracy" has become the imposition of one party's ideology.'¹⁹ The *Ligue des droits de la personne dans la région des grands lacs* (LGDL) concurred: the elections 'should not deceive . . . They took place under the total and tight control of the RPF.'²⁰ As a matter of fact, the regime openly displayed a paternalistic and distrustful attitude towards the voters: according to Aloysia Inyumba, general secretary of the National Commission for Unity and Reconciliation and a long-standing RPF leader, 'the ordinary citizens are like babies. They will need to be completely educated before we can talk

16. AFP, Kigali, 7 March 2001.

17. CCAC, *Rapport sur l'observation des élections communales au Rwanda*, no date.

18. Human Rights Watch, *No Contest in Rwandan Elections. Many local officials run unopposed* (New York, 9 March 2001).

19. International Crisis Group, 'Consensual Democracy' in *Post-Genocide Rwanda. Evaluating the March 2001 district elections* (9 October 2001), p. 35.

20. LGDL, *La problématique de la liberté d'expression au Rwanda* (Kigali, December 2001).

about democracy.²¹ The dynamics at play during the local elections were confirmed and reinforced in 2003, the 'transition year'.

Indeed, with the constitutional referendum and the presidential and parliamentary elections in view, the regime crossed the Rubicon in the spring of 2003 and ceased attempting to hide its authoritarian drift. Despite its total physical and psychological control over the political landscape, its hold on the instruments of local, provincial and national management, and its constitutional engineering (on which more below), the RPF did not appear confident and set out to close off the last potential spaces of dissent.

On 15 April, Parliament recommended that the main opposition party, the MDR, be banned for spreading 'divisionism', a recommendation endorsed by the government on 16 May. The report of the parliamentary committee and the debate in plenary session revealed a strong fear of a 'Burundi syndrome',²² i.e. the fear that the predominantly Hutu electorate could cause a surprise by refusing to vote for the RPF, no matter how controlled the elections might be. Of course, this fear was not unfounded, but the way in which it was met by the regime ran counter to any form of democratic transition and long-term stability, as will be discussed later. The report and the parliamentary debate also clarified two other developments. First, 'divisionism' was defined as being in opposition to or even simply expressing disagreement with government policies. Second, in addition to political parties, every forum where dissidence could be voiced was now openly targeted. For example, the human rights organization Liprodhor and the last independent journal, *Umuseso*, were among those accused of 'divisionism'. In the wake of the measures taken against the MDR, 'civil society' showed its total lack of autonomy. During a meeting held at the office of Pro-Femmes on 9 May 2003, a number of associations not only approved the banning of the MDR, but also vigorously attacked national (Liprodhor) and international (Human Rights Watch) human rights organizations critical of the regime. The 'recommendations' of the meeting read like a communiqué of the RPF.²³

Indeed, despite the fact that there was considerable debate within these associations, by then the regime had neutralized civil society. The election of the vice-president of the Ibuka association, which at the time maintained close ties to the regime, as head of CLADHO (a human rights collective), and that of another influential member of Ibuka as chair of the CCOAIB

21. J. Corduwener, 'Wederopbouw in Rwanda, met ijzeren hand' ('Reconstruction in Rwanda, with an iron fist'), *NRC-Handelsblad*, 27 March 2002.

22. Contrary to the expectations of the former single party, Uprona, and many Tutsi, the opposition party Frodebu won the 1993 elections in Burundi by a landslide. This was largely attributed to 'ethnic voting' on the part of the Hutu majority.

23. This incident also confirmed that civil society is divided by the same ethno-political cleavages as the political system: e.g., Pro-Femmes is essentially Tutsi and close to the RPF, Liprodhor is essentially Hutu and close to the MDR.

(a collective of development NGOs), were part of this strategy, which was quite openly acknowledged by the then general secretary of the RPF, Denis Polisi. On 15 June 1997, he denounced 'those business enterprises called NGOs' and lambasted 'the latest invention of the NGOs, namely civil society'.²⁴ The regional human rights organization LGDL observed that 'Rwanda surprises particularly by the weird collusion between the government and important sections of civil society. Thus the spaces of free expression are almost all occupied or reduced to the minimum in order to prevent any contestation.'²⁵ In sum, 'civil society' is controlled by the regime.

The refusal to tolerate dissent was illustrated by the process that was to lead to the end of the 'political transition' in mid-2003. Started at the end of 2001, the work of a constitutional commission began with 'popular consultations'. However, these were very much top-down and, according to the International Crisis Group, 'highly supervised', as a result of which 'they have not really opened up the debate on the future of Rwanda'.²⁶ Several constitutional drafts were circulated and Parliament eventually adopted a final text on 23 April 2003. Made public only on 15 May, the draft was approved by referendum on 26 May. After a campaign that was exclusively in support of the text, without a single dissident voice inside the country,²⁷ 93 percent of the electorate (the turnout was almost 90 percent) voted yes. An ICG analyst was not surprised: 'There was no real possibility to reject (the text) because there was no campaigning to explain why it is bad It was a state-managed referendum, and we have a state-managed result.'²⁸ This sceptical view was shared in a more diplomatic language by an observer mission from the European Union. While lauding the technical and organizational aspects of the referendum, it expressed 'concern' over several developments. It noted that 'the restrictions in the constitution . . . limit the freedoms of expression and association, as well as party political activities' and it feared that 'the restrictions of the activities of parties on the ground have frozen the political game and reinforced the position of the RPF'.²⁹ Other concerns related to recent events, such as the banning of the MDR, the arrests and 'disappearances' of opponents, and the intimidation of civil society.³⁰ The report also expressed doubts about the true meaning of the massive turnout³¹ and considered that, in the eyes of the

24. Based on reports of two persons present at a meeting in Brussels.

25. LGDL, *La problématique*.

26. International Crisis Group, *Rwanda at the End of the Transition*, p. 6.

27. Opposition groups abroad unanimously condemned the whole process.

28. 'Rwandans endorse new constitution', AP, Kigali, 27 May 2003.

29. Mission d'observation électorale de l'Union Européenne, *Rwanda. Référendum constitutionnel 26 mai 2003. Rapport final*, no date., p. 6 (translated from French).

30. *Ibid.*, pp. 6-7.

31. 'The vote is culturally and traditionally seen as an obligation by the vast majority of the population' (*Ibid.*, p. 10); 'A sizeable part of the population in all provinces appeared convinced that the vote was compulsory' (*Ibid.*, p. 19).

electors, the vote by fingerprinting diminished the secret character of the ballot (see above). Just like the previous Fundamental Law (see above), the 2003 constitution is tailor-made to legitimize the regime under the guise of 'democratic governance'.³²

The presidential and parliamentary elections confirmed the image of a cosmetic operation for international consumption. At the presidential elections of 25 August, President Kagame was elected by a massive 95 percent of the vote after a campaign marred by arrests, 'disappearances' and intimidation. In 374 stations visited (out of a total of about 10,000), members of an EU observer mission witnessed irregularities and fraud, including through the stuffing of ballot boxes and faults in the counting procedure.³³ EU observers made similar observations during the parliamentary elections at the end of September. These took place without real opposition to the RPF, as all the participating parties had supported Kagame's bid for the presidency in August and the only opposition party, ADEP-Mizero, was refused recognition. In addition, the main independent candidates were disqualified on the eve of the vote. Though the international observation exercise was made difficult, the EU mission observed fraud, intimidation, the manipulation of electoral lists, ballot-box stuffing, lack of secrecy of the vote, and lack of transparency in the counting procedure.³⁴ The RPF and a few small parties on its ticket gained about 74 percent of the vote, while the Social Democratic Party (PSD) won about 12 percent and the Liberal Party (PL) about 10 percent. As the latter two supported the RPF's candidate at the presidential poll, all the elected candidates form part of one and the same alliance.³⁵ In addition, most of the MPs indirectly elected by organizations of women, youth and the disabled are members or sympathizers of the RPF. Rwanda has thus returned to a situation of *de facto* one-party rule. Given the total control exercised by the RPF, this was no real surprise. Although the international community was, of course, fully aware of the cosmetic nature of the whole exercise, it endorsed the outcome despite a few timid expressions of concern (for example, by the Netherlands, the US and the EU).

32. For an analysis, see F. Reyntjens, 'Les nouveaux habits de l'empereur: analyse juridico-politique de la constitution rwandaise de 2003', in S. Marysse and F. Reyntjens (eds.), *L'Afrique des grands lacs. Annuaire 2002-2003* (L'Harmattan, Paris, 2003), pp. 71-87.

33. *Déclaration préliminaire des élections présidentielles* (Kigali, 27 August 2003).

34. *Déclaration préliminaire. Le calme et l'ordre règnent, la démocratie n'en est pas pour autant pleinement assurée* (Kigali, 3 October 2003).

35. However, this observation needs to be qualified, as the PSD and the PL refused to join the RPF parliamentary list. The campaign of these parties was sabotaged by the RPF, and the PL was even accused of 'divisionism' for advocating the cause of genocide survivors, a sign that this charge essentially serves to combat dissent generally and not just ethnicity. The PSD and the PL may well feel that they have been poorly rewarded for their support for the RPF and for Kagame's presidential bid. While they have set the scene for their own marginalization, this frustration might tempt them into oppositional politics, provided the space is available.

However, two positive developments must be noted. First, women massively entered the institutions. They now occupy half the seats in the National Assembly and almost one-third of the portfolios in the new government. Second, Hutu hold 15 out of 29 positions in the government, and even 13 out of 18 ministerial portfolios. Of the nine RPF members of the government, five are Hutu. Although it is too early to interpret this evolution, which may be conjunctural, it could be a sign that the RPF may be attempting to broaden its ethnic base.³⁶

Tutsization, RPF-ization and the new akazu

While it officially rejected ethnic discrimination and even the notion of ethnicity, the RPF rapidly reserved access to power, wealth and knowledge to Tutsi. The only exception was the Cabinet, where a number of Hutu served as ministers in order to give a symbolic expression of national unity. The RPF vigorously and categorically denied any ethnic factor, a denial which was an essential element of the hegemonic strategies of small Tutsi élites, such as that powerful in Rwanda during the 1950s and in Burundi between 1965 and 1988. Political analysts J.-H. Bradol and A. Guibert insist that 'to stress the absence of ethnic identities has become a means of masking the monopoly by Tutsi military of political power. In this case, political discourse opposed to ethnism attempts to hide the domination of society by the self-proclaimed representatives of the Tutsi community.'³⁷ This state of affairs was explained away in a paradoxical fashion: when, in the past, Hutu were a majority in public institutions, this was called 'ethnic discrimination'; however, now that Tutsi were a majority, this became 'meritocracy'. Of course, the elimination of ethnicity is a worthwhile goal, shared by many Rwandans, but the cynical manipulation of this objective as a tool for the monopolization of power in the hands of a small group is something quite different.

The former priest Privat Rutazibwa, one of the ideologues of the RPF, has put forward a revealing justification for this ethnic bias. 'The Hutu élites as a whole entirely subscribe to the fundamental thesis of the ethnist ideology, namely that power belongs to the Hutu because they are a majority.' Such an observation obviously allows the exclusion of 'the Hutu élites' in their entirety, in order to base the exercise of power on 'the qualification of competence and personal merit'.³⁸ The government-owned

36. Another interpretation heard in Kigali is that Kagame has sent a signal to Tutsi dissidents that he can do without them and build an alternative power base.

37. J.-H. Bradol and A. Guibert, 'Le temps des assassins et l'espace humanitaire, Rwanda, Kivu, 1994-1997', *Hérodote* 86-7 (1997), p. 119.

38. P. Rutazibwa, 'Cet ethnisme sans fin', *Informations Rwandaises et Internationales* 5 (November-December 1996), pp. 19-20.

weekly, *La Nouvelle Relève*, meant exactly the same when it expressed the hope that the road followed would be 'the result of a popular consensus between the leaders and the *enlightened part* of the people'.³⁹ This 'enlightened part' clearly does not include the Hutu, or at least their élites. Therefore, the combination of 'meritocracy' and the exclusion of the élite of one ethnic group delivers the right to govern to the élite of the other ethnic group.

This 'Tutsization', which was also a means of consolidating the hold of the RPF on the system, was quite spectacular at most levels of the state: by 1996, the majority of MPs, four of the six Supreme Court presiding judges, over 80 percent of mayors, most permanent secretaries and university teachers and students, almost the entire army command structure and the intelligence services were Tutsi. This phenomenon was further amplified and supported by a socio-political reality, namely, the Tutsization of urban Rwanda which had become the sociological and economic foundation of the RPF. Many of the returned old diaspora ('old caseload refugees') have indeed settled in towns and cities where they became the majority, 'squating' homes, shops and businesses.

The government as the symbol of national unity disappeared as a result of the reshuffle of March 2000 after Rwigema's resignation. While the RPF held eight of the 21 portfolios in the 1994 government, it provided 11 of the 20 ministers in 2000; the 1994 government included 12 Hutu and nine Tutsi, whereas in 2000, 12 of the ministers were Tutsi and eight were Hutu. As a result, the 'RPF-ization' and the 'Tutsization' at the less visible echelons of the state, which had been an ongoing process for several years, now extended also to the international image — the government itself.⁴⁰

By mid-2000, the overall distribution was as shown in Table 1.⁴¹

Thus, out of a total of 169 of the most important office-holders, 135 (or about 80 percent) were RPF/RPA and 119 (or roughly 70 percent) were Tutsi. It is estimated, in addition, that over 80 percent of mayors and university staff and students are Tutsi. In a country where Hutu number about 85 percent of the total population, these figures obviously show a strong ethnic bias in favour of a small Tutsi élite.

Dorsey has shown the extent to which the army and the intelligence services have become the keystones of the system, and how the strict control of the population has been an obsession since the beginning of the war in 1990. The instruments of power and enrichment are concentrated in small networks based on a shared past in certain refugee camps in

39. *La Nouvelle relève* 323, 31 May 1996 (emphasis added).

40. However, as noted above, the government put in place in the autumn of 2003 contains a majority of Hutu, 5 of whom belong to the RPF.

41. Based on a compilation of mostly unpublished sources. These identifications are limited to the persons for whom reliable data were available.

Table 1. Distribution on key offices — mid-2000

<i>Institution</i>	<i>Tutsi</i>	<i>Hutu</i>	<i>RPF/RPA</i>	<i>Other party/ no party/unknown</i>
Government	12	8	11	9
Permanent Secretaries	10	2	10	2
Provincial governors	9	3	11	1
Ambassadors	7	3	8	2
Parliament	49	25	61 (*)	13
President's judges	7	3	—	—
Supreme Court and Courts of Appeal				
Army Command	8	0	8	0
CEO public/mixed enterprises	17	5	18	4

(*) The parties or wings of parties having joined the RPF coalition are included under RPF/RPA. This informal platform was confirmed when six parties joined the RPF in backing Paul Kagame as a presidential candidate in July 2003.

