

# Gacaca: Truth, Justice, and Reconciliation in Postconflict Rwanda?

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**Abstract:** In institutionalizing gacaca, the Rwandan government has launched one of the most ambitious transitional justice projects the world has ever seen. But gacaca is controversial, and its contribution to postconflict reconciliation is unclear. Through public opinion surveys, trial observations, and interviews, this study provides a window into how gacaca has shaped interethnic relations in one Rwandan community. Although gacaca has brought more people to trial than the ICTR, transnational trials, and the ordinary Rwandan courts combined, gacaca exposes—and perhaps deepens—conflict, resentment, and ethnic disunity. Lies, half-truths, and silence have limited gacaca’s contribution to truth, justice, and reconciliation.

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## Introduction

In institutionalizing *gacaca*, the Rwandan government has launched one of the most ambitious transitional justice projects the world has ever seen. Based on a traditional form of dispute resolution, gacaca is a local, participatory legal mechanism that seeks to blend punitive and restorative justice. In more than nine thousand communities throughout Rwanda, panels of elected lay judges known as *Inyangamugayo* (“those who detest dishonesty” in Kinyarwanda) preside over genocide trials in the same cities, towns, and villages where the crimes were committed. Inaugurated countrywide in 2005 and designed to ease the massive backlog of genocide suspects crowding Rwanda’s prisons, the trials take place one day each week in local stadiums, emptied markets, forest clearings, schoolyards, and other areas that can accommodate what is intended to be a community event. The aim of these tribunals is at once daunting and inspiring: punish *génocidaires*, release the

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innocent, provide reparations, establish the truth, promote reconciliation between the Hutu and the Tutsi, and heal a nation torn apart by genocide and civil war in 1994. *Gacaca*, in one scholar's words, sets out to achieve "mass justice for mass atrocity," but even that may be an understatement (Waldorf 2006a:1).

*Gacaca*'s ambition is matched only by the challenges it faces. Scholars, including Erin Daly and Lars Waldorf, and international NGOs, including Penal Reform International (PRI) and *Avocats Sans Frontières* (ASF), have documented a range of problems that frustrate *gacaca* (Daly 2000). Lack of defense counsel and other protections for the accused raise doubts about *gacaca*'s compliance with international norms (PRI 2006). Judges are inadequately trained to handle serious legal questions and control often unwieldy proceedings (African Rights 2003). Fear of reprisals blocks the free flow of testimony (ASF 2007). Massacres of ethnic Hutu civilians committed by members of the rebel (mostly Tutsi) Rwandan Patriotic Army (RPA), which stopped the genocide against their co-ethnics and which now dominates the Rwandan government, are off-limits for *gacaca*; as a result, members of the ethnic Hutu majority may perceive *gacaca* as an exercise in victor's justice (Amnesty International 2002). The inclusion of property crimes means that *gacaca* courts will hear as many as one million cases, raising the concern that *gacaca* will impose collective guilt on the Hutu majority (Waldorf 2006b). Finally, and perhaps most worrisome for a system of participatory justice, the population often is unmotivated to attend trials and give testimony (PRI 2005). These critiques, based on extensive observations and interviews, paint a grim picture of *gacaca* and its contribution to truth, justice, and reconciliation in postconflict Rwanda.<sup>1</sup>

Yet the international press and some scholars, among them Helena Cobban (2002) and Mark Drumbl (2000), see *gacaca* as a healthy alternative to punitive, procedural, Western-style justice. Cobban lauds the Rwandan government for realizing that its "previous stress on prosecutions was no longer desirable" and for its "willingness to try to incorporate elements of a very different, 'restorative' approach to issues of justice and wrongdoing into its policy" (2002:8). Highlighting *gacaca*'s restorative potential, Drumbl argues that *gacaca* can promote "reintegrative shaming" among genocide perpetrators, something Western-style justice cannot do (2000:1263).<sup>2</sup> However, these assessments are based more on the assumption that *gacaca* is a local, traditional, restorative judicial mechanism—a notion in vogue among many scholars of transitional justice—than on the way *gacaca* operates or how Rwandans have received it.

In fact, not nearly enough is known about how Rwandans view *gacaca*. Empirical evidence about Rwandan attitudes toward *gacaca* and postconflict reconciliation is scant, out-of-date, and suspiciously positive given the range of problems documented by observers. For example, a public opinion survey conducted in early 2002, after the election of *gacaca* judges but before the courts had begun to function, found that 83 percent of Rwandans

had confidence in gacaca (Longman et al. 2004). In an earlier survey, 53 percent of respondents said they were “highly confident” that gacaca would promote a lasting peace (Ballabola 2001). A third survey, conducted in 2003 by Rwanda’s National Unity and Reconciliation Commission (NURC), revealed some skeptical attitudes toward gacaca but still was generally positive (NURC 2003). These results seemingly contradict most qualitative evidence and raises several questions: if Rwandans support gacaca in high numbers, why do officials resort to threats and fines to achieve a quorum at gacaca sessions? Why do interviews with Rwandans reveal deep concern about gacaca’s ability to promote truth, justice, and reconciliation?

## Research Methods and Design

To give Rwandans their rightful place in the debate about gacaca’s virtues and vices, I carried out a ten-month, multimethod study of Sovu, a community in Rwanda’s South Province.<sup>3</sup> The evidence collected during this study sheds light on several difficult questions about gacaca specifically and post-conflict justice more generally: (1) Has gacaca contributed to truth, justice, and reconciliation in postconflict Rwanda? (2) Is gacaca a model for other societies reeling from mass atrocity? and (3) If not gacaca, then what?

To answer these questions, I attended gacaca every week for ten months (from September 2006 through June 2007), administered two public opinion surveys, and conducted dozens of additional semistructured interviews.<sup>4</sup> I also researched the local dynamics of the genocide in trial transcripts and secondary sources.

Most studies about gacaca are inaccurate or inadequate for several reasons. First, even the best empirical data is out of date. Previous public opinion surveys were conducted when gacaca was still in its pilot phase, before most Rwandans could make an informed judgment about the trials. Also, because these surveys provide a snapshot of Rwandan attitudes, they cannot reveal how attitudes have changed over time. They also fail to provide a frame of reference for evaluating the reliability of the results; as many researchers have observed, Rwandans tend to guard their true opinions and to adjust their responses according to what they think the interviewer wants to hear.<sup>5</sup>

In addition, because the Rwandan government forbids the discussion of ethnicity, it is difficult to probe attitudes toward interethnic reconciliation. The increasingly authoritarian Rwandan government has also enforced a law criminalizing any “speech, written statement or action that causes conflict that causes an uprising that may degenerate into strife among people.” Political opponents of the current regime, as well as journalists critical of government policies, have been accused of “divisionism” or “genocide ideology” and have been removed from government posts or imprisoned. Some fled the country or disappeared (Human Rights Watch 2003; Front Line Rwanda 2005; International Crisis Group 2002). Thus, although quan-

titative data should not be dismissed out of hand, “attitudinal surveys,” as Waldorf has suggested, “may have measured respondents’ ability to parrot widespread government propaganda, rather than actual support for gacaca” (2006a:64).

This study aims to correct these problems. At the time of the surveys, gacaca had entered the trial phase, so Rwandans were familiar with the process; the existence of a six-month interval between the surveys allowed for an assessment of attitudinal changes as gacaca progressed and as other events in the country shaped public opinion. By focusing on one community, my research team developed relationships that, we hope, elicited candid responses from interviewees. In addition, weekly gacaca observations as well as focus group and key informant interviews help tell the story behind the numbers.

