

The RPF: An Unrivaled Patron

The RPF instituted a national holiday known as “Liberation Day,” a day of speeches, grand parades, and festivities that honored the sacrifices of RPF martyrs who had helped to free the country of the corrupt dictatorship of the past. This turned out to be “out of sync with the image that a great many Hutu had [of them]” (Lemarchand 1995: 8). The targeted assassinations, localized massacres,¹ and sweeping arrests terrified people. The military might of the RPF was on display as soldiers crushed an insurgency in the northwest launched by Hutu extremist forces that had regrouped in refugee camps across the Congolese border. The RPF’s counter-insurgency campaign killed thousands of men, women, and children.² In the Congo, thousands of Hutu refugees died as the RPF crossed the international border in hot pursuit of Hutu militants between 1996 and 1998.³ The more force and arbitrariness the RPF used, the less credible its talk of unity and reconciliation seemed.⁴

¹ About 25,000–40,000 Hutu had died at the hands of the RPF between April–August 1994; it was likely (but not certain) that this number included combatants as well as civilians (HRW 1999: 18). The death toll at Kibeho camp (for the internally displaced) in April 1995 ranged from 2,000–7,000 people (Sibomana 1999: 106). There was another major massacre at Kanama camp in September 1995.

² Between October 1997 and January 1998, almost 10,000 Hutu were killed on Rwandan soil (Reyntjens 2004: 195).

³ Estimated casualties totaled approximately 200,000 refugees during this period (Reyntjens 1999: 121, compiling figures from reports by Human Rights Watch, Médecins Sans Frontières, etc.).

⁴ The figures cited here do not include the tens of thousands of Hutu who died at the hands of rebel groups operating in the Congo under the sponsorship of the RPF government. In the early days of the Congolese Civil War, the RPF had argued the need to protect the Congolese Tutsi from violence and to pursue Rwandan Hutu militants across the border. This moral justification was sullied, even questioned, when RPF elites were accused of using proxy forces to maintain their military-commercial interests in the mineral-rich eastern Congo. The UN Mapping Exercise noted that the atrocities recorded (if verified beyond reasonable doubt)

It became clear early on that there were no political alternatives to the RPF. It determined how the country would reckon with genocide – while its own crimes against Hutu remained mostly unaddressed. Justice began to seem more and more like the “burden of the vanquished” (Hatzfeld 2005: 147, citing a Hutu peasant woman). For the RPF to comply with demands for a full scrutiny of its crimes would have jeopardized its role as moral custodian by forcing the party to engage as a political, not inherently moral actor in its dealings with political opponents and civil society agents. Instead, party elites were able to smear political opponents and denounce critics with allegations of complicity in genocide, or for subscribing to an ideology of genocide. They used this moral authority to certify or decertify other political actors. This moral high ground was such a vital resource that a senior member of the party insisted that “The RPF has always been a principled, not political, actor.”⁵ Some who sought to challenge this moral authority by claiming insider knowledge of RPF crimes were assassinated (such as dissidents Seth Sendashonga and Patrick Karegeya). Others who sought to investigate RPF crimes found themselves stalled: Carla del Ponte, who was special prosecutor at the International Criminal Tribunal for Rwanda (ICTR) was replaced at the behest of Rwanda’s friends on the UN Security Council.

RPF elites did not apologize for their party’s hegemonic role in Rwandan politics (they saw themselves as indispensable to national reconstruction), but they took exception to suggestions that RPF rule represented a form of Tutsi domination. They pointed to the distribution of important portfolios among RPF Hutu; they also noted that the party’s rank and file was majority Hutu. The party appeared willing to accommodate anyone who would work to advance the RPF agenda, and did not play favorites when it came to quashing dissent. The lack of a national reparations policy for survivors of genocide seemed to suggest that the party was not interested in developing a Tutsi social base *per se*. It is worth noting here that the RPF political ideology is non-monarchist and republican – distinguishing its politics from the monarchist and conservative Tutsi party Union Nationale Rwandaise (UNAR) of the 1950s and the politics of the Tutsi rebels of the 1960s (Eltringham 2004: 49–50). The phrase “new period of Tutsi rule” is consistently used in this book to reflect the understandings of ordinary Hutu respondents (see Chapter 3). The use of the term “Tutsi rule” is also consistent with observers’ references to the RPF as a party

could meet the definition of genocide – as laid out in the UN Genocide Convention 1948 – and accumulated legal precedent at the International Criminal Tribunals for Rwanda and the former Yugoslavia (UN High Commission for Human Rights 2010: paragraphs 513–518).

⁵ Personal interview with Servilien Sebasoni, RPF elder and party ideologue, Kigali 2005.

that is “Tutsi-led” or “Tutsi-dominated.”⁶ RPF elites reacted in two principal ways to the charge that the core of the party remained restricted to a small clique of Tutsi returnees (mostly from Uganda). The first was usually defiance:

Why should an ethnic group be entitled to automatic power because of its demographic majority? This has been the case in Rwanda even if those in power had no substantive program for the nation and took it down the path of destruction. Why should it matter that Tutsi are more powerful within the government? As long as there are good ideas to implement that would benefit everyone, why should ethnicity matter? It is likely that those to whom this matters also subscribe to the idea that the only good Tutsi is a dead Tutsi.⁷

The other reaction has been more justificatory, acknowledging that every effort was made to balance portfolio allocation and so forth, whether in the government or army command. If there was indeed some form of Tutsi domination, it was a situation by default since, it was argued, it could be a challenge to find Hutu leaders willing to forego ethnic claims-making and work on a non-partisan basis. Besides which, many of the top brass had genocide records that rendered them ineligible.⁸

The story of *gacaca* begins with the RPF’s unfettered domination as a fait accompli – therefore the objective in this chapter is not to chronicle all major events or undertake a comprehensive accounting of the RPF’s rise to an unrivaled position. Instead the goal is to examine in broad brush strokes the practical and discursive strategies by which the RPF created and maintained unfettered control at the elite level. In the absence of this political structure of unrivaled domination, the clientelistic equilibrium between citizens and the RPF state would unravel as potential “patrons” would begin to compete with each other to offer a better bargain and “clients” would have options to choose from.