Uganda, belonging to the same schools and kinship links.⁴² Under the heading 'The RPF has renounced itself', the *Tribun du Peuple* — although considered a supporter of the RPF — stated in August 1997 that 'the revolution' had failed and that the new regime was plagiarizing the methods of the former government. It denounced the misappropriation of funds, nepotism, clientelism and corruption, and asserted that 'the liabilities of Habyarimana and company's management of the country at the end of the first fifteen years of his time in office, have been largely attained by the new leaders of the country over the last three years'. Referring to the abuses committed by the RPA, it observed that, contrary to Article five of the RPF's programme, the military 'are neither honest, competent nor patriotic'.⁴³ At the same time, members of the RPF abroad published a memorandum denouncing the 'decadent nature' of the RPF, castigating it for its 'organizational shortcomings', 'moral decline' and 'intellectual bankruptcy'. Joining the analysis of the *Tribun du Peuple*, the memorandum denounced 'the inexplicable accumulation of wealth, the lack of accountability, arrogance, clientship, political patronage'. The final verdict was severe: 'The RPF as an organization has ceased to exist . . . From 1994, a group of individuals, members of the RPF, have monopolized the RPF by

42. M. Dorsey, 'Violence and power-building in post-genocide Rwanda', in R. Doom and J. Gorus (eds), *Politics of Identity and Economies of Conflict in the Great Lakes Region* (VUB University Press, Brussels, 2000), pp. 311–48.

43. *Le Tribun du Peuple* 97 (August 1997); for an overview of other criticisms in the national press, see *Dialogue* 200 (September–October 1997), pp. 75–86.

excluding the general membership.⁴⁴ A document circulating in Kigali in June or July 1998 and largely discussed after it was posted on the internet, claimed that a new *akazu*,⁴⁵ united by kinship and other bonds, was unduly accumulating material resources, jobs and privileges.⁴⁶

Military management and physical control, both inside and outside the country, continue to serve as a political project. Even though military expenditure represented approximately 25 percent (average 1999–2001) of current expenditure — a large figure in itself — the official public accounts show only part of this reality. The RPA found other sources of funding outside the official state budget in its presence in the Congo, sanctions against Burundi until the beginning of 1999, the imposition of unofficial ‘taxes’ and of ‘voluntary’ contributions to the war effort,⁴⁷ theft and extortion, and payments by public enterprises like Rwandex, Sonarwa and Rwandatel.⁴⁸ During a hearing before a Belgian Senate Commission, former MP Deus Kagiraneza mentioned ‘accounts parallel to the national accounts’, as well as a ‘system of fictitious billing’; with regard to operations in the DRC, he added that ‘we thus profit from the seizure of weapons, the impounding of stocks, the exploitation of mines “at a rebate” and the “re-budgeting” of war bounty’.⁴⁹ Several reports indicate the far-reaching consequences of ‘military commercialism’⁵⁰ and, more generally, the way in which Rwanda is engaged in the plunder of the DRC (see also below).⁵¹ Although this contributes to the criminalization of the state and the economy, it does not appear to worry the international financial institutions, the European Union or certain bilateral donors in their generous attitude towards Rwanda.

44. *Memo des membres de [sic] FPR (Rwanda, Afrique du Sud, Canada, Etats-Unis)* (Michigan, 31 August 1997).

45. This term, literally meaning ‘little house’, was first used to refer to President Habyarimana’s inner circle; see F. Reyntjens, *L’Afrique des grands lacs en crise. Rwanda, Burundi 1988–1994* (Karthala, Paris, 1994), pp. 189–90.

46. *Analyse politique du phénomène Akazu*, document signed by ‘a disappointed patriot [i.e. a member of the RPF]’. (Kigali, 1998).

47. See Human Rights Watch, *Rwanda: The search for security and human rights abuses* (New York, April 2000).

48. Examples can be found in Dorsey, ‘Violence and power-building’.

49. Sénat de Belgique, Session ordinaire 2001–2002, Commission d’enquête parlementaire ‘Grands Lacs’, hearings, Friday 1 March 2002, *Compte-rendu*, Doc. GR14.

50. The expression is from C. Dietrich, *The Commercialisation of Military Deployment in Africa* (Institute for Security Studies, Pretoria, 2001).

51. Research has shown that, in 2000, the added value of diamonds, gold and coltan plundered in the Congo amounted to 190 percent of Rwanda’s official military budget and to 110 percent of the public aid it received (S. Marysse and C. André, ‘Guerre et pillage économique en République démocratique du Congo’, in S. Marysse and F. Reyntjens (eds), *L’Afrique des grands lacs. Annuaire 2000–2001* (L’Harmattan, Paris, 2001), p. 326).

*The emerging opposition in exile*⁵²

Over the years, movements opposed to the RPF have proliferated and considerably broadened in scope. While initially the opposition was found mainly among Hutu refugee communities abroad, from the late 1990s onwards new platforms were put in place bringing together Hutu and Tutsi, including former RPF militants who were disillusioned and fled the country in increasing numbers. Some of these groups favour the restoration of the monarchy. This is the case of *Nation-Imbaga y'Inyabutatu Nyarwanda* founded in Brussels on 22 February 2001. Its provisional executive committee, set up on 29 March, included the former leader of 'Rwanda Pour Tous' and 'Rwanda Notre Avenir', Joseph Ndahimana, RPA Major Gérard Ntashamaje and the journalist of *Imboni*, Déo Mushayidi. On the same day as the announcement of the creation of this movement, the Rwandan embassy reacted furiously to this 'manoeuvre to confuse Rwandan and international public opinion'. In addition, the former king, Kigeli V, in exile in the United States, has been attempting to rally support for his return as a constitutional monarch. In November 2000, he went to the Congo where he met President Laurent Kabila and perhaps, according to certain sources, General Bizimungu, the commander of the ex-FAR forces. The activities of the king and the monarchist movements are a source of concern for the regime, since many in the rank and file of the RPF are in favour of the return of the monarchy.

Other bi-ethnic movements are republican, even though they do not exclude the restoration of a constitutional monarchy if this were the choice of the Rwandan people. In March 2001, the former Speaker of the National Assembly, Joseph Sebarenzi, and Professor Alexandre Kimenyi, one of the leaders of the RPF at its early stages and for long its main ideologue, were among the founders of the *Alliance rwandaise pour la renaissance de la nation* (ARENA). Major Alphonse Furuma, who went into exile in Uganda, revealed the existence of another group, the 'Movement for Peace and Development' (MPD), created in 2000 and presented as 'an underground opposition political organization established within Rwanda and including cadres from the RPF/RPA, people from other political parties and members of civil society'. Furuma published documents of the MPD as well as a long open letter, dated 23 January 2001, which constituted an extremely severe indictment of the RPF.

Two tendencies have become increasingly visible. One is the number of attempts to form alliances or platforms, an important development, although one that has not yet produced notable results. As the alliances are constantly shifting, because of personal animosities and ambitions or for

52. For more details, see M. Rafti, *The Rwandan Political Opposition in Exile*, discussion paper (IDPM-UA, Antwerp, in press).

other reasons, none has as yet constituted a solid interlocutor to engage the RPF in a political dialogue. However, things accelerated in 2001–2. On 26 July 2001, the (Republican) RRD and the monarchist *Nation-Imbaga* signed a joint platform and memorandum of co-operation, aimed at achieving the organization of an ‘inter-Rwandan dialogue’. Also in Brussels, an *Alliance démocratique rwandaise* (ADR)-Isangano was formed on 14 January 2002 by the CDA (*Congrès démocratique africain* — itself already the result of a merger) and the MPD. The most astonishing new grouping was the *Alliance pour la démocratie et la réconciliation nationale* (ADRN)-Igihango, founded in Bad Honnef (Germany) on 27 March 2002 by the FDLR (*Forces démocratiques pour la libération du Rwanda*), *Nation-Imbaga* and ARENA. The Tutsi businessman and former RPF MP, Valens Kajeguhakwa, acted as mediator, following an accord signed in Kinshasa on 30 January 2002. Like other opposition platforms, the ADRN demanded an inter-Rwandan dialogue and aimed at ‘mobilizing the Rwandan people of all ethnic groups to put an end to the autocratic regime of President Paul Kagame’. But it went further than that, as, according to the Kinshasa agreement, ‘the armed forces of the political-military organizations shall all be put at the disposal of the Alliance for the accomplishment of its mission’. The ADRN thus claimed a military capacity, referring to troops present in the DRC under the FDLR label. While about 2,000 of these troops were consigned to Kamina base in view of their demobilization under the supervision of MONUC,⁵³ the FDLR stated that it had a further 20,000 troops that could be engaged against Rwanda, if the regime continued to refuse all political dialogue. The last step in the move towards co-ordination of the opposition occurred in October 2002, when Igihango and UFDR set up a *Concertation permanente de l’opposition démocratique rwandaise*, including all known movements except CDA and MPD.

The second tendency has already been mentioned in passing: the bi-ethnic nature of new movements, bringing together Hutu and Tutsi in their opposition to the regime. The three platforms mentioned earlier clearly adhere to this goal and are engaged in obvious efforts to reflect it both in their formulation of positions and in the composition of their governing bodies. For the RPF, the emergence of a bi-ethnic opposition constitutes a considerable challenge. Indeed, formerly, when Hutu defected, the RPF could accuse them of nurturing an ethnically-oriented project, or could even describe them as ‘participants in the genocide’, but this strategy of discredit can obviously not be used against Tutsi opponents. The bi-ethnic nature of these platforms constitutes considerable progress, since they articulate political goals rather than a discourse which is explicitly or implicitly ethnic.

53. French acronym for the UN Mission to the DRC.

In light of the demographic composition of the country, such a focus is the only way out of the profound impasse in which Rwanda finds itself.

Given the nature of the regime, opposition activities have been essentially conducted either abroad or clandestinely. However, on 30 May 2001, former President Bizimungu announced the launching of a new party, the *Parti démocratique pour le renouveau-Ubuyanja* (PDR), during a press conference held in Kigali. He was immediately put under house arrest and other initiators were harassed, to the point that some left the party two weeks after its abortive start. Bizimungu lost all privileges linked to his former position because of 'activities incompatible with the dignity of a former head of state'. On 5 June, he accused the government of being the mere fiefdom of a coterie whose only aim was to cling to power: 'If you do not share the ideas of those in power, you are threatened and put in jail'.⁵⁴ He lashed out more radically in an interview with *Jeune Afrique*: 'We believed that things would change with the RPF, but we have been deceived. . . . We are convinced that if things continue as they do, the Hutu will sharpen their weapons. . . . Here as in Burundi, the army is mono-ethnic. You cannot run Rwanda with an army that is 100 percent Tutsi, while the population is 85 percent Hutu! . . . The government has cheated with the local elections [of March 2001]. . . . The majority [of those "elected"] are Tutsi.' The former president described himself as a martyr and said he was willing 'to pay the highest price'.⁵⁵

In August, Bizimungu and another founder of the party, former Minister Charles Ntakirutinka, were attacked by groups of thugs on the street. Another leading Ubuyanja member, Gratién Munyarubuga, was assassinated on 26 December 2001 after receiving several death threats.⁵⁶ Around the same time, Major Frank Bizimungu (no blood relation to Pasteur Bizimungu), also one of the founders, 'disappeared'. On 7 April 2002, during a genocide commemoration in Butare, Kagame addressed a thinly veiled warning to his predecessor. Without mentioning names, he claimed that 'while [opponents] have occupied high office in the country, they go on preaching division among Rwandans, spending time in embassies in their search for support'.⁵⁷ Two weeks later, on 19 and 20 April respectively, Bizimungu and Ntakirutinka were arrested and jailed. During the following weeks, dozens of others suspected of supporting the PDR ended up in prison.

54. Reuters, Nairobi, 5 June 2001.

55. *Jeune Afrique* 2112 (3-9 July 2001).

56. On this, see Human Rights Watch, *Rwanda: un membre de l'opposition politique abattu, d'autres sont détenus. Human Rights Watch demande une investigation* (New York, 9 January 2002).

57. 'Rwanda leader Kagame warns opponents on genocide anniversary', AFP, Kigali, 7 April 2002. In its issue of 15-21 April 2002, the government weekly *Imvaho Nshya* accused Bizimungu of having joined the cause of *Hutu Power (Pawa)* and of nourishing genocidal projects.

Challenged from within and abroad, the regime has no intention of entering into a dialogue with the opposition and prefers the path of individual co-optation. Forced to recognize that an increasing number of civilians and soldiers of a certain level were leaving the country, President Kagame declared that 'I know that one day they will come back or they will stay where they are, make a noise, write on the internet or abuse people but life here goes on'. While this is probably true for some of them, he implied that most of those who chose to go into exile did so for material rather than political reasons.⁵⁸ In an interview with a Belgian journalist, Kagame claimed that those going into exile were either involved in the genocide and feared justice or 'feel that life as a refugee in Europe, where they are housed and fed, is easier and more comfortable than in Rwanda'. His opponents, he said, are 'ignorant', 'misguided' or 'disgruntled', and they are, at any rate, a minority, as 'the majority of people in Rwanda are engaged in these processes [of rebuilding the country] and are happy'.⁵⁹ This intransigent attitude obviously reflects and reinforces the isolation of the regime, as well as leading to the radicalization of the opposition and the emergence of alliances that would have been unthinkable only a few years ago.

Human rights: a dismal record

The human rights record of the RPF/RPA has been dismal from day one. In 1992, Africa Watch found that the RPF had been responsible for grave human rights violations since the beginning of the war.⁶⁰ Although its work in RPF-held territory was sabotaged, in early 1993 an international commission of enquiry reported summary executions, pillaging and forced deportations.⁶¹ Tens of thousands of civilians, possibly more than 100,000, were massacred by the RPF after the resumption of the war, between April and September 1994.⁶² Although the killings abated after some discreet pressure was exercised on the RPF as a result of the Gersony findings (see below), smaller-scale massacres continued, the most important and publicized being the one in Kibeho camp for internally displaced persons in April 1995.

58. 'Rwanda president speaks on political refugee problem', Internews, Kigali, 28 March 2001.

59. 'Seek broad, long-term solutions, Kagame urges Congolese', 13 April 2002 interview with Marc Hoogsteyns, published on the Rwandan government's website.

60. Africa Watch, *Rwanda: Talking peace and waging war. Human rights since the October 1990 invasion* (New York, 27 February 1992).