To be sure, this study has limitations. Because it focuses on one community, the data and observations may not reflect national trends. In addition, a six-month interval may not be long enough to document a significant shift in attitudes. Ideally, a baseline survey should have been conducted before the launch of gacaca, followed by a series of later surveys conducted until gacaca’s completion. Furthermore, public opinion, although an important measure, cannot be the sole indicator of gacaca’s success or failure. These shortcomings notwithstanding, by presenting both qualitative and quantitative evidence, this study offers an analysis of how genocide trials have shaped the process of interethnic reconciliation in one Rwandan community.

The two public opinion surveys were conducted in November–December 2006 and in May 2007. The data are representative of Sovu’s adult (18-plus) unincarcerated population—the subset of Sovu’s population that is eligible to attend gacaca.<sup>6</sup> The surveys included both open and closed questions to provide context for the numbers. To collect a random sample, my team and I interviewed residents of all geographic areas of the community. This was important because many genocide survivors and returnees in Sovu live in a government-built cluster of houses known as an *umudugudu*; in other areas, there are no survivors at all.<sup>7</sup> Very few refused to participate or asked to stop the interview.<sup>8</sup>

To complement the survey data, a series of semistructured interviews were conducted in one-on-one and group settings. Those interviewed included groups of survivors, people with family members in prison, prisoners themselves, local officials, gacaca judges, and finally the two individuals—Adjutant Chef Emmanuel Rekeraho and Corporal Jean-Baptiste Kamanayo—widely seen as the principal orchestrators of the genocide in Sovu.<sup>9</sup>

Timothy Longman argues that “the ultimate success or failure [of gacaca] lies primarily in the will of the public to make the process work, whatever structural and political constraints it confronts” (2006:207). In Sovu, as this study reveals, that will is insufficient in no small part *because of* structural

and political constraints. Although some survey data from this study show strong popular support for gacaca and the project of reconciliation, and although there appear to be some positive social trends in the community, other data, interviews, and trial observations reveal a more troubling reality. Gacaca is fueling—or at least exposing—conflict, resentment, and ethnic disunity. Meanwhile, the truth of what happened during the 1994 genocide is highly contested.

### **Ethnicity, Politics, and Violence in Rwanda**

Since colonialism and even before, ethnicity, class, and politics have been wound tightly together in Rwanda. While the colonialists privileged the Tutsi minority, the situation changed in 1959 when the Belgians threw their support behind the so-called Social Revolution, which flipped Rwanda's political, economic, and social order. During this period, Hutus killed an estimated twenty thousand Tutsi civilians with impunity, sending a wave of Tutsis into exile (Prunier 1997). There was an uneasy exodus. For decades, Rwanda refused to take them back, and their host countries kept them with reluctance. After three decades of rule under two Hutu presidents, in 1990 the Rwandan Patriotic Army (RPA), composed mainly of Anglophone Tutsi exiles, invaded Rwanda from Uganda (Prunier 1998).

After three years of civil war, the Rwandan president, Juvenal Habyarimana, signed a peace accord with the RPA. The deal would not hold. On April 6, 1994, a missile struck Habyarimana's plane, killing everyone on board. That night killing began in Kigali and the RPA remobilized. Extremists seeking to unite the country's politically divided Hutu population under the banner of Hutu Power seized control of the government and the military and Hutu Power unleashed an extermination campaign. At least five hundred thousand ethnic Tutsis—or three-quarters of all Rwandan Tutsis—perished at the hands of civilians, the military, and political youth wings cum killing squads called the *interahamwe* (“those who work together”) (Straus 2007). Political opponents of Hutu Power, including between twenty-five thousand and sixty thousand ethnic Hutu, also lost their lives (Des Forges 1999). In addition, RPA soldiers massacred Hutu civilians, some of them génocidaires on the run. Tens of thousands of Hutus—and perhaps significantly more—died at the hands of the RPA (Des Forges 1999:16,728).

One hundred days after Habyarimana's death, the RPA had won the civil war. As the defeated genocidal government fled to the former Zaire and Tanzania with roughly two million Hutu civilians in tow, about five hundred thousand exiled Rwandan Tutsis streamed back into the country. In the following years, thousands of Hutus died during the course of RPA military operations to dismantle refugee camps in Rwanda and Zaire, though most Hutu were repatriated (Prunier 1997:362; Human Rights Watch 1997; Human Rights Watch 1998). Today the country's vastly improved security

situation has not occasioned a liberalization of political power. The RPF, dominated by Anglophone Tutsi returnees, retains a tight grip on power, from the top echelons of the national government down to the local level.<sup>10</sup>

### Postconflict Justice and the Reincarnation of Gacaca

One has to travel only a short distance along the bends and breaks of Rwanda's roads before passing a billboard promoting gacaca. In the center, the Inyangamugayo—wrapped in yellow, green, and blue-striped sashes that echo the colors of the Rwandan flag—preside over a gacaca session as townspeople raise their hands, eager to give testimony. At the bottom in bold white letters are the Kinyarwanda words “Ukuri, Ubutabera, Ubwiyunge” (Truth, Justice, Reconciliation). Pursuing these three goals at once makes gacaca groundbreaking. But can it live up to its high aspirations?

Soon after coming to power over a decimated and largely deserted country, the RPF-dominated government decided on a policy of maximum punishment to eliminate the culture of impunity that had taken root. By 2000, 125,000 suspected génocidaires were imprisoned, sometimes based on scant evidence or none at all. Unsurprisingly, conditions in Rwanda's prisons, which had been built to hold no more than fifteen thousand (Reyntjens & Vandeginste 2005:110), were horrific, and the wheels of justice turned slowly (Gourevitch 1998:246–49).

In 2000 the Rwandan government announced that while the leaders of the genocide would still appear before national or international courts, the vast majority of genocide suspects would be tried by local courts known as gacaca. According to some predictions, gacaca would be able to hear upwards of seventy-five thousand cases in a single year, thus alleviating prison overcrowding, reuniting prisoners with their families, and providing the antidote to impunity. In 2002 the government launched gacaca as a pilot project, and after several delays gacaca began its work countrywide in 2005.

Gacaca, which translates to “justice on the grass,” is the name for Rwanda's traditional form of justice, which emphasized reparations and community restoration (Reyntjens 1990). Under the traditional system, which operated before, during, and after colonial rule, local officials settled disputes, usually over stolen property or inheritance, and the offending party typically atoned by paying reparations and contributing a calabash of banana beer for the community to enjoy. Imprisonment did not exist as a punishment. There were no lawyers and the rules and regulations were not codified but passed down from generation to generation.

Although they share a name, yesterday's gacaca and today's gacaca are remarkably different. (Throughout this article, I refer to today's gacaca simply as “gacaca,” but the Rwandan government calls today's gacaca “inkiko gacaca,” or “gacaca courts.”) The 2000 law reintroducing gacaca as a vast network of local genocide tribunals, and subsequent amendments to that

law in 2002, 2004, 2007, and 2008 (collectively, the Gacaca Laws), reshaped the traditional system in several important ways.

Although today's gacaca retains certain restorative elements, it is distinctly punitive. While the 2007 Gacaca Law allows those who confess fully to serve half of their sentence through community work and forgives part of the prison term as well, those who do not confess can be sentenced to life imprisonment, depending on the severity of the crime.<sup>11</sup> Gacaca also makes serious demands on the confessor. By law, a confession requires the full disclosure of the crimes committed, the naming of accomplices, and an apology. Because many detainees have refused the offer of mitigated sentences, and because gacaca courts often deem confessions incomplete, gacaca courts regularly hand down lengthy prison sentences.