The first part of the chapter goes into the political and legal strategies by means of which RPF elites prevented the rise of a viable opposition. It shows not only their use of repression by way of arrests and assassinations of political opponents, but also the common use of clemency extended to political targets accused of a variety of transgressions in order to secure their political

⁶ Among scholars and observers, it became commonplace to refer to the “Tutsi-dominated” or “Tutsi-led” government (Power 2003; Wierzyńska 2004; Corey and Joireman 2004; Gready 2010). Reyntjens has argued that the RPF’s official denial of ethnic politics may be understood as an “essential element of the hegemonic strategies of small Tutsi elites” – going back to Rwanda in the 1950s, as well as Burundi between 1965–1988 (2004: 187).

⁷ Personal interview with Charles Murigande, then-Minister of Foreign Affairs, Kigali 2005.

⁸ Personal interview with Tito Rutaremara, RPF elder statesman and then-Ombudsman, Kigali 2005.

loyalty and service or political silence in return. Former President Pasteur Bizimungu was sentenced, pardoned, and reduced to quiescence; General Rwarakabije, a leading member of the Hutu rebel forces, surrendered and was pardoned and then integrated into the top echelons of the army; a colleague of aspiring presidential candidate Victoire Ingabire confessed and prostrated himself weeping in submission. For those who did not want to court punishment and public humiliation, a government denunciation was enough to secure compliance. Political and civil society actors recanted on demand; others preemptively regulated their speech and behaviors. Under conditions of the unrivaled dominance of the RPF, elite political actors learned over time to regulate themselves in anticipation of benefits and protections, and to avoid targeted punishments.

The second part of the chapter focuses on the discursive strategies of the RPF that have also helped in the maintenance of unrivaled dominance at the elite level, specifically its reading of history that denied a legitimating foundation for every brand of Hutu politics, even moderate ethnic platforms. Hutu moderates did not have extensive political experience – they had been part of the domestic opposition to the Habyarimana regime, and had mostly cut their teeth during the brief period of domestic political liberalization (1992–1994) before being forced to go into hiding when political parties split along moderate-extremist lines and they came to be targeted (many were killed) by their extremist colleagues during the genocide. But they had opposed the killings and enjoyed some moral currency on that account, and therefore represented the most potent source of opposition to RPF rule. The RPF's legitimating manifesto effectively counteracted that by contemptuously dismissing the moral premise of Hutu politics in its entirety. The RPF glorified the precolonial period of Tutsi rule as a time of historic interethnic unity, but defined all Hutu politics as some form of extremism in the making – leaving moderate Hutu politicians with few options. They could go into exile and bide their time. They could build a genuinely non-ethnic program as an alternative to that of the RPF and seek the electorate's endorsement. In fact, RPF elites challenged opposition politicians on many occasions to do just this. The problem was that the RPF had a head start on substantive policy-making and building local party structures. A nascent rival group (one that was non-ethnic and could compete with the RPF on its own terms) would likely face constant interference from the hegemonic party intent on staving off opposition entry. Besides which, a programmatic strategy could be years in the making, and a party competing on that basis might have to withstand rounds of electoral defeat, organizational retreat, and rebuilding before realizing a substantial electoral payday. It was easier to accept the status quo and seek the perks of

office through co-optation into the RPF system. Or they could try to test the waters by airing ethnic grievances and gauging the popular reaction to the promise of a moderately ethnic political agenda as an alternative to the RPF's "blind to ethnicity" program. But surrendering to this "ethnic temptation" (the promise of automatic electoral victory given the demographic majority of Hutu), however moderate the political intent, invited swift punishment from the RPF.

The chapter closes with a discussion of former President Bizimungu, whose attempt to try this last option ended with his arrest and conviction for "political crimes." Backed against a wall, this moderate politician of national repute made some radical claims that shocked observers. A presidential pardon helped to get him out of prison – reducing him, like thousands of ordinary Hutu, to dependence on the continuing goodwill of the state for his personal security. The case may be interpreted as a warning that the denial of space for moderate ethnic claims (while ruling elites' own political actions are perceived as partisan and inequitable) may push even tried and tested moderates toward more radical positions. It gives cause to explore the depth and substance of this moderate "middle ground" (between radical ethnic politics and the politics of ethnic blindness) that exists, but is vulnerable to shifts and seemingly sudden mutations under pressure – not because of an inherent flaw but perhaps because it has never been allowed to consolidate (see Chapter 3 for similar shifts among ordinary Hutu).

TRANSITION TO AUTHORITARIAN RULE

The RPF did not put together a manifesto in haste – its program was the product of intense deliberations within the party (and its predecessor organization in exile) well before the onset of the civil war (Waugh 2004). The party's stated goals were refugee repatriation and overthrow of the ethnist one-party dictatorship in Rwanda. Kagame had noted, "Deep in our hearts and minds we knew that we belonged in Rwanda, and if they didn't want to resolve the problem politically, armed struggle would be the alternative" (quoted in Gourevitch 1998: 214–216).⁹ Critics maintained that the RPF had initiated the civil war one month before phased repatriations were to begin; their real agenda was not to return as repatriated refugees, but as political actors with a real share of power

⁹ Habyarimana had argued that it would be difficult for overpopulated Rwanda to accommodate the return of the Tutsi refugees (interview with the President, GOR 1980: 224). Although he was negotiating with the RPF, he continued to emphasize to his domestic audience that the "glass would spillover" if the refugees returned.

(Reed 1996). Others argued that the domestic opposition to Habyarimana showed that the political establishment was divided, and the RPF decided to capitalize on this opportunity for victory (Otunnu 1999).