61. Fédération internationale des droits de l'homme, Africa Watch, Union interafricaine des droits de l'homme et des peuples, Centre international des droits de la personne et du développement démocratique, *Rapport de la commission internationale d'enquête sur les violations des droits de l'homme au Rwanda depuis le 1er octobre 1990* (March 1993), pp. 66-75.

62. Though impossible to establish precisely, this high death toll is now accepted even by those who initially put forward lower figures. See, for example, G. Prunier, *Rwanda 1959-1996: Histoire d'un génocide* (Dagorno, Paris, 1996), p. 427.

Facing an increasing insurgency from early 1997, in the northwest in particular, the RPA killed tens of thousands of civilians. According to Amnesty International, at least 6,000 persons, mainly unarmed civilians, were killed between January and August 1997, mainly by the RPA; according to the report, the real number was undoubtedly much higher, since numerous massacres were not reported.⁶³ These facts were implicitly acknowledged by the regime, when, refuting the observations made by the UN human rights observation mission (UNHRFOR), presidential adviser Claude Dusaidi claimed that 'if civilians had been killed, they were accomplices, persons who sympathized with these armed men'.⁶⁴ Ironically, this language is reminiscent of that used by the former regime when seeking to justify the persecution of the 'ibiyitso' (accomplices) of the RPF, a coded expression referring to the Tutsi.

The killings were on the increase in the second half of 1997, especially after October. In a new report, Amnesty International observed that 'during the months of October, November and the beginning of December, AI received almost daily reports of slaughters of unarmed civilians in Rwanda, namely extra-judicial executions conducted by soldiers of the RPA and deliberate and arbitrary slaughters by armed opposition groups'.⁶⁵ Adding up available data that were often incomplete and imprecise, the death toll for the period October 1997 to January 1998 was close to 10,000 victims at the hands of the RPA, and several hundred at the hands of the rebels. Moreover, there was no news about large populations groups, in particular in the sub-prefecture of Kabaya, the highly populated region of origin of former President Habyarimana, where, in January 1998, Belgian public television VRT filmed hills and town centres completely void of their populations. The civilians faced a murderous dilemma: if suspected of assisting the rebels, they were killed by the RPA; if they refused to collaborate with them, they became their target. This was made clear by the warnings given to the population: on 21 December 1997, Prime Minister Rwigema declared that 'whoever acts in connivance with them (the rebels) will suffer a fate similar to theirs'.⁶⁶ During a visit to Nkuli (Ruhengeri) at the beginning of 1998, Kagame made similar statements, seeking in some way to justify the massacres of civilians.

The human rights situation improved in 1999–2000, particularly in the sphere of the most important right, that to life. RPA attacks on the population decreased in intensity and violence as a result of a combination of

63. Amnesty International, *Rwanda: Ending the silence* (London, 25 September 1997).

64. AFP, Nairobi, 8 August 1997.

65. Amnesty International, *Rwanda: Civilians trapped in armed conflict. 'The dead can no longer be counted'* (London, 19 December 1997).

66. AFP, Kigali, 21 December 1997.

factors, in particular the forcible regrouping of the inhabitants of the north-western region, the gradual shift from sheer repression to sensitization, and the Rwandan army operations in the Congo, where they attacked and destabilized the rear bases of the ALIR (*Armée de libération du Rwanda*) rebellion. However, these strategies have given rise to new forms of violation of human rights. Hundreds of thousands of people rounded up in the *préfectures* of Gisenyi and Ruhengeri were forcibly settled in regroupment camps during 1999; these displacements were usually against the people's wishes and the sanitary situation in these sites was deplorable.⁶⁷ At the end of 1999, numerous lawsuits about landed property had not been settled and only 60 percent of the arable land in the prefecture of Ruhengeri was effectively farmed, which explained in part the high rates of malnutrition in this very fertile region.⁶⁸ Villagization also continued elsewhere, even though the disparities in regrouped populations were enormous, ranging from 92 percent in Kibungo to 1.2 percent in Gikongoro.⁶⁹ The warnings expressed by scientific studies⁷⁰ did not appear to particularly alarm the Rwandan authorities who relentlessly pursued this ambitious security-driven form of social engineering. In addition, while the killings decreased markedly inside Rwanda, in the Congo the RPA and its allies of the RCD-Goma were guilty of large-scale massacres of civilians, often as reprisals for actions carried out by the *mai-mai* and rebellious Rwandan elements who remained active in the Kivu provinces. In this respect, Rwanda continued to wage its civil war outside its own borders, and it did so in total disrespect for human rights (see also below).

At the same time, in other areas the human rights situation deteriorated further. In 2001, two reports judged severely the situation of freedom of the press. Reporters sans Frontières described Kagame as 'a predator of press freedom' and noted that only one weekly (there are no dailies in Rwanda), *Umuseso*, was 'relatively independent'. Since then, pressure has increased. One journalist of *Umuseso* went into exile and two were jailed, and the future of the paper is uncertain (see above). The report concluded that 'press freedom is not ensured in Rwanda. Journalists continue to suffer threats and pressures.'⁷¹ A report by the LGDL in December 2001 arrived

67. Republic of Rwanda, *Etude sur les conditions de vie des déplacés vivant dans les camps du Nord-Ouest du Rwanda* (Kigali, March 1999).

68. In this connection, see Human Rights Watch, *World Report 2000* (New York, 2000), entry on Rwanda; US Department of State, *1999 Country Reports on Human Rights Practices*, entry on Rwanda.

69. S. Takeuchi and J. Marara, *Agriculture and Peasants in Rwanda: A preliminary report* (Institute of Developing Economies, Chiba, Japan 2000), p. 30.

70. See, for example, D. Hilhorst and M. van Leeuwen, *Imidugudu: Villagisation in Rwanda. A case of emergency development?*, Wageningen Disaster Studies no. 2 (Wageningen, 1999).

71. Reporters sans frontières, *Rwanda: Discrete and targeted pressure: President Kagame is a predator of press freedom* (Paris, 7 November 2001).

at similar conclusions.⁷² The press 'is again targeted by the regime' and 'while fewer journalists are arrested or killed lately, this is not due to a larger openness of the authorities, but rather to the fatigue and/or the resignation of a profession that prefers to adopt a low profile instead of seeking confrontation with an authoritarian regime. . . . The degree of press freedom is inversely proportional to the omnipotence of the internal (DMI) and external (ESO) intelligence services.' One understands the self-censorship applied by the media in light of the fact that most journalists who have attempted to express themselves freely have been killed or maimed, have 'disappeared', or are in jail or in exile. By the end of 2002, the International Crisis Group concluded that the media were 'atrophied and muzzled'.⁷³

In an area close to that of the press, an act promulgated in April 2001 gave the authorities wide-ranging powers to control the management, the finances and the projects of national and international NGOs.⁷⁴ According to Human Rights Watch, the ministerial directives in application of the law were to tighten even further governmental control over these organizations.⁷⁵ LDGL emphasized the extent to which civil society is infiltrated and manipulated by the regime and noted that 'the new law on associations and the measures accompanying it have considerably diminished the margins within which they can function'.⁷⁶

Information management: 'a new way of doing things'

The victim⁷⁷ turns into a bully.⁷⁸ This has happened in Rwanda as it has elsewhere, although for a long time it was not considered politically correct to acknowledge the reality of widespread 'disappearances', assassinations and massacres. An increasing number of Rwandan and expatriate sources from inside and outside the country have indicated that before, during and after the genocide, the RPF killed tens of thousands of innocent civilians. Some of these incidents are well documented and a few have even met with international condemnation. However, many of them remain little known

72. LGDL, *La problématique*.

73. International Crisis Group, *Rwanda at the End of the Transition*, pp. 14–16.

74. This desire to control the non-governmental sector closely is by no means new: already in December 1995, the government decided to expel 38 NGOs and to suspend the activities of 18 others.

75. Human Rights Watch, *World Report 2002* (New York, 2002): entry on Rwanda.

76. LGDL, *La problématique*.

77. See below, on the way in which the RPF has successfully claimed victim status. It must be remembered that it was not the RPF which was the victim of genocide, but the Tutsi living inside Rwanda.

78. The idea is reflected in the title of Mamdani's book on Rwanda, *When Victims Become Killers: Colonialism, nativism, and the genocide in Rwanda* (Princeton University Press, Princeton, NJ, 2001).

or were, at times deliberately, underestimated.⁷⁹ From the first days after the RPF's victory, abuse was covered by a conspiracy of silence, induced in part by an international feeling of guilt over the genocide and a comfortable 'good guys-bad guys' dichotomy.⁸⁰ An early report by UNHCR consultant Robert Gersony, who estimated that between 25,000 and 45,000 civilians were killed by the RPF between April and August 1994, was suppressed and never released.⁸¹

Apart from considerations of guilt and political correctness, other factors explain the conspiracy of silence. On the one hand, most massacres by the RPF occurred in a discreet fashion and investigations were made difficult. Thus, areas where they were committed were declared 'military zones' which could not be entered by outsiders, and the remains of victims were removed or burned. Whole regions, such as the Akagera Park⁸² were closed to access and even to air traffic.⁸³ On the other hand, observers had an interest in keeping silent. Witnesses from NGOs and international organizations feared expulsion, while Rwandans ran the risk of reprisals against themselves or their families. Bradol and Guibert of Médecins sans Frontières denounced a real 'law of silence' on the part of the aid organizations: 'closed eyes and mouths are a condition for the perpetuation of these crimes. Apart from the political and juridical impunity automatically offered by states, the authorities thus benefit from the moral and media impunity resulting from the resignation of the witnesses.'⁸⁴

With regard to the massacres by the RPA of refugees in Zaire in 1996–97, Nik Gowing has shown the importance of information management by the Rwandan regime. Without false modesty, Kagame stated that '[w]e used communication and information warfare better than anyone. We have found

79. However, see S. Desouter and F. Reyntjens, *Rwanda: Les violations des droits de l'homme par le FPR/APR. Plaidoyer pour une enquête approfondie* (Centre for the Study of the Great Lakes Region of Africa, Antwerp, June 1995); S. Smith, 'Rwanda: enquête sur la terreur tutsie', *Libération*, 27 February 1996; N. Gordon, 'Return to Hell', *Sunday Express*, 21 April 1996. An important report written by Alison Des Forges for Human Rights Watch and the Fédération internationale des droits de l'homme, *Leave None to Tell the Story: Genocide in Rwanda*, published in New York in March 1999, contains a section (pp. 692–735) on the crimes committed by the RPF.

80. A good example is P. Gourevitch, *We Wish to Inform You that Tomorrow We Will Be Killed with our Families: Stories from Rwanda* (Farrar Straus and Giroux, New York, 1998). Although this book was extremely well received and became something of a Bible, particularly in the United States, it adds nothing to our knowledge of the genocide. The book is a thinly veiled apology for the RPF whose crimes are systematically minimized or explained away.

81. On the saga of the Gersony mission, see Des Forges, *Leave None*, pp. 726–31.

82. Where several sources indicated the existence of cremation sites, for example, close to Gabiro military camp. Later, 'cremation ovens' were used in Zaire, where the RPA killed tens of thousands of Rwandan refugees in 1996–97 (see below).

83. The dossier published by *Libération* on 27 February 1996 is very revealing on this aspect of the cover-up.

84. Bradol and Guibert, 'Le temps des assassins', p. 131.

a new way of doing things.⁸⁵ One technique, first used in Rwanda and later in Zaire, was the 'closure of the conflict scene': Kagame confirmed that 'the aim was to let them [the NGOs and the press] continue their work, but deny them what would be dangerous to us'.⁸⁶ Intimidation was another tool: 'Kagame does not like NGOs, so he paralysed them completely and terrorised them. If he did not like what they did with information, he kicked them out'.⁸⁷ Likewise, journalists 'knew the Rwandan government could make life unpleasant'.⁸⁸ Fear was reinforced by a practice of encouraging leaks and monitoring communications. Thus 'one particular NGO⁸⁹ partial to the Rwandan government' would fax sit-reps directly to Kagame's office.⁹⁰ A humanitarian agent indicated that 'if the Save the Children person in Bukavu radioed that he had refugees . . . , then those refugees would be under threat because networks were bugged'.⁹¹ Not content with remaining silent about RPF crimes, some reporters became 'RPF groupies', ready to excuse what they did wrong: one of them recognized that 'journalists and NGOs were in bed with the RPF'.⁹² At any rate, the choice was simple: 'The RPA's line was that you are either with the RPA or against them'.⁹³

A final reason for this complicity of silence was the 'genocide credit' the new regime in Kigali enjoyed. Of course, the genocide is a massive reality with a lasting impact, but it has also become a source of legitimacy astutely exploited to escape condemnation, not unlike the way in which the Holocaust is used to deflect criticism of Israel's policies and actions towards the Palestinians. Just like the Holocaust did for Israel and 'the most successful ethnic group in the United States',⁹⁴ the 1994 genocide has become an ideological weapon allowing the RPF to acquire and maintain victim status and, as a perceived form of compensation, to enjoy complete immunity. One example among many of the use of this argument was the Rwandan reaction to a report by Amnesty International on the humanitarian disaster

85. N. Gowing, 'New challenges and problems for information management in complex emergencies: ominous lessons from the Great Lakes and eastern Zaire in late 1996 and early 1997'. Paper presented at Dispatches from Disaster Zones conference, Oxford, 28 May 1998, p. 4. It is unfortunate that this important paper has never been published.

86. *Ibid.*, p. 15.

87. *Ibid.*, p. 22.

88. *Ibid.*, p. 36.

89. This NGO is not identified in Gowing's report, but in the light of the old links between the RPF and its director, it could well be the US Committee for Refugees. Another possibility is the International Rescue Committee.

90. Gowing, 'New challenges and problems', p. 47.

91. *Ibid.*, p. 50.

92. *Ibid.*, p. 41.

93. *Ibid.*, p. 62.

94. N. C. Finkelstein, *The Holocaust Industry: Reflections on the exploitation of Jewish suffering* (Verso, London and New York, 2000), p. 3.

caused by the RPA's occupation of eastern Congo.⁹⁵ In a formal statement, the government called these findings 'an unsupportable insult to the memory of the more than a million victims of the 1994 genocide'.⁹⁶

The use of the genocide as a political trump was facilitated by the fact that the massacres by the former Rwandan army and the Hutu militia were committed almost 'live', which encouraged the international community to reason in terms of good and bad guys. As the 'bad guys' were easily identifiable, the others (i.e. the RPF) had to be the 'good guys'. This presentation of the situation even allowed the RPF and its sympathizers to accuse those who denounced its crimes of being 'negationist' or 'revisionist',⁹⁷ even if these same persons vigorously condemned the genocide against the Tutsi.