Today's gacaca is also more formal and complicated than its forebear. There are three levels of gacaca courts: cell, sector, and appeals. While yesterday's judges were community elders, today's judges, known as *Inyangamugayo*, are elected by the community based on their integrity. (This means that a judge should not have participated in the genocide; several who were elected were later forced to resign because they were accused of genocide.) Members of the community elect judges to the cell court, and usually the judges then send the better-educated to fill the sector and appeals panels, which elect a president, a vice-president, and a secretary. The president organizes and directs the trial, the vice-president assists, and the secretary takes the official notes. Today roughly 125,000 Rwandans serve as gacaca judges at the three levels nationwide. Judges are expected to be literate (although this is not always the case, especially at the cell level), but few, if any, are trained jurists. They receive three days of training before assuming their responsibilities and periodic training thereafter. They do not receive salaries, although they do receive some in-kind compensation, such as radios. Women enjoy strong representation among the *Inyangamugayo*; in *Sovu*, female judges almost always outnumber male judges.

## Procedures and Results

A preliminary phase of gacaca, known as information gathering, establishes a basic record of what happened during the genocide. By speaking with the community, local leaders determine who lived in a particular area in 1994, who was killed, what property was destroyed, and who is suspected of participating in the genocide. In a subsequent phase cell-level judges separate genocide suspects into three categories, which have been modified twice since gacaca's launch. In the most recent version of the law, category one comprises the leaders of the genocide and those accused of committing acts of rape or sexual torture, along with their accomplices; these cases initially had been referred to the military tribunals or the ordinary courts but now are slated to be heard by sector-level gacaca courts. Category two comprises notorious killers, people accused of committing torture or "dehumanizing"

acts on a dead body, ordinary killers, and accomplices to the above; it also informally includes bystanders who did not offer assistance to Tutsis during the genocide. These cases are also forwarded to sector-level gacaca courts. Category three is for property offenses, and these cases remain at the cell-level gacaca court.

The trial phase follows information gathering and categorization. Suspects generally are tried in groups. On the day of trial the Inyangamugayo call the accused before the community. The president's ability to direct the trial is particularly important at the trial phase because there is neither a lawyer for the prosecution nor for the defense; gacaca is meant to arrive at the truth through community dialogue. If any confessions have been entered the Inyangamugayo reads them aloud. Then the Inyangamugayo question the accused one by one to verify the accuracy and completeness of the confession or, if one has not been entered, to discern facts about the alleged crime. After this round of questioning, the judges ask each accused if he or she would like to add anything. The Inyangamugayo then invite the community to give testimony or question the accused. The Gacaca Laws require the accused and witnesses to take an oath before giving testimony and to stamp their fingerprint next to the secretary's record of their comments.

Depending on the number of accused and the level of community participation, trials can last as little as one hour and as long as several days. Once all of the testimony has been gathered, the secretary reads the notes aloud so that witnesses and the accused can correct the record, if necessary. Finally, the Inyangamugayo deliberate in private and announce a verdict. While there is no right to an appeal for category three defendants, category two defendants can appeal to a higher gacaca court for a retrial under limited circumstances.<sup>12</sup> There is no right of appeal to the ordinary courts. Gacaca is the final arbiter for the vast majority of genocide suspects.

Today's gacaca ultimately is controlled by the national government, a top-down orientation that is reflected in (at least) three important ways. First, while participation in traditional gacaca was voluntary, today it is obligatory—if not by law, then in practice. At the cell level the 2007 Gacaca Law sets a quorum at one hundred adults and five Inyangamugayo; at the sector level the quorum is two-thirds of the adult population and five Inyangamugayo. Because achieving a quorum has proven difficult throughout the country, authorities send the government's paramilitary unit to close shops and round up the population. Authorities also take attendance and threaten to fine those who do not attend (PRI 2006). Second, gacaca's jurisdiction reflects the government's priorities. RPA crimes have been excluded from gacaca's jurisdiction and must be tried by the ordinary domestic courts or by military tribunals. In practice, only a handful of soldiers have been tried for "revenge killings," with the vast majority receiving either a light sentence or no penalty at all.<sup>13</sup> Third, because gacaca is a national program designed by officials in Kigali, it is not the organic, grassroots pro-



cess that some scholars and the international press believe it to be. The Rwandan government maintains tight control. For example, in late 2006 the government announced that all trials must be completed by December 2007 (although the deadline subsequently was extended to March 2008). In Sovu, where roughly 450 cases remained as of May 2007, this task appeared impossible, especially considering the fact that new accusations could still be made. To meet the initial 2007 year-end deadline, the Inyangamugayo rushed trials and curtailed community participation.

Differences between traditional gacaca and today's gacaca are neither inherently good nor bad. Likewise, the lack of procedural protections for defendants does not necessarily damn gacaca; fairness does not demand Western-style procedure. But although gacaca draws from tradition, it is not traditional. Nor is it necessarily restorative. In some respects it is not even local. The question remains: Can this hybrid between Western and traditional Rwandan justice, operating in a highly charged political and social atmosphere, achieve its ambitious goals?

While some people speak highly of gacaca, others—often in hushed tones—tell of its more insidious impact on the community. Some trials end with the community largely satisfied; others leave survivors, prisoners, and their families frustrated. While some judgments are clear-cut, others seem arbitrary. And while gacaca's successes (achieved against great odds) should be celebrated, its problems (some inevitable, some not) also should be taken seriously.

### **Sovu: The Genocide and Its Aftermath**

Sovu is a rural community near Butare-town, Rwanda's intellectual capital and second city. It lies in the country's southern region, not far from Burundi, in what had been known in 1994 as Butare Prefecture. In certain respects, Sovu is a unique community. Before the genocide it was one of the most ethnically mixed of Rwanda's twelve prefectures and political moderates held considerable power there. In 1994 Butare's prefect (the top political official) was a Tutsi, the only Tutsi prefect in the country. He and many lower-level officials in the prefecture opposed the policy of genocide and resisted violence after Habyarimana's assassination. For two weeks, even as the genocide raged in other parts of the country, Sovu, like the rest of Butare Prefecture, remained relatively calm.

On April 17, 1994, the genocidal government removed the Butare prefect from power. That same day many of Sovu's Tutsi women and children gathered at the local health center for safety while the men stayed in their homes to defend against attacks. Two days later, on April 19, the interim president and prime minister traveled to Butare to deliver a message: those who were not prepared to "work," a euphemism for "kill," would not be tolerated. At this time, the moderates lost control in Sovu when Emmanuel Rekeraho, a former military officer and member of a radical political party,

came to power. Rekeraho and his men began an assault that forced Tutsi men to seek refuge, too.

In Sovu, as elsewhere, the genocide was perpetrated in two phases. First, civilians and militias perpetrated large-scale massacres. On April 21 militias attacked the crowd at the health center with machetes, guns, and grenades, killing between five thousand and eight thousand Tutsis. Some six hundred Tutsis died when militias burned the health center's garage with gasoline supplied by two sisters from the neighboring nunnery, who also refused to grant refuge to all but a few of Sovu's Tutsis and called upon local officials to force out others who had sought safety there.

