

## RWANDA, TEN YEARS ON: FROM GENOCIDE TO DICTATORSHIP

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### 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.

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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 The UN peace-keeping mission UNAMIR was all but withdrawn, and it took weeks to recognize formally the violence for what it was — genocide.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

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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,<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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,<sup>4</sup> 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,<sup>5</sup> 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.<sup>6</sup>

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. Ruberangeyo, *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,<sup>7</sup> 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.<sup>8</sup> 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.'<sup>9</sup>

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').<sup>10</sup> 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 vassal-dom'.<sup>11</sup> 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 DMI<sup>12</sup> 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.<sup>13</sup> 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'.<sup>14</sup> 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'.<sup>15</sup>

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.<sup>16</sup> 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'.<sup>17</sup> 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'.<sup>18</sup> 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.'<sup>19</sup> 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'.<sup>20</sup> 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.<sup>21</sup> 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',<sup>22</sup> 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.<sup>23</sup>

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 ethnopolitical 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'.<sup>24</sup> 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.'<sup>25</sup> 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'.<sup>26</sup> 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,<sup>27</sup> 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.'<sup>28</sup> 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'.<sup>29</sup> 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.<sup>30</sup> The report also expressed doubts about the true meaning of the massive turnout<sup>31</sup> 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'.<sup>32</sup>

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.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

*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 ethnoism attempts to hide the domination of society by the self-proclaimed representatives of the Tutsi community.'<sup>37</sup> 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 ethnoist 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'.<sup>38</sup> 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 ethnoisme 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’.<sup>39</sup> 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.<sup>40</sup>

By mid-2000, the overall distribution was as shown in Table 1.<sup>41</sup>

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.<sup>42</sup> 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'.<sup>43</sup> 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 Economics 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.<sup>44</sup> 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*,<sup>45</sup> united by kinship and other bonds, was unduly accumulating material resources, jobs and privileges.<sup>46</sup>

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,<sup>47</sup> theft and extortion, and payments by public enterprises like Rwandex, Sonarwa and Rwandatel.<sup>48</sup> 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’.<sup>49</sup> Several reports indicate the far-reaching consequences of ‘military commercialism’<sup>50</sup> and, more generally, the way in which Rwanda is engaged in the plunder of the DRC (see also below).<sup>51</sup> 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*<sup>52</sup>

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, Kigéri 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,<sup>53</sup> 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’.<sup>54</sup> 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’.<sup>55</sup>

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.<sup>56</sup> 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’.<sup>57</sup> 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.<sup>58</sup> 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'.<sup>59</sup> 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.<sup>60</sup> Although its work in RPF-held territory was sabotaged, in early 1993 an international commission of enquiry reported summary executions, pillaging and forced deportations.<sup>61</sup> 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.<sup>62</sup> 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 Hoogsteens, 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.<sup>63</sup> 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'.<sup>64</sup> Ironically, this language is reminiscent of that used by the former regime when seeking to justify the persecution of the '*ibiyiso*' (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'.<sup>65</sup> 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'.<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup> 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.<sup>69</sup> The warnings expressed by scientific studies<sup>70</sup> 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.'<sup>71</sup> 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.<sup>72</sup> 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’.<sup>73</sup>

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.<sup>74</sup> According to Human Rights Watch, the ministerial directives in application of the law were to tighten even further governmental control over these organizations.<sup>75</sup> 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’.<sup>76</sup>

*Information management: ‘a new way of doing things’*

The victim<sup>77</sup> turns into a bully.<sup>78</sup> 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.<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup>

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 Park<sup>82</sup> were closed to access and even to air traffic.<sup>83</sup> 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.'<sup>84</sup>

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.<sup>85</sup> 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’.<sup>86</sup> 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.’<sup>87</sup> Likewise, journalists ‘knew the Rwandan government could make life unpleasant’.<sup>88</sup> Fear was reinforced by a practice of encouraging leaks and monitoring communications. Thus ‘one particular NGO<sup>89</sup> partial to the Rwandan government’ would fax sit-reps directly to Kagame’s office.<sup>90</sup> 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’.<sup>91</sup> 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’.<sup>92</sup> At any rate, the choice was simple: ‘The RPA’s line was that you are either with the RPA or against them.’<sup>93</sup>

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’,<sup>94</sup> 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.<sup>95</sup> 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'.<sup>96</sup>

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',<sup>97</sup> 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.<sup>98</sup> 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.<sup>99</sup> 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 Vidal<sup>100</sup> 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.<sup>101</sup> 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'.<sup>102</sup> 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'.<sup>103</sup> 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.<sup>104</sup> 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.<sup>105</sup> 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.'<sup>106</sup>

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'.<sup>107</sup> 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.<sup>108</sup>

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.<sup>109</sup> 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'.<sup>110</sup> 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'.<sup>111</sup> 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'.<sup>112</sup> 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* (Writtenet (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.<sup>113</sup>

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-Ségui 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.<sup>114</sup> 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'.<sup>115</sup> A particularly critical report by the International Crisis Group<sup>116</sup> 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'.<sup>117</sup> 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'.<sup>118</sup> A government reaction to a report by Amnesty International<sup>119</sup> 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'.<sup>120</sup> After Human Rights Watch published a report in May 2003 documenting abuses of political and civil rights,<sup>121</sup> 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.<sup>122</sup> 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.'<sup>123</sup> Some 200,000 refugees were 'unaccounted for'.<sup>124</sup> 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.<sup>125</sup> A painstaking review covering the period from August 1998 to the end of 2000 conveys an image of large-scale systematic and deliberate atrocities.<sup>126</sup>

Second, at the same time, Rwandan 'élite networks' systematically plundered the part of the DRC under their military control.<sup>127</sup> 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.<sup>128</sup> The involvement of Rwandan élite 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.<sup>129</sup> 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.<sup>130</sup> In addition, even after its official withdrawal, Rwanda maintained a clandestine military presence in the DRC.<sup>131</sup>

The unpublished part of the UN Panel's final report of October 2003<sup>132</sup> 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'.<sup>133</sup> 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.'<sup>134</sup> 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'<sup>135</sup> 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'.<sup>136</sup>

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 supplies<sup>137</sup> 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.<sup>138</sup>

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.<sup>139</sup> 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.<sup>140</sup>

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.'<sup>141</sup> 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.<sup>142</sup>

By indulging in wishful thinking, the international community is taking an enormous risk and assuming a grave responsibility.<sup>143</sup> 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'<sup>144</sup> and may well eventually again lead to acute violence.<sup>145</sup>

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).