There are, however, signs that the 'genocide credit' has been wearing off. Thus, the international panel of eminent persons (IPEP), which in 1998 was given the task by the OAU of inquiring into the 1994 genocide and its consequences, published its report in May 2000.⁹⁸ In addition to confirming the bulk of what is known about the genocide and the guilt by omission of the international community, the report also severely criticizes the RPF for atrocities committed on a large scale before, during and after the genocide, both in Rwanda and in the Congo.⁹⁹ The Rwandan reaction was furious: the IPEP was accused of partiality and a lack of independence and was said to have been 'cheated' by 'revisionist' experts including Gérard Prunier and the present author. The commotion over the IPEP report was scarcely over when the French journal *Esprit* published three articles on Rwanda in its issue of August-September 2000. That signed by Rony Brauman, Stephen Smith and Claudine Vidal¹⁰⁰ is particularly severe. With the accession of Paul Kagame to the presidency, 'a person responsible for crimes against humanity has become the head of the Rwandan state in the name of the victims whom he claims to represent'. 'The violation of human rights has been established as a system of government . . . , crimes against humanity have become commonplace.' The article denounced a further drift to ethnicization, the massacres, the systematic misinformation, the militarization of society, the detention of innocent people, the instrumentalization of the genocide, etc., and concluded that the ritual of the genocide commemorations serves to 'reflect the innocence of the victims

95. Amnesty International, *Democratic Republic of Congo: Rwandese-controlled East: Devastating human toll* (London, 19 June 2001).

96. Government of Rwanda, Response to the Amnesty International report, *Democratic Republic of Congo. Rwandese-controlled east: Devastating human toll*, Kigali, n.d.

97. A good example can be found in J.-F. Dupaquier, 'Rwanda: le révisionnisme ou la poursuite du génocide par d'autres moyens', in R. Verdier, E. Decaux and J.-P. Chrétien (eds), *Rwanda: Un génocide du XXe siècle* (L'Harmattan, Paris, 1995), pp. 127-36.

98. International Panel of Eminent Persons to Investigate the 1994 Genocide in Rwanda and the Surrounding Events, *Rwanda: The preventable genocide* (Addis Ababa 29 May 2000).

99. See in particular Chapter 22 of the report.

100. 'Politique de terreur et privilège d'impunité au Rwanda', *Esprit* 583 (2000), pp. 147-61.

of the genocide on the Rwandan government and thus to enable a tyranny to dress up as a model of virtue'. One is struck by the severity of the indictment, especially as Claudine Vidal had in the past shown a great deal of understanding for the RPF. The article helped to lift the taboo which, in France in particular, had prevented scholars and journalists from expressing themselves on this subject for fear of being accused of 'revisionism' or, worse, of 'complicity with those responsible for the genocide'. Barely a year later, Claudine Vidal denounced the political use made of the annual genocide commemorations.¹⁰¹ She wrote that 'the ceremonies organized by the regime reveal an inevitable relation of power, first because they capture the silent words of the victims giving them a meaning determined by contemporary goals, and second because they take over the private mourning of the survivors and transform it into a collective mourning in the name of considerations that are not theirs'.¹⁰² She concluded that 'as a matter of fact, at every commemoration, those in power have instrumentalized the representation of the genocide in the context of the political conflicts at the time'.¹⁰³ For a regime drawing its legitimacy from the genocide, this accusation is obviously a major challenge.

Wondering why forced villagization, a policy disrespectful of human rights and resulting in profound social injury, has been maintained and supported by international donors, Van Leeuwen observed that Rwanda has been successful in having its 'narrative of difference' accepted by the international community, although this discourse was based on ambiguous and doubtful assumptions.¹⁰⁴ This was all the more surprising, given that Human Rights Watch published a major research report exposing the abuses involved in the policy of villagization.¹⁰⁵ Van Leeuwen's demonstration is interesting, because the Rwandan regime has formulated a similar discourse on other occasions, such as in order to justify the pitiful human rights situation, the absence of progress towards democracy, or the occupation and looting of a large part of the DRC. Andy Storey notes that the lessons of the past are not being learned: 'There is obviously a strong sense of history repeating itself here: the (World) Bank is once again displaying a willingness to lend strong support to Rwandan state power, and the consequences for ordinary people — in Rwanda itself and in the DRC — may once more be bleak'.¹⁰⁶

101. C. Vidal, 'Les commémorations du génocide au Rwanda', *Les Temps Modernes* 613 (2001), pp. 1–46.

102. *Ibid.*, p. 44.

103. *Ibid.*, p. 45.

104. M. van Leeuwen, 'Rwanda's *Imidugudu* programme and earlier experiences with villagisation and resettlement in East Africa', *Journal of Modern African Studies* 39 (2001), pp. 623–44.

105. Human Rights Watch, *Uprooting the Rural Poor in Rwanda* (New York, May 2001).

106. A. Storey, 'Structural adjustment, state power and genocide: the World Bank and Rwanda', *Review of African Political Economy* 28 (2001), p. 381.

In a detailed and convincing demonstration, Johan Pottier has attempted to explain why and how the RPF succeeded in 'converting international feelings of guilt and ineptitude into admissions that the Front deserves to have the monopoly of knowledge construction'.¹⁰⁷ He shows that the 'rewriting project' of the RPF benefited from the empathy and services not only of (mainly Anglophone) journalists unfamiliar with the region, but also of newcomer academics, diplomats and aid workers. In addition, Kagame imposed a new doctrine of information control built around the management of access.¹⁰⁸

Voices critical of the regime became the victims of character assassination, intimidation or even physical threat. Thus French scholar Gérard Prunier was violently taken to task after the publication of a critical but, on the whole, appropriate analysis.¹⁰⁹ The director of the government information office ORINFOR reacted through a diatribe against 'Prunier who claims to be an academic', who makes a 'pseudo-analysis of Rwandan society' and who is said to be no less than 'indirectly responsible for the 1994 genocide'.¹¹⁰ In actual fact, many foreign critical voices have simply become *persona non grata*. On 9 February 1997, Reuters' correspondent Christian Jennings was expelled, probably for having written two days earlier that, during a press conference, General Kagame had asserted that 'Rwanda has the right to divert a part of international aid to contribute to the internal war against Hutu extremists'.¹¹¹ On 28 November 1997, Stephen Smith of the French daily *Libération* was refused a visa and became another *persona non grata*. The chargé d'affaires at the Rwandan embassy in Paris explained that 'Smith only has himself to blame, given the horrors he has written about the country'.¹¹² Other journalists and scholars have been refused visas.

The regime has also attempted by all means possible to silence Rwandans in exile, even — and perhaps, especially, because they were the most dangerous — those who had no blood on their hands. Thus, former minister James Gasana, chairman of the association 'Rwanda Pour Tous' and promoter, along with Nkiko Nsengimana, of the NOER (New Hope for Rwanda) project, became the victim of an orchestrated campaign in his country of asylum, Switzerland. Gasana's detractors tried to manipulate the press and

107. J. Pottier, *Re-Imagining Rwanda: Conflict, survival and disinformation in the late twentieth century* (Cambridge University Press, Cambridge, 2002), p. 202.

108. Cf. Gowing, 'New challenges and problems'.

109. G. Prunier, *Rwanda: the social, political and economic situation in June 1997* (Writenet (UK), July 1997).

110. W. Rutayisire, *Gérald [sic] Prunier: A eulogy for genocide* (Kigali, 24 October 1997). A juicy detail: Prunier is also accused of 'anglophobia', while some French quarters reproach him for his 'anglophilia', as he had the audacity to publish in English and to criticize France for its 'Fashoda syndrome'.

111. Reuters, Kigali, 7 February 1997.

112. Communiqué of RFS/IFEX, Toronto, 2 December 1997.

the political world in order to get the Swiss federal authorities to launch criminal proceedings against him and to deprive him of employment. Worse happened to former RPA colonel and MP Théoneste Lizinde and to former RPF Interior Minister Seth Sendashonga, both of whom were murdered in Nairobi, in 1997 and 1998 respectively. While a trial conducted in Nairobi did not shed much light on the Sendashonga case, many indications pointed to the Rwandan secret services as the author of the crime.¹¹³

Even criticisms formulated by UN bodies or international NGOs have been systematically rejected or discredited, sometimes even stifled. In June 1997, the Rwandan government, through a large-scale diplomatic offensive, succeeded in having the mandate of the UN Special Rapporteur René Degni-Ségué abolished, as he had become a nuisance. He was replaced by a Special Representative whose mandate and interest in criticizing the regime were much more limited. A further round of efficient lobbying ensured the support of the African group in the UN Commission for Human Rights for striking Rwanda off the agenda in April 2001, thus putting an end to formal international concern with human rights in Rwanda.¹¹⁴ On 7 December 1997, the new UN High Commissioner for Human Rights, Mary Robinson, considered to be a friend of the 'New Rwanda' (she visited the country on several occasions when she was President of Ireland), released a communiqué condemning the absence of a reconciliation policy and the practice of serious human rights violations. On the same day, the spokesman of the Rwandan presidency responded by vehemently and categorically denying Robinson's observations and accusing her of being influenced 'by informants whose aims are to mislead international public opinion on the situation in Rwanda'. The following year the government refused to allow the field office of the High Commissioner to continue monitoring human rights in the country and sought to limit its activities to mere technical assistance. Robinson decided that such a truncated operation was unacceptable and closed the office.

Other critics suffered the same fate. Several reports published by Amnesty International in 1997 and 1998 were described by the regime as

113. After a failed attempt against Sendashonga's life in February 1996, a Rwandan diplomat operating for the External Security Organisation in Nairobi, Boniface Mugabo, was arrested at the scene of the crime with a warm gun in his hand, but was released and expelled to Rwanda. Alphonse Mbayire, an RPA officer who was working at the Rwandan embassy in Nairobi at the time of Sendashonga's assassination, was killed by 'unknown persons' in Kigali a few days after his name was mentioned during the Nairobi murder trial. A thoroughly researched piece of investigative journalism makes a strong case against Kigali: *Celui qui savait*, film by Julien Elie, Montreal, Alter-Ciné, 2001.

114. Canada strongly objected, and got the routine treatment in return. The Rwandan delegate accused Canada of 'harbouring many *génocidaires*' (AFP, Geneva, 20 April 2001).

'misinformation'.¹¹⁵ A particularly critical report by the International Crisis Group¹¹⁶ received the same routine reception: without addressing the substance of the report's findings, the government accused the ICG of waging an 'anti-Rwanda misinformation campaign' and claimed that two of its researchers were working as 'agents of the French government, whose hostile position towards Rwanda has never been a secret'.¹¹⁷ After the EU observer mission criticized the August 2003 presidential elections (see above), the chairman of the National Election Commission claimed that the mission 'is inspired by a spirit of bias, lacks the slightest objectivity, and simply wants to defend the interests of candidate Faustin Twagiramungu'.¹¹⁸ A government reaction to a report by Amnesty International¹¹⁹ wondered 'whether AI's sources are not those who still harbour the philosophy of *génocidaires*' and failed to 'understand the motive behind the baseless and malicious allegations contained in AI's report'.¹²⁰ After Human Rights Watch published a report in May 2003 documenting abuses of political and civil rights,¹²¹ the authorities attacked both the organization and its senior adviser for Africa, Alison Des Forges, in the press and at public meetings. The foreign minister published an article accusing Des Forges of being a Hutu supremacist who believed the Tutsi had no place in Rwanda. This accusation was particularly shocking as Des Forges has an outstanding record of fighting violence against the Tutsi, so much so that she was labelled 'pro-RPF' by the extremists of the former regime.

Rwanda and the region

Rwanda has been at the core of the region's instability since it was attacked by the RPF on 1 October 1990. The RPF took power in July 1994 and twice, in 1996 and 1998, invaded neighbouring Zaire-Congo, where the Rwandan civil war continued extra-territorially. Although security concerns were initially the driving force for war, the economic exploitation of Rwanda's rich and vast but weak neighbour eventually became the main, though never acknowledged, reason.

115. After the publication of a communiqué by Amnesty International on 12 March 1998, the spokesman of the RPA, Major Ndahiro, accused the organization of being the 'relay of Hutu extremists' and of taking sides with the 'forces of genocide' (Xinhua, Nairobi, 14 March 1998).

116. International Crisis Group, *Rwanda at the End of the Transition*.

117. AFP, Kigali, 17 November 2002.

118. 'Présidentielle: le Rwanda mécontent des critiques européennes sur le scrutin', AFP, Kigali, 28 August 2003.

119. Amnesty International, *Rwanda: Run-up to presidential elections marred by threats and harassment* (London, 22 August 2003).

120. 'Response to Amnesty International's report on Rwanda's forthcoming elections', Kigali, n.d.

121. Human Rights Watch, *Preparing for Elections: Tightening control in the name of unity* (New York, May 2003).

Three major characteristics have accompanied the Rwandan presence in the DRC. First, human rights abuse has been colossal, against both Rwandan Hutu refugees and Congolese civilians.¹²² In June 1998, a UN Secretary General's investigative team concluded that the RPA had committed large-scale war crimes and crimes against humanity. The report went further by suggesting that genocide might have occurred. However, this needed additional investigation: 'The systematic massacre of those (Hutu refugees) remaining in Zaire was an abhorrent crime against humanity, but the underlying rationale for the decision is material to whether these killings constituted genocide, that is, a decision to eliminate, in part, the Hutu ethnic group.'¹²³ Some 200,000 refugees were 'unaccounted for'.¹²⁴ During the second Congo war, which started in August 1998, Amnesty International accused the RPA and its proxy, the RCD-Goma, of attacking and killing tens of thousands of Congolese civilians, pointing out that many massacres took place in areas rich in minerals.¹²⁵ A painstaking review covering the period from August 1998 to the end of 2000 conveys an image of large-scale systematic and deliberate atrocities.¹²⁶

Second, at the same time, Rwandan 'elite networks' systematically plundered the part of the DRC under their military control.¹²⁷ According to a UN panel set up to examine the illegal exploitation of Congolese resources, the real long-term purpose of the RPA's presence in the Congo was to 'secure property', and not to establish security.¹²⁸ The involvement of Rwandan elite networks with international criminal groups is a worrying

122. By late 1997, compelling evidence was available through a large number of reports and testimonies. See, for example, Human Rights Watch, *Democratic Republic of the Congo: What Kabila is hiding: Civilian killings and impunity in Congo* (New York, October 1997); Amnesty International, *Democratic Republic of Congo: Deadly alliances in Congolese forests* (London, 3 December 1997). A list of sources can be found in F. Reyntjens, *La guerre des grands lacs: alliances mouvantes et conflits extraterritoriaux en Afrique centrale* (L'Harmattan, Paris, 1999), pp. 113–16.