In July 1994, the rebels' military victory helped them seize the initiative. They were the most organized actor on the Rwandan scene and moved decisively to take charge. Hutu moderate forces, originally part of the internal opposition to Habyarimana's government, were in disarray. Many had been killed by their extremist co-ethnics; others were in hiding or had gone into exile. The RPF quickly put together a coalition-based transition government with itself at the helm. It appeared willing to confine its actions to the terms of preexisting agreements, namely the Arusha Accord of 1993 and the Rwandan Constitution of 1991 – but it was the RPF declaration of July 1994 that ultimately guided the transition process. In a series of moves (akin to a “creeping coup”), the RPF allocated vital positions to itself and expanded the powers of key posts, putting the party in a dominant position in both the executive and legislative branches of government (Reyntjens 1996). Opposition to the RPF became impossible without being accused of working against national unity. Many politicians found they had to clear their names even though they were not on trial. They discovered quickly that they had to be careful. A single accusation of involvement in genocide (true or false) could put their political careers on hold. The futures of top politicians became dependent on the calculated generosity of the RPF. If pardoned, they returned the favor with political quiescence or political service for the RPF. A case in point was the co-optation of General Rwarakabije, who had been a senior official in the gendarmerie under Habyarimana. After the fall of the government, he had served in a leadership capacity for the Hutu rebels of the Forces Démocratiques de Libération du Rwanda (FDLR), who fought against the RPF government from their bases in the Congo. Instead of being prosecuted, Rwarakabije was integrated into the RPF government when he surrendered in 2002. Since then, he has testified as witness for the prosecution against high ranking genocide suspects, and it is generally held that he supplied the government with essential information as it became more deeply involved militarily, politically, and economically in the eastern Congo.

Dealing with the Opposition

The party grabbed for itself a first mover advantage when it came to building a local apparatus. Individuals affiliated with the RPF won overwhelming victories in the first local-level elections held under the party's “tight political control” (LDGL 2001; ICG 2001: 10). It was not until some years later that

other parties were allowed to organize at the local level. A “forum of political parties” was introduced to coordinate the positions of the various parties and monitor compliance with the RPF program of “national unity.” If parties offered viewpoints contrary to the RPF line, they were offered a chance to retract¹⁰ – this was an amenable proposition compared to the threat of arrests or a blanket party ban. If there were parties that had the potential to form a viable opposition, the RPF issued threats and sanctions that created an environment of fear and insecurity and made it impossible for them to function.

In the run up to the end-of-transition national election in 2003, the party PDR Ubuyanja (Parti Démocratique de Renouveau), launched by the former Rwandan President Pasteur Bizimungu, was accused of stirring ethnic tensions. Bizimungu was arrested; his main colleagues were assassinated or “disappeared.” Another party, MDR (Mouvement Démocratique Républicain) was denounced in parliament for intending to “divide the Rwandans again.”¹¹ Uncertain of their future, some leaders went into exile. Arrests, assassinations, and disappearances led to party collapse.¹² Two other opposition parties were refused recognition. Observers were of the view that “despite initial plausibility . . . a detailed discussion of the evidence suggests that Rwanda’s bans mainly served the purpose of repressing political opposition” (Niesen 2010: 709). The political landscape was thus reduced to “competition” among parties that supported Kagame’s bid for the presidency. He won with 95 percent of the popular vote. It was advantageous for smaller parties to align themselves with the RPF and form a coalition because they could not otherwise hope to secure a few ministerial portfolios and perks of office. In the legislative elections of 2008, the RPF secured 98 percent of the vote, of which it

¹⁰ The case of the MDR party and its retraction of a controversial “memo” is highlighted later in this chapter. As such, retractions were part of a general pattern of compliance with the RPF line. For instance, the minister who wrote the introduction to the United Nations Development Programme’s (UNDP) *Human Development Report* (issued in 2007) had to distance himself from it after the Rwandan cabinet found it problematic. A prominent international actor as the UNDP had to recant the report, saying it contained misleading information and “blacklisted” the lead researchers (Ingelaere 2010a: 48).

¹¹ The MDR had a controversial history. Its predecessor party was PARMEHUTU of the First Hutu Republic, under whose purview the massacres against Tutsi had been organized in the 1960s. It was banned under the Second Republic, but reemerged under the MDR banner as part of the democratic opening of the early 1990s. It split down the middle in 1994 – the extremist “Hutu Power” faction participated in the genocide while moderate MDR leaders were targeted by their colleagues.

¹² Parliament had recommended that the MDR be banned – but the RPF chose to put a non-political spin on it by highlighting the technical formality (missing the registration deadline) that prevented the party from competing in the 2003 election. The drama continued when Faustin Twagiramungu, of the effectively defunct MDR, campaigned as an independent presidential candidate. He did not succeed in the face of relentless obstruction.

redistributed 20 percent to two parties that belonged to its own “cartel.” A similar story of arrests, assassinations, engineered opposition splits, and attempts to prevent party registration (such as the controversial FDU-Inkingi case)¹³ may be told of the second round of post-genocide national elections held in 2010. All three presidential nominees who “competed” against Kagame belonged to the RPF coalition. Once again Kagame emerged victorious, this time with 93 percent of the vote (Reyntjens 2011: 11).

The “Striking Power of the Law”¹⁴

The slogan *umuryango RPF* (the RPF family) captured the idea of one nation of which the RPF was benefactor and disciplinarian. Official speeches regularly contained threats and warnings that signaled the standard of appropriate behavior that would be tolerated (Thomson 2007: 4). President Kagame “gave notice” to potential opponents in a public speech: “if they [opponents] come with the objective of hindering our programmes, they will be injured. . . . Our clemency decreases. . . . To whoever prides himself on having harvested sorghum or maize,¹⁵ we will say that we have mills to crush them” (Reyntjens 2011: 9). It became politically profitable to suggest that “divisive” ideas were in general circulation within the Hutu population, and the effort to weed them out turned into a potent instrument of repression. The crime of “divisionism” defied clear legal definition,¹⁶ but the general intuition was

¹³ The party FDU-Inkingi (Forces Démocratiques Unifiées) was prevented from registering for the elections. On the one hand, there were allegations of past links between Victoire Ingabire, the leader of the party, and the Hutu rebel group FDLR based in the Congo. These charges deserved to be investigated. On the other hand, the RPF could hardly be the impartial referee on the matter. The investigations were predictably used to obstruct the party and eventually landed Ingabire in prison. Her main colleague was convicted in a *gacaca* court of involvement in multiple murders. He confessed – prostrating himself before the court and begging for forgiveness and a lighter sentence. He claimed he had hesitated to use the *gacaca* as a forum for truth-telling and reconciliation because his party and FDLR circles abroad did not treat the *gacaca* courts as anything other than a political tool for the RPF. In response, Ingabire declared that her party had clean hands and alleged that the RPF was only using the *gacaca* courts to silence the opposition (The New Times 2010a). It was difficult to ascertain the “facts” in the middle of this hyper-partisan maneuvering.