The second phase was designed to find Tutsis who had escaped the initial massacres. Killings took place at roadblocks, in house-to-house searches, and in fields and wooded areas. Rape and sexual mutilation were common, and Tutsi women often escaped death only because Hutu men took them as "wives." Once families had been driven from their homes or killed, looters appropriated cattle, crops, and even sheet-metal roofs. Local officials walked or drove along the paths of Sovu to exhort Hutu men to "work"; a common threat from the authorities was "kill or be killed." Most complied, although not all of those who manned roadblocks or made night rounds actually killed anyone (interview with Emmanuel Rekeraho, May 2007). It also is not clear whether any Hutus were killed for not participating in the genocide or for protecting a Tutsi (interviews, May 2007).<sup>14</sup> Still, in at least one case, a young Hutu man at the health center was mistaken for a Tutsi and slain (interviews, May 2007).

Thus, while participation in the genocide was widespread, it was not uniform. Some killed with zeal; some with reluctance; others not at all. Some looted property; some destroyed it; others refused to steal. Still others defy such clear categorization. They killed and stole while hiding a Tutsi friend or family member, or paying for their escape to safe havens outside Rwanda (African Rights 1995; local interviews, May 2007). While country-wide the best estimate is that two hundred thousand people committed murder during the genocide (Straus 2004), in Sovu roughly five hundred people, mostly men, had been accused of genocide as of June 2007. Today promoting reconciliation is particularly important—and particularly difficult—because socioeconomic and political realities bind perpetrators, survivors, returnees, and those who do not fit neatly into any category who must live together again on Rwanda's densely populated hills.

Sovu's demographics reveal the grave social dislocation that resulted from the genocide and civil war.<sup>15</sup> More than 80 percent of those who live in Sovu today fled their homes in 1994, the vast majority to neighboring Gikongoro Province. The adult male-to-female ratio stands roughly at 30 percent male and 70 percent female—even more skewed than the national average. Hutu women head dozens of households. Between 18 and 20 percent of the total adult population are widows and roughly 70 percent of Hutus have a family member in prison. In total, as of June 2007 between

two hundred and three hundred people from Sovu, the vast majority male, were still in prison for genocide crimes. In addition, several dozen men from Sovu have fled the area in recent years to escape gacaca (U.S. Dept. of State 2006). At least 57 percent of Sovu residents lost a close family member due to violence between 1994 and today. Because of the influx of Tutsi returnees and the imprisonment of Hutu men, the ethnic makeup of the community—roughly 20 percent Tutsi and 80 percent Hutu—has remained largely unchanged since 1994, and the two ethnic groups remain remarkably interconnected. At least half of all adults in Sovu have a family member from the other ethnic group.

Roughly 90 percent of all adults in Sovu rely on subsistence agriculture and more than 80 percent report a monthly income below twenty dollars. Because of its proximity to Butare-town, a few men and women from Sovu travel there each day to work or study. Far more are unemployed. Roughly one-third of adults completed primary school and only 2 percent completed secondary school. Like their countrymen, the majority of Sovu residents (80 percent) are Catholic, although some switched to other Christian faiths after the genocide.<sup>16</sup>

### **Gacaca in Sovu: A Case Study**

Sovu is one of very few communities that has been touched by several legal responses to the genocide. The two nuns who aided the militia were convicted of genocide in a high-profile transnational trial in Belgium; officials from the former Butare Prefecture are standing trial before the United Nations-sponsored International Criminal Tribunal for Rwanda (ICTR) for crimes that include massacres committed in Sovu; Rekeraho and Kamanayo were sentenced to death and life imprisonment, respectively, by Rwanda's military tribunals; and gacaca is now well under way.<sup>17</sup>

Gacaca, however, has brought more people to trial and exposed more about how the genocide was perpetrated in Sovu than the ICTR, the trial in Belgium, and the Rwandan courts combined. The Sovu courts pronounced fifty-five verdicts between September 2006 and June 2007, including "innocent" verdicts for thirteen accused, many of whom had been wrongfully imprisoned for over a decade. In addition, the gacaca courts accepted twenty-five confessions (with the accompanying apology, however scripted) and released the confessors from prison to do community service. By contrast, the trial of the Butare Six at the ICTR (the longest running and most expensive in the history of international justice) has been under way since 2001 (Hirondelle News Agency 2007). The trial of the two nuns, Sisters Gertrude and Kizito, in Belgium took several months, as did the military trial of Rekeraho and Kamanayo, the two local genocide leaders. Survivors have seen their former tormentors brought to trial, albeit with punishments far less severe than they might like; detainees have had the opportunity to rejoin their communities, even though the possibility of prison sentences

looms; and families of prisoners have been able to share the responsibilities of daily life with their released loved ones.

In addition, some data from the two public opinion surveys are remarkably positive. Asked whether *gacaca* is going well, 73 percent replied favorably in the first survey and 88 percent responded favorably in the second. (A somewhat countervailing trend is that the percentage of respondents who “strongly agree” that *gacaca* is going well dropped 13 percentage points from the first survey to the second.) The statements “*Gacaca* will bring peace to Rwanda” and “I have confidence in *gacaca*” drew the support of 78 and 85 percent of respondents respectively in the first survey and more than 90 percent each in the second. A majority (57 percent) of survivors and returnees say that *gacaca* adequately addresses their problems, including reparations and insecurity; a larger majority (84 percent) of nonsurvivors say that *gacaca* adequately addresses the problems facing prisoners and their families, including poverty and false accusations. Questions about reconciliation and conflict management revealed equally positive responses. Respondents rejected the notion that interethnic marriage leads to social problems, embraced the idea that people must learn to live together regardless of their ethnicity, and disavowed the use of violence as a legitimate method of dispute resolution (see table 1).

Some positive social trends in the community tend to support this positive outlook (see table 2). A cabaret (bar) in Sovu is likely to be packed—on any given day, at any given time—by both Hutus and Tutsis. More than 95 percent of Sovu residents report having shared a drink with a member of another ethnic group within the month prior to the interview; two-thirds of the 95 percent say that they did so out of friendship. Large majorities in both surveys say that access to education and security have improved since 1994. Statements meant to gauge social isolation—such as “There would be fewer problems if children married someone from their own ethnic group” and “In Sovu, prisoners and survivors usually do not mix”—elicited largely negative responses. While the first survey revealed that 15 percent of survivors and 3 percent of nonsurvivors prefer to go to someone from their own ethnic group for help, those figures dropped to 10 percent and zero percent, respectively, in the second survey. The statement “I prefer to buy things from a shopkeeper of my own ethnicity” drew laughter (only 2 percent responded affirmatively); at the very least, socioeconomic realities seem to trump ethnic division in Sovu.

However, there is reason to question the reliability of some of the evidence from the surveys. Asked how often they attend *gacaca*, 45 percent of Sovu residents replied “every week,” 18 percent replied “three weeks per month,” and 13 percent replied “two weeks per month.” If these responses were accurate, nearly two thousand people would attend an average *gacaca* session. Although attendance increased between September 2006 and June 2007, the number of attendees averaged roughly three hundred. (Most attendees were little more than passive bystanders. Men sat out of earshot and

**Table 1: Attitudes toward Gacaca.**

SR: Survivor or Returnee

NS: Any person who did not identify as a survivor and who lived in Rwanda in 1994

Survey I: Overall, gacaca has functioned well.	SR: 32% NS: 56% Tot: 51% Strongly agree	SR: 30% NS: 21% Tot: 22% Agree	SR: 15% NS: 13% Tot: 13% Uncertain	SR: 6% NS: 5% Tot: 5% Disagree	SR: 17% NS: 6% Tot: 8% Strongly disagree
Survey II: Overall, gacaca has functioned well.	SR: 33% NS: 52% Tot: 38% Strongly agree	SR: 45% NS: 40% Tot: 50% Agree	SR: 18% NS: 5% Tot: 8% Uncertain	SR: 4% NS: 2% Tot: 3% Disagree	SR: 0% NS: 1% Tot: 1% Strongly disagree
Survey I: I have confidence in the gacaca courts.	SR: 53% NS: 68% Tot: 65% Strongly agree	SR: 28% NS: 17% Tot: 19% Agree	SR: 15% NS: 9% Tot: 10% Uncertain	SR: 0% NS: 5% Tot: 3% Disagree	SR: 4% NS: 3% Tot: 3% Strongly disagree
Survey II: I have confidence in the gacaca courts.	SR: 37% NS: 75% Tot: 67% Strongly agree	SR: 41% NS: 23% Tot: 27% Agree	SR: 18% NS: 1% Tot: 4% Uncertain	SR: 4% NS: 2% Tot: 2% Disagree	SR: 0% NS: 0% Tot: 0% Strongly disagree

mothers attended to their young children.)