123. UN Security Council, *Report of the Investigative Team Charged with Investigating Serious Violations of Human Rights and International Humanitarian Law in the Democratic Republic of Congo*, S/1998/581, 29 June 1998, para. 96.

124. Médecins sans Frontières, *Refugee Numbers Analysis*, 9 May 1997. Two victims' accounts offer moving testimony to these atrocities: M. B. Umutesi, *Fuir ou mourir au Zaïre: Le vécu d'une réfugiée rwandaise* (L'Harmattan, Paris, 2000); M. Niwese, *Le peuple rwandais un pied dans la tombe: Récit d'un réfugié étudiant* (L'Harmattan, Paris, 2001).

125. Amnesty International, *DRC: Rwandese-controlled East*.

126. J. Migabo Kalere, *Génocide au Congo? Analyse des massacres de populations civiles* (Broederlijk Delen, Brussels, 2002), p. 216.

127. A UN Panel put in place in 2001 published a number of increasingly detailed reports on these practices by Rwanda and a number of other states. After the extension of its mandate, the final report of the Panel was published in October 2003 (UN Security Council, *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2003/1027, 23 October 2003). However, the substantive findings can be found in the previous 'final report': UN Security Council, *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2002/1146, 16 October 2002.

128. *Ibid.*, para. 65.

trend. Two UN panels pointed out that Viktor Bout, a notorious and internationally sought arms dealer and transporter, featuring prominently in illegal activities in the region, operated from Kigali, among other places.¹²⁹ These predatory practices have compounded the criminalization of the Rwandan state and economy, and eventually make a lasting disengagement from the DRC unaffordable. This is why Rwanda, after officially withdrawing its troops from the Congo in September 2002, changed tactics by seeking alternative allies on the ground and sponsoring autonomist movements, in order to consolidate its long-term influence in eastern Congo and make the most out of the Kivu region.¹³⁰ In addition, even after its official withdrawal, Rwanda maintained a clandestine military presence in the DRC.¹³¹

The unpublished part of the UN Panel's final report of October 2003¹³² is particularly damning in this respect. At the request of the Panel this section was to remain confidential and not to be circulated beyond the members of the Security Council, as it 'contains highly sensitive information on actors involved in exploiting the natural resources of the DRC, their role in perpetuating the conflict as well as details on the connection between illegal exploitation and illicit trade of small arms and light weapons'.¹³³ The findings show a continued presence of the Rwandan army in the DRC. It had, the Panel found, continued shipping arms and ammunition to the Kivus and Ituri, provided training, exercised command, supported North Kivu Governor Serufuli's militia, assisted in preparing a new rebellion in Kasai Oriental Province, and manipulated ex-FAR/Interahamwe by infiltrating Rwandan army officers into them. The 'Rwanda network' was considered by the Panel 'to be the most serious threat to the Congolese Government of National Unity. The main actor in this network is the Rwandan security apparatus, whose objective is to maintain Rwandan presence in, and control of, the Kivus and possibly Ituri.'¹³⁴ The way in which Rwanda continues to derail the peace process in the DRC does not seem to bother the international community much. One report notes that 'in the U.K., former Secretary for International Development Clare Short

129. *Ibid.*, paras 72–3; UN Security Council, *Report of the Panel of Experts on Violations of Security Council Sanctions against UNITA*, S/2000/203, 10 March 2000, para. 26.

130. International Crisis Group, *The Kivus: The forgotten crucible of the Congo conflict* (Nairobi-Brussels, 24 January 2003).

131. Many civil society sources in North and South Kivu reported Rwandan troop movements across the border and MONUC openly suspected the presence of Rwandan troops on Congolese soil (see 'DRC: MONUC denounces obstruction of verification missions in east', IRIN, Nairobi, 29 October 2003).

132. See Note 127.

133. Letter dated 20 October 2003 by Mahmoud Kassem, chairman of the Panel, to UN Secretary General Kofi Annan.

134. Para. 2 of the unpublished Section V.

successfully excluded Rwanda's conduct in the DRC from the U.K.'s bilateral dialogue with Kigali'¹³⁵ and finds it 'particularly baffling that on 30 July 2003, two days after UN Resolution 1493 imposed an arms embargo on groups involved in the conflict in Congo, the United States lifted its own bilateral arms embargo on Rwanda'.¹³⁶

Third, as a result of the behaviour of the Rwandan army in eastern Congo and the way in which Congolese Tutsi (e.g. the Banyamulenge) were instrumentalized, a latent anti-Tutsi feeling rapidly grew stronger, leading to ethnogenesis: previously unrelated groups began to view themselves as part of two larger categories, 'Bantu' and 'Hamitics', sometimes called 'Nilotics', and began thinking of these categories as necessarily hostile to one another. As the Tutsi are a small minority in the region, the enmity provoked against them and other 'Hamites' by the RPA's aggressive behaviour may well threaten their future survival.

Rwanda and Uganda were allies when they invaded the DRC in 1996 and again in 1998, but by 1999 their relations had soured and they rapidly developed a profound hostility, dramatically demonstrated when their armies clashed on several occasions in Kisangani. The rift between these erstwhile allies had several causes. While Uganda wished to avoid repeating the mistake made in 1996-7 when Kabila was parachuted into power, Rwanda preferred a quick military solution and the installation of another figurehead in Kinshasa. In addition, the 'entrepreneurs of insecurity' of the élite networks in both countries were engaged in a competition to extract Congolese resources. Finally, Museveni resented the geopolitical ambitions of his smaller Rwandan neighbour, and the lack of gratitude displayed by Kagame, whose accession to power would not have been possible without the support of Uganda.

Just like the Rwandan civil war itself, the conflict with Uganda is fought out on foreign soil and, in part, by proxy. Both countries have supported rebel movements and (ethnic) militias in a context of continuously shifting alliances in an increasingly fragmented landscape. A dangerous escalation occurred when, in early 2003, Rwanda started sending troops and supplies¹³⁷ to the Ituri region in support of the UPC, an erstwhile ally of Uganda. The attempts by the RCD-Goma and Rwanda to link up territory,

135. J. Shattuck, P. Simo, W. J. Durch, *Ending Congo's Nightmare: What the U.S. can do to promote peace in Central Africa* (John F. Kennedy Library Foundation, International Human Rights Law Group, The Henry L. Stimson Center, Boston-Washington, DC, October 2003), p. 17.

136. *Ibid.*, p. 19.

137. Only in the summer of 2003 were the supplies from Rwanda to the UPC cut off through airspace surveillance by the Interim Emergency Multinational Force (IEMF) (AIP, APFO, CSV, FEWER, *Ituri. Stakes, actors, dynamics*, September 2003, p. 5).

and thus conflict, in North Kivu and in Ituri was seen by Kampala as a mortal threat and again brought both countries to the brink of war.¹³⁸

Another shift of alliances was highly symbolic and showed how deeply Rwanda has become enmeshed in regional dynamics. In the autumn of 1996, Rwanda justified its intervention in the then Zaire by reference to threats against the Banyamulenge, a Tutsi group of Rwandan origin that emigrated to the Congo over a century ago. After 1996, and very visibly since early 2000, a rift has developed between Rwanda and the Banyamulenge, to the extent that the latter have fought the RPA and its proxy, the RCD-Goma, and allied themselves with local *mai-mai* groups. For Kigali, this new conflict is a public relations disaster, as it destroys one of the key moral arguments for its presence in the DRC: rather than protecting the Banyamulenge against genocide, the RPA has become an enemy force.

Conclusion

There is a striking continuity from the pre-genocide to the post-genocide regime in Rwanda. Indeed, the manner in which power is exercised by the RPF echoes that of the days of single-party rule in several respects. A small inner circle of RPF leaders takes the important decisions, while the Cabinet is left with the daily routine of managing the state apparatus. Under both Habyarimana and Kagame, a clientelistic network referred to as the *akazu* accumulates wealth and privileges. Both have manipulated ethnicity, the former by scapegoating and eventually exterminating the Tutsi, the latter by discriminating against the Hutu under the guise of ethnic amnesia. Both have used large-scale violence to eliminate their opponents, and they have done so with total impunity, which is another element of continuity. While, under the former regime, attacks, murders and massacres of civilians during the early 1990s were never judicially investigated, let alone prosecuted, so the current regime permits RPA soldiers and powerful civilians who have ordered or committed assassinations and massacres to go unpunished. Admittedly, some military have been prosecuted, but their trials have generally concerned minor offences, while others have been sentenced for breaches of the military criminal code such as desertion and insubordination rather than for blood crimes. In the rare cases where military personnel have been convicted of killing civilians, blame was attributed to individual officers, found guilty of negligence (for example, the case of Colonel Ibingira) or revenge (Major Bigabiro), and sentences have been lenient or served only in part. Organized massacres of civilians are never recognized as the responsibility of commanding officers, and in some cases

138. On Rwandan and Ugandan involvement in the Ituri conflict, see Human Rights Watch, *Ituri: 'Covered in Blood'. Ethnically targeted violence in northeastern DR Congo* (New York, July 2003).

the guilty parties have even been promoted. The regime has obstructed efforts by the International Criminal Tribunal for Rwanda (ICTR) to investigate and prosecute war crimes and crimes against humanity committed by officers of the RPA in 1994, making full execution of the tribunal's mandate extremely difficult.

Continuity is visible not just in the exercise of power, but also in the nature of the state. An ancient state tradition plays an undeniable role here: a mere two years after the extreme human and material destruction of 1994, the state had been rebuilt. Rwanda was again administered from top to bottom, territorial, military and security structures were in place, the judicial system was re-established, tax revenues were collected and spent. The regime was able in a short time to establish total control over state and society. This control was seen in the maintenance of an efficient army, able to operate inside and far beyond the national borders; the establishment of 're-education', 'solidarity' and 'regroupment' camps; the villagization policy (known as '*imidugudu*' policy); tense relations of distrust with the UN and NGOs; and the establishment of an important intelligence capacity, with the Directorate of Military Intelligence (DMI) operating inside the country and the External Security Organization (ESO) in charge of operations abroad. While many other African countries tend towards state collapse, the Rwandan state has reaffirmed itself vigorously.¹³⁹ A major difference between the two regimes, however, lies in their behaviour towards the region. While the former regime never threatened neighbouring countries and generally maintained friendly relations with them, the RPF has engaged in large-scale military and economic adventures across borders and, acting as a regional power, has become a menace to its neighbours.¹⁴⁰

Rwanda presents the international community with a grave dilemma. At first sight, peace reigns inside the country, even though it has been obtained at great human cost at home and in the DRC, a 'democratization' process is supposedly under way, and technocratic governance is apparently satisfactory, with competent and even charming élites articulating an intelligent discourse. In light of the dramatic past, there is a profound desire to see things move in the right direction and an overwhelming desire to 'believe in it', despite ominous signs to the contrary. On the eve of the 2003 elections, Claudine Vidal wondered whether donors supporting the electoral process would feel that they had helped the Rwandan electorate to exercise

139. The strength of the state tradition also showed in the refugee communities in Zaire and Tanzania, where quasi-state organizations and practices were immediately put in place in the camps: extraterritorial creation of cells, sectors, municipalities and *préfectures*; keeping of registers of all sorts; emergence of political-administrative authorities; 'war tax' collection; maintenance of the structures of the former FAR, much more effective in combat than the Zairean army in 1996-97.

140. Prior to 1990, the Rwandan army was only 6,000 strong, while the present one is at least ten times that size.

their civil and political rights. Her answer was: 'To believe this, they will need a very remarkable willingness to be blinded.'¹⁴¹ This was confirmed after the 2003 elections, when the donor community, having abandoned Rwanda a first time in 1994, attempted to redeem itself by committing another major mistake, becoming, as it did, complicit in the installation of a new dictatorship.¹⁴²

By indulging in wishful thinking, the international community is taking an enormous risk and assuming a grave responsibility.¹⁴³ While it is understandable that the 'genocide credit' and the logic of 'good guys and bad guys' should have inspired a particular understanding for a regime born out of the genocide, this complacent attitude has incrementally, step by step, contributed to a situation that may well be irreversible and that contains the seeds for massive new violence in the medium or long run. Indeed, on the one hand, now that it is ostensibly legitimized by elections, the Rwandan regime will be even less inclined to engage in any form of dialogue with the opposition at home and abroad. On the other hand, most Rwandans, who are excluded and know full well that they have been robbed of their civil and political rights, are frustrated, angry and even desperate. Such conditions constitute a fertile breeding ground for more structural violence, which 'creates anger, resentment and frustration'¹⁴⁴ and may well eventually again lead to acute violence.¹⁴⁵

For someone like the present author, who warned against massive violence during the years leading up to 1994, it is frustrating to wonder whether, in two, five or ten years from now, the international community, again after the facts, will have to explain why Rwanda has descended into hell once more.

141. *Le nouvel observateur*, 19–25 June 2003.

142. Along these lines, see the analysis of J.-P. Rémy and S. Smith, 'Au Rwanda, le sacre électoral de la peur dix ans après le génocide', *Le Monde*, 7 November 2003.

143. Admittedly, the aid community is facing enormous difficulties and donor assessments differ considerably. On this, see P. Uvin, 'Difficult choices in the new post-conflict agenda: the international community in Rwanda after the genocide', *Third World Quarterly* 22 (2001), pp. 177–89.

144. P. Uvin, *Aiding Violence: The development enterprise in Rwanda* (Kumarian Press, West Hartford, CT, 1998), p. 110.

145. Just as an illustration, exiled opposition platforms, which up to now had radically rejected the use of violence, stated after the presidential elections that 'a military strategy must now fully be considered' (ARENA and *Nation-Imbaga*, *Mémoire sur le renforcement et une meilleure intégration des activités au sein de l'Alliance Igihango*, Brussels, 22 September 2003).

ATTACHMENT III

Reyntjens, F. *Post-1994 politics in Rwanda: problematising 'liberation' and 'democratisation'*, *Third World Quarterly*, 27(6) 2006: 1103-1117 (2006).