¹⁴ Kirchheimer 1961: 128.

¹⁵ Reyntjens does not tell us how to interpret this, but he indicates that the veiled message was understood perfectly well by the Rwandan audience. It is likely a reference to Hutu pride and the historical valorization of peasant labor and productivity (as opposed to Tutsi indolence and consumption) that was a staple part of the discourse of the Hutu Republics.

¹⁶ The definition in the *gacaca* law (GOR 2007c) was as follows: The “ideology of genocide consists in behavior, a way of speaking, written documents and any other actions meant to wipe out human beings on the basis of their ethnic group, origin, nationality, region, color of skin, physical traits, sex, language, religion or political opinions.” Also see Amnesty International

that ideas of “division” would “later result in genocide itself” (ASF 2004a: lesson 3). The Law against Sectarianism (2001) and the Genocide Ideology Law (2008) were used to sanction derogatory behavior against survivors, to suppress calls for accountability for RPF crimes, to penalize critiques of the *gacaca* courts, and to muzzle criticism of government activities (HRW 2004; Amnesty International 2010). As of 2008, 1,034 illegal trials¹⁷ on “genocide ideology” charges had been conducted in ordinary courts. The sanctions were substantial and could be applied to children as young as twelve years old, along with their parents or teachers.¹⁸

It was not always necessary to resort to blatant coercion – a public denunciation could be enough to compel the target to take corrective action or take flight. NGOs that were denounced usually complied, collapsed, or were co-opted into pro-government civil society umbrella organizations (Front Line 2005). In 2004, the first of a series of Parliamentary Commission Reports on the topic of “genocide ideology” publicly denounced a number of religious groups, schools, and local and international NGOs of “preaching the ideology of genocide and ethnic hatred.”¹⁹ The leaders of Rwanda’s biggest human rights NGO, *Ligue Rwandaise pour la Promotion et la Défense des Droits de l’Homme* (LIPRODHOR), went into exile; its board was staffed with RPF loyalists (Reyntjens 2011: 14).²⁰ International NGOs had to choose

(2010: 11–19) for definitions in the “genocide ideology” law of 2008 (the law was amended in 2013 to make the terminology more specific).

¹⁷ The trials were held before the “genocide ideology” law was made official in 2008. There were 102 acquittals.

¹⁸ Under the 2001 law, those found guilty of “sectarianism” or “divisionism” could be sentenced to five years in prison, fined up to 5 million francs, and stood to forfeit their civil rights. Under the 2008 law on “genocide ideology,” the sanctions ranged from high fines to 15–25 years in prison for leaders of public or private bodies (these organizations could also be banned). There were potential life sentences for those who were simultaneously accused of genocide crimes. Sentences for minors between the ages of 12–18 were about half the penalty that was envisaged for adults. Parents, guardians, and teachers were liable for 15–25 years in prison if it could be proven that they had “inoculated” these children with the ideology. Children under twelve years of age found guilty could be sentenced up to one year in a rehabilitation center (Amnesty International 2010: 14–17). The penalties were reduced to a maximum of nine years in the 2013 revision of the law.

¹⁹ A report from Human Rights Watch noted: “The parliamentary commission, established following the late 2003 killing of several survivors of the 1994 genocide, gathered information from local officials and others in about three-quarters of the country. It concluded that a ‘genocide ideology’ was widespread, found in six of . . . Rwanda’s 12 provinces, at the national university, in a number of secondary schools and in many churches” (2004).

²⁰ A Parliamentary Commission Report on “genocide ideology” asked why LIPRODHOR workers had taken the contentious (potentially ethnic) issue of land sharing to the people instead of directly approaching the state with its grievances (GOR 2003–2008 – specifically, see Report for 2004: 91–92). NGOs that sought to directly mobilize the population on platforms critical of

between “insider” and “outsider” strategies (Gready 2010: 651). Organizations like *Avocats Sans Frontières* (ASF) delicately maneuvered both roles, acting alongside the government in a service capacity while simultaneously adopting a critical stance. In contrast, international NGOs like Human Rights Watch (HRW) and Amnesty International (AI) were openly confrontational; their personnel were frequently threatened, expelled, or declared “*persona non grata*” (Chakravarty 2006). International criticism was typically dismissed as “lies” at worst or naiveté at best, unintentionally “benefiting génocidaires” (Amnesty International 2010: 27–29). Critics of the RPF were discredited as part of a “conspiracy” (Rwanda News Agency 2008; Reyntjens 2011: 3–4) or berated for failing to fully grasp the nature of the threat that the RPF was required to combat.

Debating the Extent of Discretionary Power

Reyntjens (2004: 184) pointed to the RPF’s “total physical and psychological control” but Clark (2010a) offered a different perspective. He argued that RPF policies (his specific example was drawn from the debates on *gacaca*) were a product of compromise among internal factions. These were not necessarily contrary positions.

The RPF did conduct a good deal of internal discussion. It also sought input from a range of governmental and civil society actors, donor agencies, international technical experts, and other political parties. As a government official put it, “No society (and no set of political elites) has more discussion.”²¹ Government reports were full of references to the “exchange of ideas,” “contribution of constructive ideas,” “debates,” “consultations,” and “recommendations.” The government even submitted proposals for review at the ground level – as it did with the draft Constitution of 2003 that the population eventually endorsed in a referendum. However, it was usually members of an inner RPF circle who felt secure enough to air substantive differences of opinion. In debates with “other” audiences – this might include government officials or party members lower in the hierarchy – the discussion could focus on detailed explanations of the rationale and substance of proposed policies, followed by clarification questions and brainstorming sessions about practical problems in the way of implementing specific policy provisions. A government

the government inevitably ran into trouble. For the most part, local NGOs adopted a policy of “collusion” with the government. Organized into umbrella structures that are thematically organized, their interaction can be summed up as “information sharing and instruction” with the NGOs acting mostly in a service delivery capacity (Gready 2010: 641).