Clearly then, some of the responses to this question must be inaccurate. Why? The Rwandan government obliges every citizen to attend gacaca. As of April 2007 citizens must carry a booklet in which local authorities mark attendance. Citizens who do not attend are subject to fines of roughly four dollars—a high price, considering that 85 percent of people in Sovu report monthly household earnings under twenty dollars (interviews, April 2007). Unsurprisingly then, Sovu residents were reluctant to admit that they attend gacaca infrequently or not at all.

Discrepancies between the data and observations reflect the difficulty of conducting public opinion research about a highly sensitive topic in a country with Rwanda's social and political dynamics. When a yes-or-no question is phrased in general terms (for example, "Gacaca is going well"), respondents tend to agree. But when asked to speak about specific problems that detract from gacaca's success, respondents respond with a ready list of criticisms. This does not mean that the data should be ignored—only that they should be viewed with a critical eye.

Although each gacaca session inevitably presents new issues (be it a

**Table 2: Attitudes toward Social Conditions**

SR: Survivor or Returnee

NS: Any person who did not identify as a survivor and who lived in Rwanda in 1994

Survey I: Poverty	SR: 17% NS: 36% Tot: 32% Improved	SR: 4% NS: 12% Tot: 10% About the same	SR: 79% NS: 52% Tot: 57% Worse
Survey II: Poverty	SR: 14% NS: 23% Tot: 22% Improved	SR: 18% NS: 8% Tot: 10% About the same	SR: 67% NS: 68% Tot: 68% Worse
Survey I: Distrust among neighbors	SR: 47% NS: 60% Tot: 58% Improved	SR: 6% NS: 5% Tot: 5% About the same	SR: 47% NS: 34% Tot: 36% Worse
Survey II: Distrust among neighbors	SR: 39% NS: 54% Tot: 51% Improved	SR: 12% NS: 8% Tot: 9% About the same	SR: 47% NS: 37% Tot: 39% Worse
Survey I: Conflicts over housing and/or land	SR: 38% NS: 54% Tot: 51% Improved	SR: 9% NS: 11% Tot: 10% About the same	SR: 51% NS: 34% Tot: 37% Worse
Survey II: Conflicts over housing and/or land	SR: 20% NS: 47% Tot: 42% Improved	SR: 22% NS: 7% Tot: 10% About the same	SR: 57% NS: 44% Tot: 47% Worse
Survey I: Access to education	SR: 94% NS: 94% Tot: 94% Improved	SR: 0% NS: <1% Tot: <1% About the same	SR: 6% NS: 5% Tot: 5% Worse
Survey II: Access to education	SR: 73% NS: 78% Tot: 77% Improved	SR: 20% NS: 9% Tot: 11% About the same	SR: 8% NS: 11% Tot: 10% Worse
Survey I: Opportunities for employment	SR: 49% NS: 53% Tot: 52% Improved	SR: 4% NS: 3% Tot: 3% About the same	SR: 40% NS: 42% Tot: 42% Worse
Survey II: Opportunities for employment	SR: 27% NS: 38% Tot: 37% Improved	SR: 22% NS: 12% Tot: 14% About the same	SR: 49% NS: 47% Tot: 47% Worse
Survey I: Security	SR: 85% NS: 93% Tot: 92% Improved	SR: 2% NS: 2% Tot: 2% About the same	SR: 13% NS: 4% Tot: 6% Worse
Survey II: Security	SR: 82% NS: 89% Tot: 87% Improved	SR: 8% NS: 3% Tot: 5% About the same	SR: 10% NS: 6% Tot: 7% Worse
Survey II Theft of crops and/or property	SR: 12% NS: 13% Tot: 13% Improved	SR: 4% NS: 6% Tot: 6% About the same	SR: 84% NS: 79% Tot: 80% Worse

trial delayed by a torrential downpour, an amendment to the law, or a feud among the judges), one consistent element is that the truth always is contested. More than 70 percent of nonsurvivors and 90 percent of survivors and returnees say that people tell lies at gacaca, and the process is distinctly adversarial, not cooperative. One woman said plainly, "It is not at all clear who is telling the truth at gacaca" (interview, May 2007).

Even the accuracy and completeness of confessions almost always are challenged. Confessions are critical to gacaca's success. They were meant to give solace to survivors and heal the community by exposing how loved ones died and encouraging perpetrators to apologize. They were also meant to reintegrate perpetrators into their families and allow them to perform community service in lieu of serving lengthy prison sentences. Yet almost as a rule, judges and members of the community, especially survivors, dispute whether confessors have disclosed all of their crimes. Whether these accusations are deserved is not always clear. Nonetheless, nearly 40 percent of the time judges deem confessions incomplete and impose prison terms at or near the maximum—on average, twenty-five years.

Sovu residents also use gacaca as a forum for settling old disputes. Neither the Hutu nor the Tutsi communities were monolithic in 1994, and they are not that way today. Conflicts over land, property, and marital infidelity fuel false accusations, even within ethnic groups. In the first survey, 54 percent of nonsurvivors reported that conflicts over land and housing had improved since 1994, but 51 percent of survivors and returnees said the opposite. In the second survey, 44 percent of nonsurvivors and only 20 percent of survivors and returnees reported an improvement. These conflicts were apparent at gacaca sessions. One woman appeared in May 2007, twelve years after she first went to prison on charges that she murdered her husband during the genocide. After a two-day trial, it came to light that a dispute over the deceased's coffee plantation had prompted the accusation. The gacaca court exonerated the defendant, but she has not been able to recover the land or the home that she was to inherit from her late husband.

In another case, a man accused his brother of making false accusations. The brother who stood accused had slept with the other's wife only a week after the marriage ceremony. Gacaca provided an opportunity for payback. Although the judges eventually exposed the underlying conflict, false accusations sidetrack gacaca and blur the truth of what happened in 1994. One-quarter of respondents say that "on the day of gacaca, there are problems or disputes within families" and just over 30 percent of respondents say that "as a result of gacaca, there are incidents such as intimidation, disputes between families, theft, or even violence."

In other cases, defendants withhold information about their role in the genocide. Prisoners worry that offering a full confession, far from working to their benefit, may bump them up to a more serious category than their current one, thus making them vulnerable to stiffer penalties. Prisoners may

also be influenced by former political and military leaders whom they have come to know in prison and who spread fear about the true intentions of the current government. Finally, many nonsurvivors refuse to confess because they fear that punishments will be severe.

