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Chitra Nagarajan

*Gender Action for Peace and Security*

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## SEVEN

### AN APPRAISAL OF RWANDA'S RESPONSE TO SURVIVORS WHO EXPERIENCED SEXUAL VIOLENCE IN 1994<sup>1</sup>

**Chitra Nagarajan<sup>2</sup>**

**Abstract:** Over a million people were killed in 1994 during Rwanda's genocide and war, with many women compelled to 'offer' sex, raped, held in collective or individual sexual slavery and mutilated. An estimated 250 000 to 500 000 women still alive were raped between 1990 and 1994, 30 000 pregnancies resulted from rape and the 67% of survivors considered HIV positive continue to suffer the consequences of wartime sexual violence (Wells, 2004-2005). Countless women now live with serious illnesses, pain or injury, unable to provide for families. The level of trauma is severe, compounded by shame, exclusion, stigma, survivor's guilt and contested feelings towards the *children of bad memories* born of rape and as many perpetrators were neighbours who often live nearby. Despite commitment to the rights of women and recognition of the prevalence of rape during the genocide, the Rwandese government has been slow to offer legal redress, medical treatment and counselling and has not prioritized prosecution and punishment. Conviction rates are low. Reparations are not forthcoming. Neither the national courts nor the gacaca, have investigated and prosecuted these cases in a fitting manner. Although attention has been paid to sexual violence, defects in the drafting of statutory law and its implementation discourage reporting, investigation and prosecution. Recent procedural revisions dismiss very real fears around fair trial, public ridicule, and increased trauma. Difficulties in addressing the legacies and widespread nature of sexual violence are being overlooked as the government prioritizes the construction of a sense of nationhood and continuation of its own power over the needs of survivors. The result is that many women, infected with HIV or with other serious illnesses, are slowly dying without reparation, healthcare, counselling or seeing perpetrators brought to justice.

#### **Introduction**

Everything in Rwanda must be viewed through the prism of the genocide. Approximately three quarters of inhabitants were killed or displaced over the course of approximately 100 days which led to the deaths of 10-15% of the population, 2 million internally

displaced and 2 million refugees as a result of events (OAU, 2000). Drumbl (2000) describes Rwanda as a dualist post-genocidal society where oppressor and victim groups must find a way to coexist. The hills of Rwanda are full of suspicion, resentment and fear. Although the challenges the government faces are very real, the ruling Rwandese Patriotic Front (RPF) has instrumentalised the genocide and international community complicity, building on guilt felt by outside actors to strengthen their hold on power, thereby justifying the banning of opposition activity and curtailment of freedom of expression in the name of the fight against genocidal ideology. Although the rhetoric of *never again* is constantly used, survivors, mostly women who remained alive by being kept in individual or collective slavery, have seen little improvement in their lives. Survivors of RPF sexual violence are not recognised as the government refuses to acknowledge the scale of atrocities committed by its forces, claiming Rwandese Patriotic Army (RPA) soldiers committed only isolated instances of rape and other war crimes.<sup>3</sup> Delays in prosecuting génocidaires mean survivors are not seeing justice being done. Prosecutions and trials lead to re-victimisation and stigma. Further, lack of resources for addressing physical, mental health or financial needs leaves survivors to struggle with serious health issues and to support their families without vial healthcare and psychosocial support. This article argues the RPF marginalises survivors to the periphery of ownership of and decision making concerning the genocide and completely neglects victims of RPA abuses in particular. After providing a brief background to the genocide and civil war, the article considers the nature of gender roles and discusses the reality of Rwanda's repressive regime. The article subsequently considers life for survivors and critiques governmental decisions regarding prosecution and punishment of perpetrators of rape. The article concludes that although the government has done much to promote gender equality, the statistics hide a much darker truth when it comes to survivors of wartime sexual violence.