²¹ Personal interview with mid-level official (RPF), Kigali 2005.

report on the discussions at the National Unity and Reconciliation Summit (GOR 2002c) shows this pattern. A speaker laid out the main arguments and claims – followed by a hectic flurry of questions that did not challenge the key points and assumptions of the lecture. There were usually suggestions for improvement or practical inputs, but it rarely happened that an actor openly questioned the fundamental goals and preferences emanating from the top. One NURC report included a provision that any ideas thought to be based on disunity would be denounced (GOR 1999–2000: 5). The legislative debates on the *gacaca* law²² also showed that there could be many suggestions and ideas thrown back and forth, but nothing to fundamentally oppose the direction set by the draft law. When it came to the popular debates on the Constitution, this too was a “highly supervised” process. There were no dissenting voices at the public meetings in which the draft Constitution was discussed (ICG 2002). The tendency for high levels of participation without fundamental contestation was apparent in elite circles as well as on the ground level. In an official survey, the majority of respondents noted that they regularly attended community meetings and voted, but as many as half of them said that they never undertook oppositional activities, such as participating in a boycott, signing a petition, or joining a legal protest (GOR 2010a: 44). In a rare instance of open and direct criticism, an MDR party memo outlined its opposition to the RPF’s official interpretation of Rwandan history. This official version had been drafted after a full year’s worth of weekly discussions in which representatives from all political parties and social sectors had been present. However, the MDR quickly came to recant its views after being denounced (more on this in the next section).

There was no domestic actor with the political clout to negotiate with the RPF or push back against it. RPF elites accepted those inputs they thought might be useful – and ignored everything else. No proposal was sanctioned without careful consideration of how it served RPF interests in the short and long run, and they managed to get their proposals passed without obstruction in the RPF-dominated legislature. The result, in effect, was almost unfettered control over the policy-making process. It allowed the RPF government to enact ambitious policies (such as consolidated farm land use, and villagization projects) and to pursue a “radical vision of transformation” in the social and economic spheres (Ansoms 2009: 291).

Ultimately, all differences had to be submerged within a “consensus” framework whose contours were determined by the RPF. Political parties and NGOs operated under the clear signal that “you are either with us or

²² See Chapter 4 for more details.

against us” (Gready 2010). They were merely “tolerated,” with few options other than to act as junior “partners” to the RPF government (USAID 2002a). Rounds of defection suggested that the “consensus” model was mostly an imposition. By 2000, prominent Hutu moderates in the government, then some Tutsi survivors, and finally a number of RPF “old hands” had resigned from their positions or left the country (Reyntjens 2004). Of those that remained, some chose to declare allegiance as a self-protection measure; others engaged in auto-censorship knowing that it was “safer to stay silent” (Amnesty International 2010: 8, 15).

A TRANSITION TO TUTSI RULE?

It has been said that a “masterful and complex game” balancing tens of ethnic groups might be possible in a place like Uganda but “the binary logic of Rwandese politics allowed no such refinements, and non-ethnic politics ... belonged in the domain of pious wishes” (Prunier 1995: 331). Everything RPF elites did – from the deliberate nature of their speech to their actions, and even their inaction – fueled the view that this was a new period of elite Tutsi rule. Three issues stood out in particular: the composition of top level elites, the failure to take equal action regarding their own crimes against Hutu, and the attempt to delegitimize every variety of Hutu politics.

The official ban on ethnic head counts made it difficult to generate exact figures but a rough count in 2000 of the top 169 government positions suggested that about 70 percent of those were occupied by Tutsi. In district administration (separate from grassroots officialdom at the sector and cell levels which were mostly locally elected Hutu), almost 80 percent of the mayors were Tutsi (Reyntjens 2004: 187–188). Regarding recruitment and promotion matters, there were whispered complaints of preference given to Tutsi over Hutu, and to anglophone Tutsi (mostly returnees from Uganda) over francophone Tutsi (mostly survivors and returnees from Burundi and the Congo) (U.S. Department of State 2001). A report of the Organization of African Unity (OAU) observed that “real power in the government has ... been monopolized by a small group of Tutsi, even though Hutu have formally been well represented” (OAU 2000: para 23.5). A vast security apparatus shadowed elected officials. Permanent secretaries (overwhelmingly RPF Tutsi) were thought to monitor Hutu and Tutsi ministers who belonged to the RPF as well as other parties (Reyntjens 2011: 16). Salaried administrators at the local level – the executive secretaries – were appointed from the top. At different cross-regional field sites, one researcher found that these administrators were mostly Tutsi who were not from those areas and surveilled elected officials at the grassroots.

The latter were mostly local Hutu whose positions were unsalaried (Ingelaere 2010b: 288).

That the RPF did not submit its own crimes against Hutu for equal scrutiny may be understood as an act of self-preservation rather than evidence of inherent ethnic prejudice. The RPF insisted that war crimes committed in 1994 could not be equated with genocide. This was a necessary response to anyone who indulged the theory of a double genocide (“a well known piece of historical sophistry,” Prunier 1995: 339) for the events of 1994.²³ The problem was that Hutu whose family members had died at the hands of the RPF could not expect the equal right to justice as Tutsi survivors.²⁴ In removing these cases from the jurisdiction of the *gacaca* courts, the RPF removed this immediately accessible forum from popular reach. To “advise” ordinary Hutu to take their cases to the formal courts or military tribunals was asking them to challenge the new rulers, to find the resources to access legal counsel (who might be wary of taking on such cases), and to deal with formal procedures they might not fully understand. It signaled to the population that the horrific violations against Hutu were not to be examined with equal zeal. In contrast, the state had treated as inevitable the rough treatment of Hutu in the *gacaca* courts, the death toll in the congested prisons, and the massive erosion of their rights during years of pre-trial detention.

The focal point of RPF elites’ anxiety was what they called “ethnism,” or more specifically, “Hutu-ism” – a set of dangerous ideas that lurked at societal level. These ideas were said to be pervasive and elusive at the same time, and it was only the utmost vigilance that could identify this danger before it reemerged as a full-fledged threat to national unity. The RPF drew a long line

²³ Based on estimates of Hutu civilian casualties at the hands of the RPF (from the days of the civil war to the RPF’s expeditions in the Congo) – the argument has been made in some quarters that much larger numbers of Hutu died as compared to the numbers of Tutsi who perished in 1994, and therefore the RPF must have perpetrated genocide as well. In the scholarship and legal precedent on genocide, there is no absolute or relative threshold of deaths that is a definitive criterion to make such a determination. Per legal precedent and scholarly interpretation of the UN Genocide Convention of 1948, the population that is killed must be a “substantial part” of the larger “national, ethnic, racial, or religious” group targeted for elimination (Straus 2001). This assessment does not depend on the absolute numbers of people killed. In the case of *Prosecutor vs. Krstić* at the International Criminal Tribunal for the former Yugoslavia (ICTY), the massacre of approximately 8,000 Muslim males of combat age in one small town in Bosnia was deemed to have met the legal definition of “genocide” (on the criteria used at the ICTY, see Drumbl 2004). What is crucial is to demonstrate the perpetrator’s “intent to eliminate” the targeted group. See *supra* n. 4 for the UN Mapping Report, which held ambiguously that there may be some evidence of the “intent to eliminate” with reference to the RPF’s atrocities in the Congo.