Of course, it is not uncommon for lies to be told in courtrooms, whether in the U.S. or in Africa. But lies and half-truths pose a particularly grave threat to the success of gacaca, especially because lies erode the very goal—of social trust—that gacaca is intended to bolster. In addition, unlike Western legal systems, gacaca is administered by judges who are not trained jurists and there are no procedural safeguards in place to protect defendants from lies. Gacaca trials also rely exclusively on witness testimony. Yet because the trials are taking place more than a decade after the events, memories cannot always be relied on to refute false testimony.

Furthermore, various kinds of silences and omissions are as damaging to gacaca as are the lies and half-truths. For example, although the surveys did not collect quantitative data on attitudes about the exclusion of alleged RPA crimes, dozens of people in the community raised the issue.<sup>18</sup> In one woman's words: "Hutus were killed after 1994. Some were shot in the camps; others in their homes. RPA soldiers killed people in Sovu and Maraba and in the camps. People were taken away from their families and they never came back. There should be justice for the crimes committed by the Inkotanyi [RPA] in 1994, 1996, and 1997. Some survivors even came with the Inkotanyi to kill people in the camps and in homes" (interview, May 2007).

Such selective justice undermines reconciliation and detracts from public trust in the RPF government (see table 3). In addition, according to many the practice of *ceceka* (Kinyarwanda for "keep silent") severely compromises the operation of gacaca itself. *Ceceka* represents an implicit pact by which Hutus agree not to give testimony against other Hutu. A prisoner from Sovu who has maintained his innocence defined *ceceka* as "saying nothing if you are Hutu. For example, let's say I am going to trial. I go to testify, and Hutus will zip it while the survivors speak. But it is the Hutus who saw what happened; the Tutsis were hiding (interview, March 2007)." Sixty-six percent of Sovu residents believe that "*ceceka* keeps people from speaking the truth at gacaca." *Ceceka* therefore shifts the evidentiary burden to survivors, whose ability to testify is limited by the paradox that many are alive today precisely because they were hiding during the genocide; thus they are unlikely to have witnessed atrocities outside of their own experiences. In addition, because nonsurvivors make up the vast majority of Rwandan citizens (roughly 80 percent in Sovu), their participation is crucial. Without their support, gacaca becomes an exercise in victor's justice, at least in perception.

While the practice of *ceceka* staunches the flow of inculpatory testimony, exculpatory testimony—that is, testimony separating the truly guilty from the wrongfully accused—is also difficult to obtain. More than 60 per-



**Table 3: Testimony at Gacaca**

SR: Survivor or Returnee

NS: Any person who did not identify as a survivor and who lived in Rwanda in 1994

Survey II: Some people are afraid to give testimony defending the accused.	SR: 22% NS: 37% Tot: 34% Strongly agree	SR: 41% NS: 26% Tot: 29% Agree	SR: 18% NS: 13% Tot: 13% Uncertain	SR: 12% NS: 11% Tot: 11% Disagree	SR: 8% NS: 14% Tot: 13% Strongly disagree
Survey II: There are people or groups whose voices are not heard at gacaca.	SR: 14% NS: 15% Tot: 15% Strongly agree	SR: 31% NS: 25% Tot: 26% Agree	SR: 12% NS: 15% Tot: 15% Uncertain	SR: 33% NS: 21% Tot: 23% Disagree	SR: 10% NS: 24% Tot: 21% Strongly disagree
Survey II: People tell lies at gacaca.	SR: 43% NS: 33% Tot: 35% Strongly agree	SR: 47% NS: 36% Tot: 38% Agree	SR: 6% NS: 10% Tot: 9% Uncertain	SR: 2% NS: 10% Tot: 8% Disagree	SR: 2% NS: 10% Tot: 8% Strongly disagree
Survey II: Ceceka keeps people from speaking the truth at gacaca.	SR: 47% NS: 38% Tot: 39% Strongly agree	SR: 27% NS: 27% Tot: 27% Agree	SR: 14% NS: 17% Tot: 17% Uncertain	SR: 2% NS: 8% Tot: 7% Disagree	SR: 4% NS: 10% Tot: 8% Strongly disagree

cent of Sovu residents say that “people are afraid of defending the accused.” Nonsurvivors fear that if they defend the accused they will be accused themselves. A woman whose husband is in prison said that nonsurvivors “keep quiet just because what we say is not considered as true.... We sometimes say this person did this and not this, and when we see that they [survivors and the judges] do not believe us, we keep quiet” (interview, March 2007). A second woman, also a nonsurvivor, echoed the first: “The survivors are the only ones who speak. Truly, there is no freedom of expression at gacaca for ordinary people who have family in prison” (interview, March 2007). Overall, 41 percent of respondents agreed that “there are people or groups whose voices are not considered at gacaca.”

Some people in the community suggested that there is a third kind of silence compromising gacaca: the inability of nonsurvivors who serve as judges to make their voices heard during deliberations. A prisoner described this phenomenon: “No one would believe you if you speak against the survivors.... Because they work with survivors, Hutu Inyangamugayo are afraid and say nothing” (interview, March 2007). Other people in the community made similar—or even graver—accusations about the judges. Two

former gacaca judges said that the benches are packed so that every panel of judges is majority Tutsi. This study can neither confirm nor deny these claims, but their very existence speaks to *flagging confidence in gacaca*.

These problems, plus the strain of weekly genocide trials on the community, are a likely part of the reason that 99 percent of respondents say they “wish gacaca would finish soon so that the community could move on.” A plurality of Sovu residents agreed that “people in the community feel afraid or anxious on the day of gacaca” and that “people do not attend gacaca because they are afraid of being accused.” But as of June 2007 more than 450 dossiers remained in Sovu, the vast majority in category two. On average, between September 2006 and June 2007 the sector courts in Sovu pronounced six verdicts per month. While gacaca has already been completed in some parts of the country, it could go on for years unless the government sets an artificial deadline.

To encourage more confessions and speed up trials, the 2007 Gacaca Law reduced the length of sentences and authorized the duplication of courts. Since May 2007 two sector courts and two appeals courts have operated in Sovu. Three cell courts will begin to hear trials, bringing the total number of active courts in Sovu to seven. In addition, in August 2007 gacaca began to hear cases twice a week. As of February 2008 local officials planned to begin hearing cases as many as five days a week in Sovu. The Sovu courts pronounced fourteen verdicts in June 2007 alone, or 25 percent of the ten-month total. At one gacaca session in June, nineteen prisoners appeared before one sector court. On the same day, the other sector court pronounced six verdicts and began the trial of another five prisoners. At this rate, gacaca only narrowly missed the March 2008 deadline. However, gacaca’s newfound speed, and the increasing superficiality of the procedures that has resulted, makes it even more difficult to separate truth from fiction.

### **Security, Interethnic Relations, Authority, and Reconciliation**

Today, encouraged by the perception that Rwanda is stable, considerable foreign aid has been donated to rebuild the country, support the legal system, and combat poverty and poor health. However, as a male genocide survivor in Sovu told me, “There is a difference between peace and security. Today we have security, not peace. People do not turn violent only because they fear the authorities” (interview, December 2006). In his view, Sovu is nonviolent but not peaceful. A breakdown in the government’s control, he suggested, could leave space for a return to violence. Conversations with members of the community echoed this assertion. A man imprisoned since September 1994 and accused of participating in the massacres at the Sovu health center warned of future violence: “Rwanda will become like Iraq very soon. Hatred is gaining another dimension and gacaca is causing family conflicts. Children whose parents are in jail will always ask where their

daddies are. They will prepare revenge” (interview, March 2007). Such ideas, combined with a lack of political freedom and an underlying perception that poverty is growing worse (57 percent in the first survey and 68 percent in the second), could lead to instability.