Annex 1

Statement of Filip Reyntjens, 11 March 2011

Attachement III:

***„Post-1994 Politics in Rwanda: Problematizing ‚liberation‘
and ‚democratisation‘“***

(Third World Quarterly 27 (6) 2006: 1103-1117 (2006))

Post-1994 Politics in Rwanda: problematism 'liberation' and 'democratisation'

FILIP REYNTJENS

ABSTRACT *When the Rwanda Patriotic Front (RPF) seized power in July 1994, winning the civil war and ending the genocide, this was seen by many as the succession of a bloody dictatorship by a decent government. Despite the early drift into authoritarianism, concentration of power and human rights abuse, Rwanda continued to be seen as a country in transition towards democracy. However, political transitions do not automatically lead from dictatorship to democracy, and Rwanda is but one of the illustrations of the weaknesses of the transition paradigm. Rather than liberation, inclusiveness and democracy, the RPF has brought oppression, exclusion and dictatorship. People's widespread and deep-rooted feelings of frustration, anger and despair are a fertile breeding ground for structural violence, and they are likely to again lead to acute violence.*

When the Rwanda Patriotic Front (RPF) seized power in Rwanda in July 1994, winning the civil war and ending the genocide, this was seen by many as a victory of good over evil and the succession of a bloody dictatorship by a decent government. Even though the signs of a drift into authoritarianism, concentration of power and human rights abuse soon appeared, the regime continued to be seen as engaged in a transition towards democracy, a path that was to be concluded by elections in 2003. However, the polls only consolidated dictatorial rule and even added legitimacy to it, at least formally. The tolerance of the international community can be explained in part by the 'genocide credit' the new regime enjoyed and skilfully exploited, but it was also inspired by the transition paradigm.

The dominant doctrine on political transitions, well illustrated by the work of Huntington,¹ assumes that these processes imply the succession of authoritarian regimes by democratic ones, of oppression by freedom, of human rights abuse by the rule of law. It presents the phenomenon as starting with 'the process of dissolution of an authoritarian regime' and ending with 'the installation of a democratic system of governance'.² During the 1990s

Filip Reyntjens is in the Institute of Development Policy and Management, University of Antwerp, Venusstraat 35, 2000 Antwerp, Belgium. Email: filip.reyntjens@ua.ac.be.

this paradigm has informed donor policies in Africa through programmes in support of democratisation, electoral processes, the press and civil society, and of the judicial system. The optimism of the era of 'political conditionality' has soon given way to disenchantment, when it became apparent that democratic transitions had failed in many cases, either because old regimes successfully hung on to power or at least stalled the process, or because these processes resulted not in democracy and the rule of law, but in massive violence. As 'democratisation' often refused to conform to the model, democracies were qualified by adjectives like 'quasi', 'pseudo', 'electoral', 'virtual' and many others.³ The 'premium to democratisation' was soon followed by the premium to good governance, and in an increasing number of cases, by the premium to the status quo. A couple of years ago Carothers argued that the transition paradigm had come to an end. He showed that its underlying assumptions simply did not stand up to the record of experience, and suggested we need 'to look for a better lens'.⁴

Clearly, political transitions do not necessarily go from dictatorship to democracy, and the evolution may not be rectilinear. Quite to the contrary, the evolution is often convoluted, going back and forth, and sometimes back rather than forth. While this observation has imposed itself everywhere in Africa, it is particularly clear in the Great Lakes Region, and more precisely in Rwanda. The victim turned into a bully: the idea is captured in Mamdani's *When Victims Become Killers*.⁵ This has happened in Rwanda as it has elsewhere, although for a long time it was not considered politically correct to acknowledge that the RPF has not brought liberation, inclusiveness and democracy, but oppression, exclusion and dictatorship. While a number of factors identified in the post-transition literature play a role in understanding this move away from democratisation, one that is relevant to the Rwandan case is often underestimated: ethnicity. In a well received book Amy Chua argues that market-dominant minorities—or, one should add, minorities presented as such—are the Achilles' heel of free market democracy. While wealth is seen to be concentrated in these groups, democracy increases the political power of the majority. The pursuit of democracy then fuels ethnonationalism, pitting a frustrated 'indigenous' majority, often aroused by opportunistic politicians, against a resented ethnic minority.⁶ In addition, ethnicity is particularly difficult to manage if, as in Rwanda, it is bipolar and the demographic strength of the two groups is very different.⁷

From genocide to dictatorship

Starting in the second half of 1990 Rwanda was faced with a democratisation process and a civil war at the same time. Pushed by the winds of change imposed by the post-cold war order, the one-party regime of President Juvénal Habyarimana had just hesitantly embarked on its political transition when, on 1 October 1990, the RPF, made up mainly of Tutsi exiles, attacked the country from Uganda. A peace accord signed in Arusha (Tanzania) in August 1993 collapsed in April 1994, the civil war resumed and over a million

people were killed by genocide, crimes against humanity and war crimes; two million more had become refugees or were internally displaced. After the RPF defeated the government army in July, it decreed a new transition.⁸

When a new government was put in place on 19 July 1994, the RPF reaffirmed its commitment to the terms and the spirit of the Arusha accord and the logic of power sharing it contained. With the exception of the former single party the Mouvement républicain national pour la démocratie et le développement (MRND) and the extremist Hutu party the Coalition pour la défense de la République (CDR), banned for their leading role in the genocide, the political parties (or what was left of them) took up the seats in government and parliament allotted to them by the accord. A Hutu from the Mouvement démocratique républicain (MDR), Faustin Twagiramungu, became prime minister, again as provided in the accord. However, a number of amendments made unilaterally by the RPF to the Fundamental Law profoundly modified the political regime agreed in Arusha. These amendments introduced a strong executive presidency, imposed the dominance of the RPF in the government, and redrew the composition of parliament. The amended Fundamental Law was, in effect, a subtle piece of constitutional engineering, which attempted to mask the RPF's hold on political power.⁹

Initially a number of politicians, civil servants, judges and military in place under the old regime either remained in the country or returned from abroad, and indicated their willingness to co-operate with the RPF. The illusion of inclusiveness was however soon shattered by the departure into exile of Hutu first, of Tutsi genocide survivors later, and even, eventually, of old RPF hands. From early 1995 Hutu elites became the victims of harassment, imprisonment and even physical elimination. Provincial governors (*préfets*), local mayors, head teachers, clerics and judges were killed in increasing numbers. In many cases the responsibility of the Rwanda Patriotic Army (RPA), which had become the national army, was well documented.

The first watershed came in August 1995, when Prime Minister Faustin Twagiramungu,¹⁰ Interior Minister Seth Sendashonga (one of the rare RPF Hutu) and Justice Minister Alphonse Nkubito resigned. The first two went into exile, while Nkubito stayed and died in early 1997. The many who left in this first wave included government ministers, superior judges, high-ranking civil servants, diplomats, army officers, journalists, leaders of civil society and even players in the national soccer team. As soon as they arrived abroad, they made allegations of concentration and abuse of power, outrages by the army and intelligence services, massive violations of human rights, insecurity and intimidation, discrimination against the Hutu and even against the Tutsi genocide survivors.¹¹ A second wave of departures into exile came in early 2000, in part against the background of increasing tensions between Tutsi returnees, those from Uganda in particular, and genocide survivors. The latter felt that they were becoming second-rate citizens who had been sacrificed by the RPF,¹² suspected to have been interested in military victory rather than in saving them.¹³ On 6 January 2000 the speaker of the National Assembly, Tutsi genocide survivor Joseph Sebarenzi, suddenly resigned under pressure from groups within the RPF who were under

parliamentary scrutiny. Fearing for his life, he fled to Uganda and later settled in North America. The Sebarenzi affair was hardly over when Prime Minister Pierre-Célestin Rwigema announced his resignation on 28 February; he sought asylum in the USA. Worse was to come less than a month later. On 23 March President Pasteur Bizimungu resigned 'for personal reasons'. Accusations were immediately levelled against him: Bizimungu was said to have committed tax fraud, illegally dispossessed farmers, and opposed parliamentary inquiries into corruption for fear of being investigated himself.¹⁴ Although Uganda offered him political asylum, Bizimungu stayed in the country. A year later, when he attempted to create a new political party, he was arrested and sentenced to 15 years in jail.

High ranking RPF officials followed suit: MPs, RPA officers, leaders of civil society and journalists left the country and some joined the opposition in exile. On 12 April 2001 the editorial of *Rwanda Newslines* interpreted the 'disappearance' on 4 April of retired major Alex Ruzindana as 'a possible attempt to discourage new defections'. These departures of active RPF members showed the extent of discontent with a regime growing more authoritarian by the day.

In July 1999 the 'transitional period' was extended by four years to 20 July 2003. Marie-France Cros pointed out that 'we can thus say, to speak frankly, that the RPF has decided to remain in power for four more years and that those who are not members of the RPF who have governmental posts have submitted to its decision—as usual'.¹⁵ Three years later the International Crisis Group summarised the relations between the RPF and the other political parties as follows: 'the political parties that exist today in Rwanda are only tolerated if they agree not to question the definition of political life drawn up by the RPF'.¹⁶

As the end of the transition neared, the regime embarked on a 'democratisation process' in 2001. It held local elections on 6–7 March 2001, claiming this to be an important step on the road to democratisation, an assertion accepted by some of its international partners. In fact, the election offered ominous signs for the future of democracy. The voting system itself was very indirect and of Byzantine complexity, allowing the 'men of the system' appointed by the RPF to exercise full control over the process. According to an observer accredited by the electoral commission, the 'elected' councillors represented only 20% of the electoral college in charge of choosing the mayors.¹⁷ Various observers' reports mentioned the pressure brought to bear on candidates, those who would like to have been candidates and on voters. An NGO observer considered that 'the people in the party machinery' were known to all, a fact 'which distorts the play of democracy and tends to transform Rwanda into an RPF State'.¹⁸ A major flaw in the ballot was its lack of secrecy. Even though voting booths, ballot papers and ballot boxes were used, electors expressed their preference by putting their thumb-print opposite the name and the picture of the candidate of their choice. In Rwanda, just as elsewhere in Africa, the imposition of a thumb-print is the equivalent of a signature; it was therefore the equivalent of a voter, in Europe or North America, signing the ballot paper with his own

name. Human Rights Watch found that 'this election has been flawed from the beginning, and these flaws far outweigh the few election-day irregularities that have been reported'.¹⁹ The International Crisis Group (ICG) shared this concern. Its report on the elections observed that an important goal was 'to begin to develop a new RPF "cadre" in the countryside and to build the party's political base ahead of presidential and parliamentary elections in 2003'. The RPF-controlled National Electoral Commission 'abused its powers to veto unwanted candidates and guarantee that only supporters of government policies were selected... In this context, "consensual democracy" has become the imposition of one party's ideology'.²⁰

The dynamics at play during the local elections were confirmed and reinforced in 2003—the 'transition year'. Indeed, with the constitutional referendum and the presidential and parliamentary elections in sight, the regime crossed the Rubicon in spring 2003 and ceased attempting to hide its authoritarian drift. Despite its total control over the political landscape, its hold on the instruments of local, provincial and national management, and its constitutional engineering, the RPF did not appear confident and set out to close off the last potential spaces of dissent.

On 15 April 2003 parliament recommended that the main opposition party, the MDR be banned for spreading 'divisionism', a recommendation endorsed by the government on 16 May. The report and the parliamentary debate clarified two significant developments. First, 'divisionism' was defined as being in opposition to or even simply expressing disagreement with government policies. Second, in addition to political parties, every forum where dissidence could be voiced was now openly targeted: the human rights organisation Liprodhor and the last remaining independent newspaper, *Umuseso*, were among those accused of 'divisionism'.

Together with the political opposition, civil society was neutralised. The election of the vice-president of the Ibuka association, which at the time maintained close ties to the regime, as head of the Coalition des ligues et associations de défense des droits de l'homme (CLADHO)—a human rights collective—and that of another influential member of Ibuka as chair of the Comité de coordination des organismes d'appui aux initiatives de base (CCOAI B)—a collective of development NGOs—was part of this strategy. The regional human rights organisation Ligue pour la défense des droits de l'homme pour la région des grands lacs (LGDL) observed that 'Rwanda surprises particularly by the weird collusion between the government and important sections of civil society. Thus the spaces of free expression are almost all occupied or reduced to the minimum in order to prevent any contestation'.²¹ In sum, 'civil society' was now controlled by the regime. Exactly a year after the banning of the MDR, parliament recommended the dissolution of the last autonomous civil society organisations for their alleged 'genocidal ideology'. Among those targeted were Liprodhor and half a dozen other organisations, some of them involved in the promotion of peasants' interests. Despite international protest,²² it did not even prove necessary formally to ban Liprodhor: fearing arrest, most of its leadership fled the country. They were replaced by RPF militants, and the organisation effectively ceased to exist.

The refusal to tolerate any form of dissent was illustrated by the process that was to lead to the end of the 'political transition' in mid-2003. Started at the end of 2001, the work of a constitutional commission began with 'popular consultations'. However, these were very much top-down and, according to the ICG, 'highly supervised' and 'they have not really opened up the debate on the future of Rwanda'.²³ Several constitutional drafts were circulated and parliament eventually adopted a final text on 23 April 2003. Made public only on 15 May, the draft was approved by referendum on 26 May. After a campaign that was exclusively in support of the text, without a single dissident voice inside the country,²⁴ 93% of the electorate (the turnout was almost 90%) voted yes. An ICG analyst was not surprised: 'There was no real possibility to reject [the text] because there was no campaigning to explain why it is bad... It was a state-managed referendum, and we have a state-managed result.'²⁵ This sceptical view was shared in more diplomatic language by an observer mission from the European Union. While lauding the technical and organisational aspects of the referendum, it expressed 'concern' over several developments. It noted that 'the restrictions in the constitution... limit the freedoms of expression and association, as well as party political activities' and it feared that 'the restrictions of the activities of parties on the ground have frozen the political game and reinforced the position of the RPF'. Other concerns related to recent events, such as the banning of the MDR, arrests and 'disappearances' of opponents, and the intimidation of civil society. The report also expressed doubts about the true meaning of the massive turnout—'The vote is culturally and traditionally seen as an obligation by the vast majority of the population'; 'A sizeable part of the population in all provinces appeared convinced that the vote was compulsory'—and felt that, in the eyes of the electors, the vote by fingerprinting diminished the secret character of the ballot.²⁶ Just like the previous Fundamental Law, the 2003 constitution is tailor-made to legitimise the regime under the guise of 'democratic governance'.²⁷

The presidential and parliamentary elections confirmed the image of a cosmetic operation for international consumption. In the presidential elections of 25 August President Kagame was elected by a massive 95% of the vote after a campaign marred by arrests, 'disappearances' and intimidation. In 374 stations visited (out of a total of about 10 000), members of an EU observer mission witnessed irregularities and fraud, *inter alia* through the stuffing of ballot boxes and faults in the counting procedure. EU observers made similar observations during the parliamentary elections at the end of September. These took place without real opposition to the RPF, as all participating parties had supported Kagame's bid for the presidency in August and the only opposition party, ADEP-Mizero, was refused recognition; in addition, the main independent candidates were disqualified on the eve of the vote. Although the international observation exercise was made difficult, the EU mission observed fraud, intimidation, the manipulation of electoral lists, ballot box stuffing, lack of secrecy of the vote, and lack of transparency in the counting procedure. The EU observers, noting that 'the competition has been unequal and without real opposition', arrived at the

paradoxical conclusion that 'political pluralism is now more limited than during the transition period'.²⁸ In addition, most of the MPs indirectly elected by organisations of women, youth and the disabled were members of or sympathisers with the RPF. Rwanda has thus returned to a situation of *de facto* one-party rule, which, given the total control exercised by the RPF, is no real surprise. Although the international community was of course fully aware of the cosmetic nature of the whole exercise, it endorsed the outcome despite a few timid expressions of concern (eg from The Netherlands, the USA and the EU).