²⁴ See Introduction, fn. 17 for a look at the manner in which the issue was removed from the table.

of continuity between the events of 1959 and the genocide in 1994 – suggesting that Hutu politics had been from the very start a form of genocidal politics. A report issued from the President’s Office (the National Unity Report) stated that genocide began in 1959. It went unpunished at that time, and “continued in 1963, 1964, 1973, 1990, 1991, 1992, 1993 and came to an end in 1994” (GOR 1999: 58, 82).

RPF elites attacked the wellspring of all Hutu politics – the Hutu Manifesto of 1957 and the social revolution of 1959 – and explained:

Genocide ideology begins with divisionism. The word *amacakubiri* describes it better than any word in the English language. This is a situation in which a well-integrated whole splits into two, and one part turns against the other. . . . [I]t means a refusal to be with (the other) . . . even trying to eliminate it.²⁵

In this view of things, for individuals to use their “Hutu” identity for claims-making of any sort could be a sign of the “refusal to be with,” a piece of evidence of the otherwise unobservable “genocide ideology.” The RPF asked its domestic and international audiences to “re-imagine Rwanda” as a country that had not always been plagued by ethnic conflict (Pottier 2002). Instead of a far-reaching critical examination of precolonial Tutsi rule, that distant period was framed as a time when Hutu and Tutsi had been united in harmonious and mutually beneficial relationships.²⁶ Colonial rulers and Hutu elites of the independence era were blamed for the ills that subsequently came to plague Rwanda.

RPF elites wanted ordinary citizens to understand where the problems had arisen, and how they might be avoided in the future. People needed to believe that if Rwandans had enjoyed unity in the past, they could build it again in the future (GOR 1999: 11–14). In asking people to accept the RPF diagnostic of the historical sources of Rwanda’s problems, it was also implicitly asking for their trust in its ability to restore Rwanda to that place of unity that it claimed Rwandans had enjoyed in the precolonial past. It became necessary to align oneself with this reinterpretation of Rwandan history for those who wished to demonstrate their anti-genocide and national unity credentials. While international audiences – eager to assuage their guilt and contribute to

²⁵ Personal interview with Tito Rutaremara, then-Ombudsman and senior statesman of the RPF, Kigali 2005.

²⁶ In candid moments, RPF elites admitted that theirs was a partial myth as well, in its silence on certain points and emphasis on others. They took great care to emphasize that a national mythology that spoke of unity was preferable to a national mythology that encouraged division. The problem was the dissonance of this message with the historical memory of the domestic audience that “recalled” the inequalities underlying the “unity” of that time.

reconstruction – have largely accepted this legitimating narrative, the RPF’s domestic audience has been more skeptical. This was because the RPF, in retelling the story of Rwanda’s distant and more recent past, distributed praise and blame in a way that valorized precolonial Tutsi rule, extricated Tutsi elites from responsibility for oppression and collaboration with the colonial powers, and presented crimes against Tutsi as the only set of violations deserving of far-reaching accountability.

Assigning Blame and Justifying Rule

It is worth going into the substance of this legitimating narrative in some detail at this point. (The next chapter picks up these threads to demonstrate how much of it ordinary Hutu really believed.)

The National Unity report acknowledged that precolonial Rwanda had been a time of elite Tutsi rule. It stated: “among the ruling class, most were Tutsi. The King came from one particular Tutsi family” (GOR 1999: 11). There was nonetheless a strong sense of national unity, which was defined as a “relationship . . . all having the same right,” in which there was “mutual understanding” and “no violence between Hutu and Tutsi” engaged in relationships of mutual benefit (16). Occupational difference and wealth was said to be the basis of Hutu-Tutsi identities. Any conflicts there may have been were less important than the shared ties between them, such as overarching clan identities and their common language (22–41). This narrative was systematically disseminated in NURC reports, radio programs, and books written by RPF-affiliated scholars (Sebasoni 2000; Shyaka 2004). It was argued that Hutu, Tutsi, and Twa had been “Rwandans on an equal footing” during precolonial Tutsi rule (GOR 2001a: 3), and that Rwandans had viewed themselves “as one people dependent on the same administrative entity which also treat[ed] them alike. . . . Ever since the arrival of the white people, the pillars on which the unity of the Rwandans used to be built have been destroyed little by little” (GOR 1999–2000: 10).

This version overlooked the association of the identity “Hutu” with servility and disadvantage well before the colonial powers arrived. It also overlooked the clientship arrangements that were in place by the late precolonial era. It was correct that clientship arrangements had been mutually beneficial – but clientelistic relationships were also fundamentally unequal in that all did not have the same privileges and burdens, and these relationships had become less reciprocal and increasingly coercive over time. It was also doubtful if the population had been attached at that time to the notion of “Rwandanicity”: an undivided Rwandan nation under the king (The New Times 2005a). It was

only with colonial rule, after all, that peripheral areas such as the northern regions had been definitively integrated into the realm of the central Court.

The National Unity report continued: the “origin” of oppression “was the colonizer. . . . [T]his was not understood by those undergoing forced labor and harsh punishments.” Clientelistic ties were a relationship that had originally “created harmony” and acted like a “school for culture” (GOR 1999: 26–27), but they had been distorted by the colonial powers that had used Tutsi chiefs as their intermediaries for extraction. The systematic nature of chiefly abuses was not examined in the report but it stated clearly: “at the end of the day, those performing hard labor were Hutu and non-powerful Tutsi, while those supervising this system and beating them were Tutsi.” The report acknowledged that the latter “profited, overlooking the suffering of the majority of Rwandans” – only to then absolve the Tutsi chiefs of responsibility for the same. After all, the Tutsi chiefs had to do their job if they were not to be “beaten by white people or dismissed” (25, 28).