## **Background**

The events of 1994 built on decades of tension between Hutu and Tutsi, categories heightened and given new meaning by German and Belgian colonisers. The first targeted killings of the Tutsi began in 1959 and continued intermittently for decades, causing millions to seek refuge elsewhere. History was manipulated, with memories of repression and supremacy lending credence to extermination rhetoric, especially when war broke out with the RPA headed by Paul Kagame, an army of refugees from Uganda who sought admittance into their homeland. Raising the spectre of return to a past of subjugation, extremist Hutu advocated the complete annihilation of Tutsi within Rwanda, arguing they were not to be trusted. By the time the genocide was halted by the RPA, only 200 000 of Rwanda's 1 million Tutsis remained alive. The actions of the RPA during this time are not totally above reproach: many cases of summary execution, civilian killing, disappearances, rapes and human rights violations have been reported. The accession to power of the RPF resulted in mass exodus of Hutu who feared the actions of the conquering army. Génocidaires used bases in the Democratic Republic of Congo to launch raids to continue massacring Tutsi and reclaim the county.<sup>4</sup> Millions in the diaspora returned home, replenishing the Tutsi population that had been killed.<sup>5</sup> Societal fault lines increased and multiplied, with animosity between Hutu and Tutsi and distrust between Tutsi refugees returning to the country and those present during the genocide. Returnees wonder what survivors had done to remain alive and survivors blame RPA invasion for lighting the genocidal spark.<sup>6</sup>

Fundamental and profound societal change is most evident in the altered status and role of women, traditionally characterised as virtuous wives, virginal daughters or loose women who controlled resources through links with men (Jefremovas, 1991). Women could vote but husbands' consent was needed to engage in commerce, register a business, buy land and go to court. Wife

beating was a sign of power and enhanced reputation. Widows were only permitted to use matrimonial property if sons could protect them, resulting in young widows driven from land. Apart from a prominent few, women were excluded from power. The myth of the Hutu nation was instrumental in constructing gender roles. Women were viewed as reproducers and Tutsi women characterised as unattainable untrustworthy temptresses who would give birth to the *inyenzi*<sup>7</sup> of the future. Widespread sexual violence during the genocide, targeting women politicians and activists, represented a backlash against recent advances. The *interahamwe*<sup>8</sup> raped Tutsi and educated Hutu women, forcing them to bear babies of rapist identity (Twagiramariya & Turshen, 1998). Agathe Uwiringiyimana, the first female prime minister, was one of the first to be raped and killed, targeted as much because she was an articulate and outspoken woman, as because she was prominent in the opposition (Powley, 2004).

War and genocide had differential impact on men and women. After the genocide, widespread poverty, lack of clean water, destruction of the education system, HIV prevalence and inadequacy of medical services particularly affected women. The government estimated 70% of the population immediately after the genocide were women as men had either been killed or fled the country (Hamilton, 2000). Women's organisations took leading roles to remedy the lack of state services, filling a void left by governmental collapse. Their energy was due to the high numbers of women, the need to meet family and community demands and the return of female exiles bringing experiences and ideas. Due to women's advocacy and drawing on RPF tradition of women holding positions of power, the government has passed new legislation, adopted electoral rules leading to the highest percentage of women in parliament worldwide<sup>9</sup> and placed gender equality central to the Constitution.<sup>10</sup> The Ministry of Gender and Promotion of Women's Development (Migeprofe) established a representative in each prefecture and commune to place pressure on local authorities regarding women's concerns. Women's

committees, running parallel to local authority structures, allow increased participation at local levels. The government has pledged to remedy traditional exclusion and repression of women and worked closely with activists to pass laws reforming succession regimes to allow women to inherit land and property and legislation on gender-based violence. Activists are initiating legal change and closing the distance between law and reality, however change in attitude and culture is slow. Gendered social and cultural attitudes have great influence. Cultural barriers preventing women from expressing themselves in public remain powerful. Domestic violence is common, de facto polygamy is on the rise due to imbalanced numbers of women and men and the punishment for adultery is harsher for women than for men. Although 40% of judges in Rwanda are women, female share of real power beyond an urban elite remains small. There is continued preference for sending boys to school as well as the poverty that drives parents to arrange early marriage and girls to engage in transactional sex (Morel-Seytoux & Lalonde, 2002). However, there does seem to be general acceptance that culture regarding women needs to be transformed.

Nevertheless, legislative gains for gender equality and the collaboration between civil society, legislature and executive outlined above have to be seen in the context of the existence of limited and defined parameters for political debate. Rwanda has a history of obedience to authoritarian government. Although the terms *Hutu* and *Tutsi* are discouraged, division into ethnically charged categories of returnees, refugees, victims, survivors and perpetrators both obfuscates and centres ethnicity in political discourse. The Constitution pledges the country to fight genocidal ideology, provides propagation of any form of discrimination or division is punishable by law, and stipulates political organisations must reflect national unity and gender equality and cannot base themselves on any division. The Senate may lodge complaints against associations it deems promote divisionism and the High Court can issue warnings, suspend activities or dissolve the