It is not difficult to understand why the RPF chose the path of total control and the closure of all political space. Put simply, it knows very well that it would not survive in a competitive political environment. Losing power as a result of free and fair elections in a context of political freedom is not an option for the military victor. It therefore needs to prevent this from happening and does so with all available means, both the ones discussed above and those outlined in the two following sections.

Tutsi-isation, RPF-isation and the new *akazu*

While it officially rejected ethnic discrimination and even the notion of ethnicity, the RPF rapidly reserved access to power, wealth and knowledge to the Tutsi. The only exception was the cabinet, where a number of Hutu served as ministers in order to give a symbolic expression of 'national unity'. The RPF vigorously and categorically denied any ethnic factor, a denial which was an essential element of the hegemonic strategies of small Tutsi elites, such as that powerful in Rwanda during the 1950s and in Burundi between 1965 and 1988. Bradol and Guibert insist that 'to stress the absence of ethnic identities has become a means of masking the monopoly by Tutsi military of political power. In this case, political discourse opposed to ethnism attempts to hide the domination of society by the self-proclaimed representatives of the Tutsi community'.²⁹ This state of affairs was explained away in a paradoxical fashion: when, in the past, Hutu were a majority in public institutions, this was called 'ethnic discrimination'; however, now that Tutsi were a majority, this became 'meritocracy'. Of course, the elimination of ethnicity is a worthwhile goal, shared by many Rwandans, but this objective was cynically manipulated as a tool for the monopolisation of power in the hands of a small group.

This tutsi-isation which was also a means of consolidating the hold of the RPF on the system, was quite spectacular at most levels of the state. By 1996 the majority of MPs, four of the six Supreme Court presiding judges, over 80% of mayors, most permanent secretaries and university teachers and students, almost the entire army command structure and the intelligence services were Tutsi. This phenomenon was further amplified and supported by a sociopolitical reality, namely the tutsi-isation of urban Rwanda, which had become the sociological and economic foundation of the RPF. In the case of Rwanda, as opposed to most other African countries, there is thus no analytical contradiction between a hegemonic project based on ethnicity and

one based on monopolising political power. Indeed, while a number of Hutu have joined the RPF, and although many Tutsi are disillusioned, the RPF is essentially a Tutsi movement which serves to maintain a small Tutsi elite in power. The RPF's strategies thus allow a minority that is both ethnic and political in nature to resist potential challenges.

The government as the symbol of national unity disappeared as a result of the reshuffle of March 2000 after Rwigema's resignation (see above). While the RPF held eight of the 21 portfolios in the 1994 government, it provided 11 of the 20 ministers in the 2000 one; the 1994 government included 12 Hutu and nine Tutsi, whereas in 2000, 12 of the ministers were Tutsi, and eight were Hutu. As a result, the 'RPF-isation' and the 'Tutsi-isation' at the less visible echelons of the state, which had been an ongoing process for several years, now extended also to the international image—the government itself. By mid-2000, out of a total of 168 of the most important office holders, 127 (or some 75%) were RPF/RPA and 119 (or around 70%) were Tutsi.³⁰ In a country where Hutu number about 90% of the total population, these figures obviously show a strong ethnic bias in favour of the small Tutsi elite.

Dorsey has shown to what extent the army and the intelligence services have become the keystones of the system and how the strict control of the population has been an obsession since the beginning of the war in 1990. The instruments of power and enrichment are concentrated in small networks based on a shared past in certain refugee camps in Uganda, and on belonging to the same schools and kinship links.³¹ Under the heading 'The RPF has renounced itself', the *Tribun du Peuple*—though considered a supporter of the RPF—in August 1997 stated that 'the revolution' had failed and that the new regime was plagiarising the methods of the former government. It denounced the misappropriation of funds, nepotism, clientelism and corruption, and asserted that 'the liabilities of Habyarimana and company's management of the country at the end of the first fifteen years of his time in office, has been largely attained by the new leaders of the country over the last three years'.³² At the same time, members of the RPF published a memorandum denouncing the 'decadent nature' of the RPF and pointing at its 'organisational shortcomings', 'moral decline' and 'intellectual bankruptcy'. Joining the analysis of the *Tribun du Peuple*, the memo denounced 'the inexplicable accumulation of wealth, the lack of accountability, arrogance, clientship, political patronage'. The final verdict was severe: 'The RPF as an organisation has ceased to exist... From 1994, a group of individuals, members of the RPF, have monopolised the RPF by excluding the general membership'.³³ A document circulating in Kigali in June or July 1998 and largely discussed after it was posted on the internet, claimed that a new *akazu*,³⁴ united by kinship and other bonds, was unduly accumulating material resources, jobs and privileges.³⁵

Military management and physical control, both inside and outside the country, continue to serve as a political project. Even though military expenditure represented roughly 25% (average 1999–2001) of current expenditure, a large figure in itself, the official public accounts only show part of this reality. The RPA found other sources of funding 'outside the

budget' in its presence in the Congo, the embargo on Burundi until the beginning of 1999, the imposition of unofficial 'taxes' and of 'voluntary' contributions to the war effort,³⁶ theft and extortion, and payments by public enterprises like Rwandex, Sonarwa and Rwandatel.³⁷ During a hearing before a Belgian Senate Commission, former MP Deus Kagiraneza mentioned 'accounts parallel to the national accounts', as well as a 'system of fictitious billing'. With regard to operations in the DRC, he added that 'we thus profit from the seizure of weapons, the impounding of stocks, the exploitation of mines "at a rebate" and the "re-budgeting" of war bounty'.³⁸ Several reports point at the widespread consequences of 'military commercialism'³⁹ and, more generally, at the way in which Rwanda is engaged in the plunder of the DRC.⁴⁰ Although this contributes to the criminalisation of the state and the economy, it does not appear to worry the international financial institutions, the EU or certain bilateral donors in their generous attitude towards Rwanda.

Massive human rights violations

The human rights record of the RPF/RPA has been dismal from day one. In 1992 Africa Watch found that the RPF had been responsible for grave human rights violations since the beginning of the war.⁴¹ Although its work in RPF-held territory was sabotaged, in early 1993 an international commission of enquiry reported summary executions, pillaging and forced deportations.⁴² Tens of thousands of civilians, probably well over 100 000, were massacred by the RPF after the resumption of the war, between April and September 1994.⁴³ Although the reality of widespread war crimes and crimes against humanity by the RPF in 1994 was widely known, the information was confirmed in a painstakingly precise fashion by a former RPA lieutenant. Like an officer publishing his military logbook, Ruzibiza detailed dozens of massacres, mentioning dates, places, names of perpetrators, victims and routine practices.⁴⁴ While these facts are known to the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) through the research carried out by his 'Special Investigations' unit, and although they fall squarely within the Tribunal's mandate *ratione materiae* and *ratione temporis*, not a single RPF suspect had been indicted at the time of writing.

During 1996–97 human rights abuse by the RPF in the DRC was colossal, against both Rwandan (and Burundian) Hutu refugees and Congolese civilians.⁴⁵ In June 1998 an investigative team sent by the UN General Secretary concluded that the RPA had committed large-scale war crimes and crimes against humanity. The report even suggested that it might have been guilty of genocide, but this needed additional investigation: 'The systematic massacre of those [Hutu refugees] remaining in Zaire was an abhorrent crime against humanity, but the underlying rationale for the decision is material to whether these killings constituted genocide, that is, a decision to eliminate, in part, the Hutu ethnic group'.⁴⁶ Some 200 000 refugees were 'unaccounted for'.⁴⁷ During the second Congo war, which started in August 1998, Amnesty International accused the RPA and its proxy, the RCD-Goma, of attacking

and killing tens of thousands of Congolese civilians, pointing out that many massacres took place in areas rich in minerals.⁴⁸ A painstaking review covering the period from August 1998 to the end of 2000 conveys an image of large-scale systematic and deliberate atrocities.⁴⁹ Rwanda continued to wage its civil war outside its own borders, and it did so in total disregard for human rights.

Facing an increasing insurgency during 1997–98, in the northwest of Rwanda in particular, the RPA killed tens of thousands of civilians. According to Amnesty International, at least 6000 persons, mainly unarmed civilians, were killed between January and August 1997, mainly by the RPA; however, the real number was undoubtedly much higher, since numerous massacres were not reported.⁵⁰ The killings were on the increase in the second half of 1997, especially after October. In a new report, Amnesty International observed that 'during the months of October, November and the beginning of December, AI received almost daily reports of slaughters of unarmed civilians in Rwanda, namely extra-judicial executions conducted by soldiers of the RPA and deliberate and arbitrary slaughters by armed opposition groups'.⁵¹ Adding up available data that were often incomplete and imprecise, the death toll for the period October 1997 to January 1998 was close to 10000 victims at the hands of the RPA, and several hundred at the hands of the rebels.⁵²

The human rights situation improved in 1999–2000, particularly in the sphere of the most important right, that of life. RPA attacks on the population decreased in intensity and violence as a result of a combination of factors, in particular the forcible 'regroupment' of the inhabitants of the northwestern region, the gradual shift from sheer repression to sensitisation, and the Rwandan army operations in the Congo, where it attacked and destabilised the rear bases of the Armée de libération du Rwanda (ALIR) rebellion. However, these strategies have given rise to new forms of violation of human rights. Hundreds of thousands of people rounded up in the *préfectures* of Gisenyi and Ruhengeri were forcibly settled in regroupment camps during 1999; these displacements were usually against the people's wishes and the sanitary situation in these sites was deplorable.⁵³

At the same time the human rights situation deteriorated further in other areas. In 2001 two reports severely criticised the situation of freedom of the press. Reporters sans frontières treated Kagame as 'a predator of press freedom' and noted that only one weekly (there are no dailies in Rwanda), *Umuseso*, was 'relatively independent'. Since then, pressure has increased, several journalists on *Umuseso* have gone into exile and others have been jailed (see above). The report concluded that 'press freedom is not ensured in Rwanda. Journalists continue to suffer threats and pressures'.⁵⁴ A report by the LGDL in December 2001 arrived at similar observations. The press 'is again targeted by the regime':

while fewer journalists are arrested or killed lately, this is not due to a larger openness of the authorities, but rather to the fatigue and/or the resignation of a profession that prefers to adopt a low profile instead of seeking confrontation

with an authoritarian regime... The degree of press freedom is inversely proportional to the omnipotence of the internal (DMI) and external (ESO) intelligence services.⁵⁵

One understands the self-censorship applied by the media in light of the fact that most journalists who have attempted to express themselves freely have been killed or maimed, have 'disappeared', or are in jail or in exile. By the end of 2002 the International Crisis Group was concluding that the media were 'atrophied and muzzled'.⁵⁶

An act promulgated in April 2001 gave the authorities wide-ranging powers to control the management, finances and projects of national and international NGOs.⁵⁷ According to Human Rights Watch, the ministerial directives made in application of the law were to tighten governmental control over these organisations even further.⁵⁸ LDGL emphasised the extent to which civil society was infiltrated and manipulated by the regime and noted that 'the new law on associations and the measures accompanying it have considerably diminished the margins within which they can function'.⁵⁹ The suppression of the little that was left of an autonomous civil society was nearly complete by 2004, with the publication of the parliamentary report on the 'genocidal ideology' and its aftermath (see above).

Conclusion

Every 4 July Rwanda celebrates 'Liberation Day'. On that day in 1994 the RPF concluded the capture of Kigali and declared military victory. But who was liberated? Certainly not the millions of Hutu for whom this was a humiliating defeat, which many vow in silence to overturn one day. Not many Tutsi survivors either, who now know that the RPF has not saved, but sacrificed them on the altar of the seizure of power. Not even many cadres and rank-and-file of the RPF who defected in increasing numbers, feeling that their cause of a more just and free Rwanda had been betrayed. Democracy did not fare any better than liberation: the paradox noted by the EU observer mission, after the 2003 elections, that 'political pluralism is now more limited than during the transition period' says it all. So the transition has been one from one dictatorship to another, and a more ruthless one at that, thus confirming that the pathway set out by the transition paradigm is not compulsory.

Indeed, there is a striking continuity from the pre-genocide to the post-genocide regime, and the practices in the exercise of power by the RPF echo those of the days of single party rule. A small inner circle of RPF leaders takes the important decisions, while the cabinet is left with the daily routine of managing the state apparatus. Under both Habyarimana and Kagame, a clientelistic network—referred to as the *akazu*—accumulated wealth and privileges. Both manipulated ethnicity, the former by scapegoating and eventually exterminating the Tutsi, the latter by discriminating against the Hutu under the guise of ethnic amnesia. Both used large-scale violence to eliminate their opponents, and they did so with total impunity, which is

another element of continuity. While, under the former regime, attacks, murders and massacres of civilians during the early 1990s were never judicially investigated, let alone prosecuted, so the current regime permits RPA soldiers and powerful civilians who ordered or committed assassinations and massacres to go unpunished. The regime has obstructed efforts by the ICTR to investigate and prosecute war crimes and crimes against humanity committed by officers of the RPA in 1994, making the full execution of the mandate of the tribunal impossible.

Continuity has been visible not just in the exercise of power, but also in the nature of the state. An ancient state tradition plays an undeniable role here: a mere two years after the extreme human and material destruction of 1994, the state was rebuilt. Rwanda was again 'administered' from top to bottom, territorial, military and security structures were in place, the judicial system was re-established, tax revenues were collected and spent—the regime was able in a short time to establish total control over state and society. This control was seen in the maintenance of an efficient army, able to operate inside and far beyond the national borders; in the setting up of 're-education', 'solidarity' and 'regroupment' camps; in the villagisation policy ('*imidugudu*'); in tense relations filled with distrust with the UN and NGOs; and in the establishment of an important intelligence capacity, with the Directorate of Military Intelligence (DMI) operating inside the country and the External Security Organisation (ESO) in charge of operations abroad. While many other African countries tend toward state decline, the Rwandan state reaffirmed itself vigorously.⁶⁰

Driven by an acute sense of guilt after the genocide and reasoning in terms of 'good guys' and 'bad guys'—the RPF naturally being the good guys—the international community, after having abandoned Rwanda in 1994, has attempted to redeem itself by committing another fatal mistake, becoming as it has complicit in the consolidation of a new dictatorship. The regime understood the moral weakness of the international community very well, and fully exploited the 'genocide credit' which allowed it to acquire and maintain victim status, thus—as compensation—enjoying total impunity. It was able to acquire the monopoly of knowledge construction on the country's past, present and future.⁶¹ The price for this tolerance has been immense, both inside Rwanda and in the region. The widespread and deep-rooted feelings of frustration, anger and despair are a fertile breeding ground for structural violence.⁶² They are likely again to lead to acute violence, which might rival that of 1994.