The report went on to note that the king had abolished the system, implicitly suggesting that Tutsi elites had been responsive to popular grievances. This overlooked the pressure that had been brought to bear upon the king by the Belgian administration that was itself under UN scrutiny at that time. Tutsi rule was presented as a reluctant intermediary, even a victim of colonial power.²⁷ Framed in this manner, Tutsi elites were anything but willing collaborators whose distinct interests had converged with those of the Europeans.

There were contemptuous words for Hutu elites of the 1950s. The report noted: “instead of realizing that colonizers had no love of Hutu . . . leaders of PARMEHUTU took up the colonizer’s words” (referring to their appropriation of the colonial ideology of racial difference). They were “encouraged by white fathers” and upon finding an “opportunity to get even” with Tutsi rulers, deliberately resorted to “history distortion.” The violence they directed against Tutsi in 1959 “destroyed the unity of Rwandans” (GOR 1999: 28–29). The founding fathers of the Hutu Republics were portrayed as opportunists. They were also portrayed as extremist in designating “The Tutsi” as the enemy. The popular grievances and legitimate aspects of the 1959 social revolution were dismissed. Hutu elites of the 1950s were effectively stripped of moral authority and held responsible for the genocide that occurred three decades later.

²⁷ Des Forges (2011) provides a compelling account of the shifting balance of forces as the Court flailed trying to keep up with colonial maneuvers, and the latter eventually gained enough power to replace one king with another. Despite the sense of losing control of its own affairs, the circulation of elites within the ruling class did not diminish the argument about the systemic operation of Tutsi rule and colonial domination in tandem (see Chapter 1).

The Pervasive Threat of Hutu-ism

In theory, RPF elites acknowledged that ordinary Hutu had been manipulated and ordered by their leaders to kill. This acknowledgement found a place in the *gacaca* law's categorization of crimes with a sliding scale of penalties. But they also argued that genocide had been a crime "committed by masterminds and slave bodies" in which "neither party could be regarded as innocent" (quoted in Gourevitch 1998: 249). A "culture of impunity" had prevailed because people witnessed the lack of accountability for repeated crimes against Tutsi, and "divisionist" attitudes were thought to be widespread in society. President Kagame noted the challenge of governing "people whose minds you first needed to change" (The New Times 2012).

Since all Hutu (not just perpetrators) had been exposed to the "ontological rupture" (Shyaka 2004: 14) of the radical indoctrination of the Hutu Republics, it seemed as if the RPF was making a blanket argument about the proclivities of the general Hutu population. Sometimes the attribution of willing support to the ideological premise of the genocidal regime has been more explicit. It was suggested that the Hutu Republics "which paved the way for the Genocide, could not have done it by themselves without the overwhelming electoral support of the governed" (The New Times 2006b). A NURC report stated, "After the 1994 genocide, its ideology and other divisive ideas are still being kindled by some Rwandans" (GOR 2007a: section 1.2 "Nature of the problem"). Despite the reference to "some Rwandans," the Parliamentary Commission Reports found "evidence" of genocide ideology in all kinds of social organizations from the family to specific churches and schools. All of this produced a strong impression that wide swathes of the Hutu population were suspected of harboring dangerous ideas. They had to be monitored and checked, not entrusted with democratic privileges.²⁸

Hutu elites deemed "reliable" and "hardworking" were absorbed into the party and assigned important positions from provincial governorships to ministerial berths. But top RPF elites did not accept the notion that one could be attached to Hutu politics and still claim to be a "moderate." The ideological roots of genocide had been traced to the founding event of Hutu politics – the revolution of 1959 and its legitimating principles. From start to inglorious

²⁸ In the wake of the *gacaca* courts and the information on the rescue efforts of ordinary Hutu that was unearthed, rescuers have begun to receive official mention alongside the more routine references to Hutu perpetrators or (tacitly consenting) bystanders. Still, in 2007, there were only three stories of Hutu rescuers profiled in the national genocide memorial (Conway 2011: 218). NGOs and scholars took the lead in publishing stories of rescue activities (see Jefremovas 1995; African Rights 2002).

end, Hutu politics was radical politics in the RPF view. This set the scene for an inevitable clash of fundamental values. Well known Hutu politicians who thought of themselves as “moderate” continued to embrace the principle of the 1959 revolution – even as they condemned the genocide in no uncertain terms.²⁹ For Hutu politicians who belonged to other parties and dared to voice these differences (that would effectively open up a legitimating space from within which to mount a moderate brand of ethnic politics), a head-on collision with the RPF was inevitable.

At the reflection meetings on “national unity” organized at the president’s home in 1998, representatives of the MDR party submitted a contrarian document. The memo acknowledged that mistakes had been made by its predecessor party PARMEHUTU (of the First Republic), and disavowed the politics of institutionalized discrimination. The problem, so far as the RPF was concerned, was that the memo defended the idea that the events of 1959 had been a popular revolution representing the genuine grievances of the majority ethnic group. The memo disagreed with the RPF’s attempt to condone Tutsi rule of the past and blamed precolonial Tutsi elites for undermining intergroup relations. The document accused the RPF of having tried to force a military solution by initiating the civil war in 1990, and accused the RPF of generalizing genocide guilt. It was disturbing that the document failed to distinguish adequately between Tutsi elites and ordinary Tutsi, and resurrected the monolithic categories of “The Hutu” versus “The Tutsi” – as if it were a zero-sum conflict between every Hutu and Tutsi individual. This was far from the truth of lived experience at the ground level. Instead of taking the opportunity to engage in political debate, the RPF denounced the MDR as “still sticking to PARMEHUTU’s basic principles ... and that it does not understand how Hutus can share power with Tutsi” (GOR 1999: 30). Within days, the MDR had presented a new document retracting its earlier arguments.

For the RPF to give at least parts of this document serious consideration would have required it to reconsider its defensive appraisal of Tutsi rule in the distant past, acknowledge the genuine aspirations for social justice in the 1950s, and recognize a moderate basis for Hutu politics. Instead, the prevailing opinion appeared to be that “The Hutu elites as a whole entirely subscribe to the fundamental thesis of the ethnist ideology, namely that power belongs to the Hutu because they are a majority” (Rutazibwa 1996: 19–20).