Indeed, in Sovu a façade of reconciliation disguises a troubling reality. When asked about interethnic relations, a secondary school student said, “I could say that relationships between groups are good, but really we do not meet. They [survivors] stay in the umudugudu and others stay up here in our homes” (interview, December 2006). Another interviewee put it this way: “We live well together, but in the huts it is different. A person who brings food to a family member in prison has anger and pain. And survivors still have pain. They pretend they don’t but it is still in their hearts” (interview, December 2006). Distrust between nonsurvivors and survivors is also evident. According to a nonsurvivor woman, “Because of gacaca, people in the community do not trust each other” (interview, November 2006). While the majority of nonsurvivors say that trust in the community has increased since 1994 (60 percent in the first survey and 54 percent in the second), survivors and returnees are less sure (47 percent in the first survey and 39 percent in the second). Some responses indicated that beyond separation and distrust, outright animosity remains in the community. One Hutu woman told me, “In their hearts, people know who they are and they should keep their identity. They should know who to mix with” (interview, December 2006).

In addition, despite general agreement that security has improved since 1994, several incidents suggest that conflict is on the rise, possibly because of gacaca. In February 2007 one survivor who testifies regularly at gacaca woke up to find her crops uprooted. After learning about the incident, local officials rounded up between forty and fifty nonsurvivors from the area and announced that collectively they would pay the woman for the destroyed crops. When the police arrived from Butare, the group was told to lie on the ground and the individuals were beaten with branches (interviews, April 2007; Human Rights Watch 2007). Four months later, in a separate incident, a group of so-called bandits broke into the home of an elderly couple, beat them, destroyed their crops, and stole a few meager belongings. The man recovered but his wife died at the hospital several days later. Some in the community insisted it was a coincidence that the man had been called to testify at gacaca; others suspected that the “robbery” was linked to his testimony.

Most recently the teenage daughter of a prominent survivor, a former Inyangamugayo who testifies almost every week, died of what people in the community call “poisoning,” an occurrence that is akin to witchcraft in rural Rwanda and tantamount to murder. People in the community say that poisonings are directed against those who testify against genocide suspects. Thirty percent of respondents say that there have been more incidents of poisoning since gacaca started. In addition, survivors report feeling intimi-

dated while giving testimony at gacaca. A female survivor told me, “When survivors give testimony, people look at them with hate, as if they could even kill them” (interview, December 2006). Eighty percent of Sovu residents say that theft of crops and property has grown worse. One man, a nonsurvivor, explained that “there are many prisoners and these are the ones who are supposed to be working, so the women are alone at the house and they must work for their kids and to bring food to the prisoners. The kids stay at home and are not well looked after, and they are very poor. These are the ones who steal” (interview, May 2007).

Finally, the relationship between the people and the authorities is troubling, particularly considering the well-documented role of local and national authorities in directing the genocide. An alarming 29 percent of Sovu residents say that people in the community would commit acts of violence if told to do so by the authorities. The community agrees nearly unanimously that “it is important to obey the authorities”; only 25 percent say that “sometimes it is better to disobey the authorities.” Several residents expressed fear that their responses to survey questions would be seen by the authorities and that they would be punished for expressing opinions contrary to government policies. One woman said, “Do not show my answers to the authorities. They would condemn me” (interview, May 2007).

In sum, although more than two-thirds of Sovu residents say that reconciliation is taking hold, there is considerable evidence suggesting that gacaca has not eradicated mutual distrust in the community and may even have exacerbated it. A Hutu woman who was married to a Tutsi man in 1994 reported being menaced because she saw who killed her husband and children. On the subject of reconciliation she said, “Reconciliation? Impossible. They killed my husband and ten of my children under my very eyes and I am supposed to take them back? I do not want to reconcile with them. I want them to let me die in peace” (interview, May 2007). Another woman said, “There is no reconciliation today because there are still conflicts. When we pass each other on the path, we do not even say hello to each other” (interview, March 2007). Finally, several people in the community identified the end of gacaca as the point where reconciliation can begin: “Maybe there can be reconciliation when gacaca finishes” (interview, May 2007).

## Conclusion

Gacaca has reoriented the course of Rwandan justice by emphasizing confession, apology, and forgiveness. The alternative—the continued imprisonment of 125,000 genocide suspects—was both untenable and undesirable. But by attempting to strike a middle ground between punitive and restorative justice, the government has undermined gacaca. Although the threat of punishment undoubtedly elicited some confessions, it also encouraged lies, half-truths, and silence. Gacaca’s punitive model raised the stakes of

participation and provided the opportunity for individuals in the community to use gacaca as a mode of personal revenge. The sheer number of individuals charged, coupled with the slow pace of trials and the inability of the judges to manage some trials effectively, meant that the gacaca—and the accompanying tensions—would continue for years. Meanwhile, by refusing to prosecute alleged RPA crimes, the government has failed to present itself to an often skeptical population as an honest broker. Although not all of the social tensions and incidents of violence documented in this article are necessarily attributable solely to gacaca, this study casts serious doubt on gacaca's contribution to postconflict reconciliation.

I would like to propose, in conclusion, that several reforms might have limited the incidence of lies and half-truths, promoted active participation through noncoercive means, and sped the pace of trials.

To reunite families more quickly, avoid collectivizing guilt, speed the pace of trials, ease social tensions, and gain the trust of the population, the government should have allowed prisoners who had confessed and already served for the length of time equivalent to their sentences to return home on a rolling basis. The government also should have found a way to limit new accusations, perhaps creating a several-month window during which all accusations would have to be made.<sup>19</sup> The government should have narrowed the definition of an “accomplice” and decriminalized failure to assist. (Many cases in Sovu focused on whether the accused was part of a group that killed, not whether the individual himself had committed murder.) To encourage truth-telling, the government should have reduced sentences earlier in the process. The data show that the community would have supported such a policy; 91 percent of respondents said that life imprisonment detracts from reconciliation, and 92 percent supported sentence reduction. Lowering the stakes of gacaca would in turn have reduced incentives to lie, to tell half-truths, or to remain silent. Finally, the government should have treated alleged RPA crimes more seriously, either by including them in gacaca or in some other legal mechanism. Unfortunately, as long as the current government remains in power, RPA crimes will be ignored.

To be sure, the very existence of a forum for the community to meet every week in pursuit of justice for the genocide is unprecedented. Yet the problems with gacaca should not be ignored, if not for the sake of Rwanda—where the course of justice has been set—then for the sake of future responses to mass atrocity. Eight years after its inception, the gacaca experiment is incomplete and the course of Rwandan justice still may take several more twists and turns. Continued monitoring, particularly long-term studies of local communities, is necessary in order to understand how gacaca has reshaped Rwandan society. Local justice is not an inherently damned enterprise. However, it is important not to idealize local justice, especially because the stakes are so high; the impact on postconflict reconciliation is perhaps even greater when trials take place at the local level than when they are adjudicated in faraway courts.

Local justice that depends on the participation of the population can succeed if community trust is strong. But if community trust is weak, then local justice (particularly punitive justice) will fray the social fabric. The genocide and civil war destroyed social capital in Rwanda, and the Rwandan government did not rebuild social trust, or trust in government, before launching gacaca. Instead the government imposed a state-controlled system of local justice that threatens serious penalties against low-level perpetrators. With the penalties at gacaca high and social trust low, the people have failed to participate openly and honestly. As a result, gacaca has faltered. Only when the trials finally end—whether this year or years from now—will it be clear whether gacaca has helped rebuild broken communities or has sabotaged them for generations to come.