Notes

- 1 S Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman, OK: University of Oklahoma Press, 1991.
- 2 G O'Donnell & PC Schmitter, *Transition from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*, Baltimore, MD: John Hopkins University Press, 1986, p 6.
- 3 D Collier & S Levitsky, 'Democracy with adjectives: conceptual innovation in comparative research', *World Politics*, 49 (3), 1997, pp 430–451.
- 4 T Carothers, 'The end of the transition paradigm', *Journal of Democracy*, 13 (1), 2002, pp 5–21.
- 5 M Mamdani, *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*, Princeton, NJ: Princeton University Press, 2001.

POST-1994 POLITICS IN RWANDA

- 6 A Chua, *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability*, New York: Anchor Books, 2003, pp 6–7.
- 7 At the time of the 1994 genocide, the population comprised about 90% Hutu and about 9% Tutsi; the pygmoid Twa numbered well under 1% and were politically irrelevant.
- 8 This theme is developed more fully in F Reyntjens, 'Rwanda, ten years on: from genocide to dictatorship', *African Affairs*, 103 (411), 2004, pp 177–210.
- 9 On this, see F Reyntjens, 'Constitution-making in situations of extreme crisis: the case of Rwanda and Burundi', *Journal of African Law*, 40 (2), 1996, pp 236–239.
- 10 Twagiramungu was replaced by Pierre-Célestin Rwigema, also of the MDR, who was to quit his position and leave the country in 2000.
- 11 For a few early examples, see V Ndikumana & J Afrika, *Lettre ouverte au Conseil de sécurité de l'ONU sur la situation qui prévaut au Rwanda*, Nairobi, 14 November 1994; E Ruberangyeo, *Mes inquiétudes sur la gestion actuelle rwandaise des fonds publics*, 31 May 1995; S Musangamfura, *J'accuse le FPR de crimes de génocide des populations d'ethnie hutu, de purification ethnique et appelle à une enquête internationale urgente*, Nairobi, 8 December 1995; F Twagiramungu & S Sendashonga, *FRD: Plate-forme politique*, Brussels, March 1996; and T Lizinde, *Rwanda: la tragédie*, Brussels/Kinshasa, 1 May 1996.
- 12 This increasingly dawned upon Roméo Dallaire, the Canadian General who commanded the UN peacekeeping force in Rwanda (UNAMIR). On several occasions he insisted that RPF troops rescue groups of Tutsi who were threatened, but to no avail. One day Kagame told him: 'This war will cause many sacrifices. If these [threatened Tutsi] must be sacrificed for a good cause, they will be considered part of this sacrifice'. R Dallaire, *J'ai serré la main du diable: La faillite de l'humanité au Rwanda*, Outremont, Quebec: Libre Expression, 2003, p 451.
- 13 This argument was developed in a compelling fashion by a former RPA lieutenant. A Ruzibiza, *Rwanda: L'histoire secrète*, Paris: Editions du Panama, 2005.
- 14 Associated Press, Kigali, 23 March 2000. In addition, during a special parliamentary session on 24 March, Bizimungu was accused of 'political crimes' and of 'serious violations of the constitution'. Panafrikan News Agency, Kigali, 24 March 2000.
- 15 *La Libre Belgique*, 11 June 1999.
- 16 International Crisis Group (ICG), *Rwanda at the End of the Transition: A Necessary Political Liberalisation*, Brussels: ICG, 13 November 2002, p 2.
- 17 Agence France Press, Kigali, 7 March 2001.
- 18 Concertation chrétienne pour l'Afrique centrale, *Rapport sur l'observation des élections communales au Rwanda*, nd (2001).
- 19 Human Rights Watch (HRW), *No Contest in Rwandan Elections: Many Local Officials Run Unopposed*, New York: HRW, 9 March 2001.
- 20 ICG, 'Consensual Democracy' in Post Genocide Rwanda: *Evaluating the March 2001 District Elections*, Brussels: ICG, 9 October 2001.
- 21 LGDL, *La problématique de la liberté d'expression au Rwanda*, Kigali, December 2001.
- 22 HRW, *Rwanda: Parliament Seeks to Abolish Rights Group*, New York: HRW, 2 July 2004; Amnesty International, *Rwanda: Deeper into the Abyss—Waging war on Civil Society*, London: Amnesty International, 6 July 2004.
- 23 ICG, *Rwanda at the End of the Transition*, p 6.
- 24 The opposition groups abroad unanimously condemned the whole process.
- 25 AP, 'Rwandans endorse new constitution', Kigali, 27 May 2003.
- 26 Mission d'observation électorale de l'Union Européenne, *Rwanda: Référendum constitutionnel 26 mai 2003. Rapport final*, 2003, pp 6–7, 10, 19 (translated from French).
- 27 For an analysis, see F Reyntjens, 'Les nouveaux habits de l'empereur: analyse juridico-politique de la constitution rwandaise de 2003', in S Marysse & F Reyntjens (eds), *L'Afrique des grands lacs. Annuaire 2002–2003*, Paris: L'Harmattan, 2003, pp 71–87.
- 28 Mission d'observation électorale de l'Union Européenne, *Rwanda: Election présidentielle 25 août 2003, élections législatives 29 et 30 septembre, 2 octobre 2003. Rapport final*, Brussels, nd (2004) (translated from French).
- 29 J-H Bradol & A Guibert, 'Le temps des assassins et l'espace humanitaire, Rwanda, Kivu, 1994–1997', *Hérodote*, 86–87, 1997, p 119 (translated from French).
- 30 Details of this calculation can be found in Reyntjens, 'Rwanda, ten years on', p 189.
- 31 M Dorsey, 'Violence and power-building in post-genocide Rwanda', in R Doom & J Gorus (eds), *Politics of Identity and Economies of Conflict in the Great Lakes Region*, Brussels: VUB University Press, 2000, pp 311–348.
- 32 *Le Tribun du Peuple*, 97, August 1997. For an overview of other criticisms in the national press, see *Dialogue*, 200, September–October 1997, pp 75–86.
- 33 'Memo des membres de [sic] FPR (Rwanda, Afrique du Sud, Canada, Etats-Unis)', Michigan, 31 August 1997.

- 34 This term, literally meaning 'little house', was first used to refer to President Habyarimana's inner circle. See F Reyntjens, *L'Afrique des grands lacs en crise: Rwanda, Burundi 1988-1994*, Paris: Karthala, 1994, pp 189-190.
- 35 'Analyse politique du phénomène Akazu', document signed by 'a disappointed patriot' (ie a member of the RPF).
- 36 See HRW, *Rwanda: The Search for Security and Human Rights Abuses*, New York: HRW, April 2000.
- 37 Examples can be found in Dorsey, 'Violence and power-building'.
- 38 Sénat de Belgique, Session ordinaire 2001-2002, Commission d'enquête parlementaire 'Grands Lacs', Auditions, vendredi 1er mars 2002, Compte-rendu, Doc. GR14.
- 39 The expression is from C Dietrich, *The Commercialisation of Military Deployment in Africa*, Pretoria: ISS, 2001.
- 40 For a summary survey, see F Reyntjens, 'The privatisation and criminalisation of public space in the geopolitics of the Great Lakes region', *Journal of Modern African Studies*, 43, 2005, pp 587-607.
- 41 Africa Watch, *Rwanda: Talking Peace and Waging War. Human Rights since the October 1990 Invasion*, 27 February 1992.
- 42 Fédération internationale des droits de l'homme, Africa Watch, Union interafricaine des droits de l'homme et des peuples & Centre international des droits de la personne et du développement démocratique, *Rapport de la commission internationale d'enquête sur les violations des droits de l'homme au Rwanda depuis le 1^{er} octobre 1990*, March 1993, pp 66-75.
- 43 Though impossible to establish precisely, this high death toll is now accepted even by those who initially put forward lower figures. See, for example, G Prunier, *Rwanda 1959-1996: Histoire d'un génocide*, Paris: Dagorno, 1996, p 427.
- 44 Ruzibiza, *Rwanda: L'histoire secrète*.
- 45 By late 1997 compelling evidence was available through a large number of reports and testimonies. See, for example, HRW, *Democratic Republic of the Congo. What Kabila is Hiding: Civilian Killings and Impunity in Congo*, New York: HRW, October 1997; and Amnesty International, *Democratic Republic of Congo: Deadly Alliances in Congolese Forests*, London: Amnesty International, 3 December 1997. A list of sources can be found in F Reyntjens, *La guerre des grands lacs: Alliances mouvantes et conflits extraterritoriaux en Afrique centrale*, Paris: L'Harmattan, 1999, pp 113-116.
- 46 United Nations Security Council, *Report of the Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of Congo*, S/1998/581, 29 June 1998, § 96.
- 47 Médecins sans frontières, *Refugee Numbers Analysis*, 9 May 1997. Several victims' accounts offer moving testimony to these atrocities. See MB Umutesi, *Fuir ou mourir au Zaïre: Le vécu d'une réfugiée rwandaise*, Paris: L'Harmattan, 2000; M Niwese, *Le peuple rwandais un pied dans la tombe: récit d'un réfugié étudiant*, Paris: L'Harmattan, 2001; M Mpayimana, *Réfugiés rwandais entre marteau et enclume: Récit du calvaire au Zaïre (1996-1997)*, Paris: L'Harmattan, 2004; and B Rugumaho, *L'hécatombe des réfugiés rwandais dans l'ex-Zaïre: témoignage d'un survivant*, Paris: L'Harmattan, 2004.
- 48 Amnesty International, *Democratic Republic of Congo. Rwandese-controlled East: Devastating Human Toll*, London: Amnesty International, 19 June 2001.
- 49 J Migabo Kalere, *Génocide au Congo? Analyse des massacres de populations civiles*, Brussels: Broederlijk Delen, 2002.
- 50 Amnesty International, *Rwanda: Ending the Silence*, London: Amnesty International, 25 September 1997.
- 51 Amnesty International, *Rwanda. Civilians trapped in armed conflict: 'The dead can no longer be counted'*, London: Amnesty International, 19 December 1997.
- 52 A number of these massacres are detailed in Ruzibiza, *Rwanda: L'histoire secrète*, pp 405-415.
- 53 Republic of Rwanda, *Etude sur les conditions de vie des déplacés vivant dans les camps du Nord-Ouest du Rwanda*, Kigali, March 1999.
- 54 Reporters sans frontières, *Rwanda. Discrete and Targeted Pressure: President Kagame is a Predator of Press Freedom*, 7 November 2001.
- 55 LGDL, *La problématique de la liberté d'expression au Rwanda*.
- 56 ICG, *Rwanda at the End of the Transition*, pp 14-16.
- 57 This desire to closely control the non-governmental sector was by no means new: already in December 1995 the government had decided to expel 38 NGOs and to suspend the activities of 18 additional ones.
- 58 HRW, 'Rwanda', in *World Report 2002*, New York: HRW, 2002.
- 59 LGDL, *La problématique de la liberté d'expression au Rwanda*.
- 60 The strength of the state tradition also showed in the refugee communities in Zaire and Tanzania, where quasi-state organisations and practices were immediately put in place in the camps: extraterritorial creation of cells, sectors, municipalities and *préfectures*; keeping of registers of all

POST-1994 POLITICS IN RWANDA

sorts; emergence of political-administrative authorities; 'war tax' collection; and maintenance of the structures of the former Forces Armées Rwandaises, much more effective in combat than the Zairean army in 1996-97.

- 61 This is convincingly argued in J Pottier, *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the late Twentieth Century*, Cambridge: Cambridge University Press, 2002.
- 62 P Uvin, *Aiding Violence: The Development Enterprise in Rwanda*, West Hartford, CT: Kumarian Press, 1998, p 110. An attempt to understand the factors that led to genocide in 1994, the analysis and observations made by Uvin also seamlessly apply to post-genocide Rwanda.

ATTACHMENT IV

Reyntjens, F. *Constructing the Truth, Dealing With Dissent, Domesticating the World: Governance in Post-Genocide Rwanda*, *African Affairs*, Vol. 110/438: 1-34 (2011).

Annex 1

Statement of Filip Reyntjens, 11 March 2011

Attachement IV:

*„Constructing the Truth, Dealing with Dissent, Domesticating the World:
Governance in Post-Genocide Rwanda“
(African Affairs Vol. 110/438: 1-34 (2011))*

CONSTRUCTING THE TRUTH, DEALING WITH DISSENT, DOMESTICATING THE WORLD: GOVERNANCE IN POST-GENOCIDE RWANDA

FILIP REYNTJENS*

ABSTRACT

Post-genocide Rwanda has become a 'donor darling', despite being a dictatorship with a dismal human rights record and a source of regional instability. In order to understand international tolerance, this article studies the regime's practices. It analyses the ways in which it dealt with external and internal critical voices, the instruments and strategies it devised to silence them, and its information management. It looks into the way the international community fell prey to the RPF's spin by allowing itself to be manipulated, focusing on Rwanda's decent technocratic governance while ignoring its deeply flawed political governance. This tolerance has allowed the development of a considerable degree of structural violence, thus exposing Rwanda to the risk of renewed violence.

RWANDA IS A COUNTRY FULL OF PARADOXES, difficult for outsiders to comprehend and to apprehend. Although donor assessments differ considerably, and despite concerns over political governance domestically and the country's interference in the DRC, many in the international community have given the post-genocide regime the benefit of the doubt. Rwanda became and has remained a 'donor darling'.¹ Since most observers would agree that the regime has achieved impressive results since 1994, many are ready to support it without asking too many questions. The International Crisis Group (ICG) remarked that 'If they sometimes privately agree that some things are going seriously

*Filip Reyntjens (filip.reyntjens@ua.ac.be) is Professor of Law and Politics at the Institute of Development Policy and Management, University of Antwerp. The author has benefited greatly from comments by An Ansoms, Bert Ingelaere, René Lemarchand, Scott Straus, Stef Vandeginste, Claudine Vidal, Lars Waldorf, and two anonymous referees. The usual disclaimer applies.

1. Stefaan Marysse, An Ansoms, and Danny Cassimon, 'The aid "darlings" and "orphans" of the Great Lakes Region in Africa', *European Journal of Development Research* 19, 3 (2007), pp. 433–58.