²⁹ A notable example is Faustin Twagiramungu, who was targeted during the genocide for his opposition to the killings. He participated in the first post-genocide government as prime minister (MDR party) before going into exile in August 1995. His website defended the values of the 1959 revolution – and simultaneously condemned the politics of racism and extremist violence.

RPF elites' refusal to accept the electoral implications of the demographic structure meant that it had to treat moderate Hutu politics in an undifferentiated way from Hutu extremist agendas. If the Hutu masses did not take up the RPF's "blind to ethnicity" program (the RPF had readied itself to combat this with penalties for "divisionism" even though the masses might be quite moderate, as the next chapter will show), then the RPF would insure itself by denying them an opposition to rally around. Hutu elites were not allowed a moderate "middle ground" program of ethnic politics that included minority protections and precluded institutionalized discrimination.

AN INTERIM CONCLUSION

The Case of Pasteur Bizimungu

A definitive conclusion on the fortunes and impact of the RPF is premature – but it is worth reflecting on the case of the former President Pasteur Bizimungu as a way of bringing to a close the themes discussed in this chapter. Bizimungu had given up a coveted job in the public sector to join the RPF in exile, convinced that they needed to put up a multiethnic fight against Habyarimana's dictatorship. He became a symbol of the RPF's commitment to inclusive politics even though almost all party leaders with decision-making powers were Tutsi.³⁰ After the RPF victory, Bizimungu was appointed President of the Republic (RPF, Hutu) with Kagame as his Vice President (RPF, Tutsi) and Faustin Twagiramungu (MDR, Hutu) as Prime Minister. Their working relationship collapsed with the resignation of the prime minister in 1995 and then the president in 2000. Both Hutu moderates of national repute, their vocal criticism of the RPF put their personal safety and political futures in jeopardy. The challenges confronted by Twagiramungu and his party MDR have been detailed earlier in this chapter.³¹ Bizimungu was placed under house arrest in 2001 and then jailed subsequently. His "political crime" was starting a new party – PDR Ubuyanja – with the alleged intention of inciting ethnic tensions

³⁰ Two other prominent figures – Alexis Kanyarengwe and Seth Sendashonga – had left Rwanda many years prior to the RPF invasion in 1990. The former had defected from Habyarimana's government; the latter had been forced into exile as a leader of the youth opposition to the Habyarimana regime. Both were invited to join the RPF that had begun to prepare for war. Kanyarengwe became party president; Sendashonga facilitated RPF negotiations with opposition groups within Rwanda. But it did not appear that they enjoyed substantive powers and fell out with the party soon after the RPF's military victory in July 1994. Kanyarengwe chose to nurse his grievances in private; Sendashonga was assassinated in exile. His public allegations about RPF crimes had made him an inevitable target (Smith 2011).

³¹ See *supra* n. 10–12, 29.

and encouraging civil disobedience. In a highly publicized speech, Kagame warned Bizimungu and other dissidents that no one – not even the international community – could secure their protection if the authorities were to lose patience with them (HRW 2008: 54). A litany of charges was thrown at him, from the embezzlement of public funds to treason for remarks he had made during an interview. His trial condemned him to fifteen years in prison.³²

It was a formidable spectacle as Bizimungu submitted himself before his erstwhile colleagues. The local media quoted from what appeared to be the text of his letter: “I beg for your mercy to lift the rest of the sentence and have me released,” even as his lawyer insisted that Bizimungu’s request to Kagame (now president) should be treated as a technical matter of civil procedure rather than a confession or plea for clemency (Reuters 2006; Agence France Presse 2006). Kagame conveyed the impression that he was in no hurry to come to a decision but before long granted Bizimungu a presidential pardon that was conditional on good behavior as a “law abiding citizen.” Bizimungu, reported to be pleased and grateful, has since remained politically inactive (Agence France Presse 2006).

The top brass demonstrated its intolerance for Hutu moderates – even someone like Bizimungu whose commitment to a united struggle against dictatorship and extremist violence had been tried and tested. It spoke volumes of the threat perceived by the RPF of Hutu moderates who struck out independently of the party. The Bizimungu case also signaled clearly the RPF’s unfettered discretion over top Hutu politicians to permit or obstruct, punish or pardon them as it pleased.

Finally, the case should be taken as a warning of the potentially radicalizing impact of such unfettered domination. Bizimungu spoke menacingly as he addressed the world during house arrest in 2001:

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% Tutsi, while the population is 85% Hutu! ... The government has cheated with the local elections [of March 2001].... The majority [of those ‘elected’] are Tutsi. (Interview with Jeune Afrique, quoted in Reyntjens 2004: 193)

In a situation of high threat and uncertainty, this self-professed and proven “moderate” slipped into more radical terrain, “driven mad” as one journalist

³² A co-founder of the party, Charles Ntakirutinka (former Minister of Public Works) was sentenced to ten years in jail. He was released in 2012 after serving out his sentence, but made it a point to announce that he would remain critical of the government.

put it.³³ As the next chapter will show, this is a pattern that is also repeated among ordinary Hutu and suggests a general phenomenon at work. The more pressure and resentment created by the RPF's sanctions, threats, and arm-twisting, the more the tendency for otherwise moderate positions to morph into radical forms.³⁴

³³ The journalist Stephen Smith reported on his meeting with Bizimungu when he was under house arrest: *'You know, they were right,' he [Bizimungu] says. . . . 'The explorers, the missionaries, the colonisers, about the Tutsis being liars. They are liars.' I am thrown clean off balance. Bizimungu climbs a stepladder to reach down a book from a high shelf. In no time, he finds the passage he's looking for, about the 'Tutsi culture of duplicity', which he reads out, stressing key words. I make my excuses and leave. Bizimungu has been driven mad* (Smith 2011).

³⁴ This is not to say that there is no hate speech in Rwanda. Policy makers have to find a way to combat this threat without jeopardizing the right to free speech itself (Amnesty International 2010). Every ethnic claim or ethnic grievance (the demand for justice for RPF crimes for instance) is not hate speech – denying them appears only to create the potential for radicalization.