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## Notes

1. I use the term "postconflict" not to deny the genocide or equate other acts of violence with the genocide, but to recognize that the genocide took place in the context of a civil war. In addition, Hutus died as a result of politicide, revenge killings, and war crimes.
2. Cobban and Drumbl tempered their earlier, romanticized accounts of gacaca in recent books; see Cobban (2007) and Drumbl (2007).
3. In 2006 the government changed the names and geographic boundaries of Rwanda's administrative divisions with the stated aim of decentralizing power. The former sector of Sovu covers what is now called Sovu Cell (a cell is lower on today's administrative hierarchy than a sector.) However, gacaca continues to operate according to the former administrative divisions and I refer to my research site by its former name.
4. The surveys captured demographic information about the community and probed community attitudes toward gacaca, social trends, and the project of reconciliation. Some questions for the two surveys were based on those administered by Longman, Pham, and Weinstein (Longman et al. 2004). Because the national government does not allow video or audio recordings of gacaca sessions, a Rwandan interpreter created a transcript of the trials in Kinyarwanda, which the interpreter then translated into French or English.
5. Conversations with researchers in Kigali, August and September 2006.
6. According to figures obtained by my research team from the Huye Sector office in September 2006, 2,879 people in Sovu are at least eighteen years old and thus are eligible to attend gacaca. This group formed the target population. With a team of trained Rwandan research assistants, I administered 505 survey questionnaires, 250 in November–December 2006 and 255 in May 2007. With a 95 percent confidence interval, this leaves a sampling error of 5.9 percent. To collect a random sample, my team and I visited every other house in the jurisdiction of Sovu's gacaca court, where we randomly selected one adult member of the household to participate in the survey. We skipped every other house to avoid oversampling a particular subset of the population.
7. For the purposes of this article, I define *survivor* and *returnee* based primarily on responses to the question "Do you consider yourself a genocide survivor?" However, I reserved the right to change the attribution based on additional information. Generally, a survivor is defined as any person who was hunted, beaten, raped, or tortured during the genocide. All Tutsis who lived in Rwanda in 1994 and some Hutus fit this definition. "Returnees" are Rwandan Tutsis who returned to Rwanda after July 1994. "Nonsurvivors" are Hutus who lived in Rwanda in 1994 and who were not targeted during the genocide. However, there are other definitions of *survivor*. Several Sovu residents who do not fit within the above definition have told me that they consider themselves survivors. One woman told me, "We are all survivors."



8. In the first survey, less than 1 percent of total interviewees refused to participate. Just over 1 percent of total interviewees stopped the interview early, in all cases because of emotional stress. In the second survey 3 percent of total interviewees refused to participate or could not be located. Less than 1 percent of total interviewees stopped the interview early, this time because they felt uncomfortable answering questions about ethnicity without express permission from local authorities. To protect interviewees from possible retaliation I have withheld their names, although few specifically requested anonymity.
9. I interviewed Rekeraho and Kamanayo at a prison near Sovu, where both are serving life sentences; Rekeraho had been sentenced to death, but Rwanda has abolished the death penalty.
10. For more on the history and development of ethnicity in Rwanda, see Mamdani (2001). Prunier (1997) is a foundational text on Rwanda's history. For more information on the RPF government, including the 2003 presidential contest, which was "marred by fraud and intimidation," as well as the government's crackdown on political opponents, see Waldorf (2006b) and Front Line Rwanda (2005).

Responsibility for Habyarimana's assassination is not known definitively. A French judge's November 2006 decision to indict President Kagame and nine high-ranking military officials for the attack on Habyarimana's plane (along with its French crew) prompted the Rwandan government to sever diplomatic relations with France. Government-organized anti-France demonstrations brought thousands to the streets in the capital and other cities throughout the country in the days following the announcement. In February 2008 a Spanish judge indicted forty RPF soldiers for alleged war crimes committed in 1994.

Estimates of the number of civilians killed in the genocide range from 350,000 to more than a million. The 800,000 figure is generally accepted by the international community and is cited frequently in United Nations reports. However, according to Scott Straus's research, the 1991 Rwandan census counted 600,000 Tutsis in the country. Population growth would have brought the Tutsi population to 665,000 by 1994. Thus the U.N.'s 800,000 figure and the Rwandan government's one million figure are too high. What is certain is that the genocide eliminated an astonishingly high percentage of the Rwandan Tutsi population, perhaps as high as 75 percent (Straus 2007).

11. On billboards that dot roadsides throughout the country, the government refers to community work as "travaux d'intérêt général," or "TIG." Community work is intended to benefit the whole community, not only survivors. Confessed génocidaires build roads, schools, hospitals, and infrastructure for the entire population.
12. The 2007 Gacaca Law permits an appeal if (1) an ordinary court previously pronounced the defendant guilty and the gacaca court pronounced the defendant innocent, or vice versa; (2) new facts come to light; or (3) the trial-level court misapplied the law.
13. The government has also blocked the United Nations–sponsored International Criminal Tribunal for Rwanda (ICTR) from prosecuting alleged RPA crimes (*Economist* 2003).
14. Nobody in the community ever reported that a Hutu was killed for refusing to participate in the genocide and Rekeraho also said that he was unaware of any such occurrence. Rather, Hutus who refused to kill forfeited their right to loot

property owned by Tutsis. Hutus who hid Tutsis may have had their cattle taken (interview with Emmanuel Rekeraho, May 2007).

15. The demographic data were collected as part of the two public opinion surveys. Where a range is presented, the figures represent the results from the first and second surveys.

Gikongoro was controlled by France's Operation Turquoise, dispatched to Rwanda in June 1994. The French established control of Gikongoro and other territories in the south and west of Rwanda ostensibly to provide a safe haven for victims of the conflict. However, Operation Turquoise provided safe passage to genocide perpetrators fleeing to what was then Zaire. Evidence is mounting that France played a dark role in 1994 Rwanda, supplying weapons to the Rwandan military and training *génocidaires*. Some claim that French soldiers aided in the genocide by checking identity cards and delivering Tutsis into the hands of genocide perpetrators.

Traditionally, ethnicity in Rwanda was inherited patrilineally. If the child's mother was from a different ethnic group than the child's father, then the child would not share the mother's ethnicity or that of the child's maternal aunts and uncles.

16. One of Rwanda's monikers is "the most Christian African nation." According to the survey data, 80–82 percent of adults in Sovu are Catholic. The role of the Catholic Church in the genocide—from resistance to complicity to active participation—is well-documented. In some cases, the clergy themselves committed rape or murder (African Rights 1995). After the genocide, many Rwandans switched to other Christian faiths or to Islam. However, more conversions (particularly to Islam) have taken place in urban centers than in rural communities. Thus a place like Sovu remains predominantly Catholic despite the role of Sisters Gertrude and Kizito in the slaughter of Sovu's Tutsi population.
17. None of the Sovu residents who were interviewed knew of suspects from the area who had been prosecuted in the domestic civilian courts.
18. I did not ask questions related to alleged RPF crimes because my research assistants feared government retaliation and to avoid any problems with local or national authorities. I always believed that my ability to conduct research in Sovu was tenuous. However, interviewees often raised the subject spontaneously.
19. Waldorf originally suggested allowing prisoners to return home on a rolling basis and limiting new accusations (2006a:84). Waldorf also supports the creation of a reparations fund. At this stage, it is too late for the government to establish a viable reparations fund.