organisation in question, whereby elected members lose parliamentary seats (Constitution, 2003). The *Mouvement Démocratique Républicain* (MDR) was banned prior to the 2003 elections for divisionism, resulting in the elections lacking real opposition. The Senate is appointed, not popularly elected, the Chamber of Deputies has a large percentage of seats reserved for women or youth representatives chosen through indirect election and a Forum of Parliamentarians monitors deputies and senators for divisionism. *'The parliament, thus, serves not as a forum for real debate but rather as a tool for legitimising government policies by giving them a veneer of popularity'* (Longman, 2006, p.148). Imposition of consensus based government, imprisonment for divisionism, accusation of genocidal involvement for Hutus and corruption for Tutsis, disappearance of oppositional politics and distribution of positions of responsibility in public and private sectors has intensified economic, military and political control by a very small group of people who grew up in Ugandan refugee camps and came to power with military victory. Reyntjens (2004) estimated that of the most important government office holders, 80% of were RPF and 70% were Tutsi, with over 80% of mayors and university staff and students being Tutsi. Moreover, Hutus in powerful positions are token figures to show diversity, with Tutsi secretary-generals of departments controlling real influence. Political liberalisation is contingent on changes in mindset to remove genocidal thinking. Students, demobilised soldiers and returnees from exile are required to spend time at ingando or solidarity camps where RPF ideology is disseminated and internalised (Mgbako, 2005). A significant proportion of the population has accepted distortion of history that decontextualises to deny pre-colonial Tutsi power, diminish Tutsi responsibility for colonial era repression and lessen population culpability for genocidal participation by blaming unworthy leaders.<sup>11</sup>

The repressive nature of the political environment impacts civil society activists. The executive has the ability to suspend associations. Activities are tolerated only if compatible with

government discourse. Difference of opinion or criticism has led to threats, deaths, injuries and disappearances. Organisations critical of the government are accused of being too political, harbouring genocidal ideas and threatened with dissolution (HRW, 2004). No other action is taken aside from close surveillance to avoid confrontation with international donors but the NGOs continue to operate in fear and engage in self-censorship to survive. Until 2000, survivors of genocide through the organisations Ibuka and Avega demanded improvement in their economic situation, urged institutional survivor representation and challenged the political manipulation of justice and utilisation of the genocide, opposing the display of skulls, bones and corpses at memorials. Ability to agitate for change was neutralised by increasing pressure, with physical attacks and assassinations leading many to flee into exile, to be replaced by leaders with a history of involvement in RPF politics.<sup>12</sup> Despite this treatment of survivors, the genocide is used to justify government actions. Emphasising the international community did nothing to prevent the genocide has led to donors and government giving strong support for the RPF out of a sense of guilt (BBC, 2004). Rwandan military action in the Democratic Republic of Congo is justified by the need to pursue and neutralise the threat presented by génocidaires present there with little explanation of why this necessitates resource exploitation.

### **Life for Rape Survivors in Rwanda**

*'We thought the survivors would be taken care of, that it would be the first task of the new government'* (Gourevitch, 1998, p. 233).

Rwandese society forces rape experiences into silence, blaming victims and ostracising them as the dishonoured property of male relatives. Incited by ethnic and gender stereotypes that Tutsi women were made for sexuality and beauty, sexual torture was the norm rather than the exception during the genocide with thousands raped, gang raped, raped with sharpened sticks, bottles and gun



barrels, held in collective or individual sexual slavery and sexually mutilated with machetes, knives, sticks, boiling water or acid. Although many were killed immediately, others were allowed to live to give birth to babies of the enemy or die protracted deaths. Abortion is prohibited in Rwanda, forcing resort to illegal abortion, infanticide, abandonment of babies or raising between 2,000 and 5,000 '*children of bad memories*,' or '*little interahamwe*' (Newbury & Baldwin, 2001). Numerous women live with HIV, serious injury or pain reducing capacity to work and provide for families and health treatment is inadequate. Survivor organisations consider the genocide to have continued long afterwards with women infected by HIV considered '*the living dead*.' The level of trauma is severe, compounded by shame, exclusion, survivor's guilt and the fact that many rapists were neighbours who still live nearby. Rape is equated with adultery and survivors are often perceived as collaborators who traded sexual favours for survival while families were murdered. With rape considered to render women unsuitable for marriage, many families hide the rape of daughters. In some cases survivors are despised: '*the neighbours make fun of us. It would be better if I moved to a place where no one knows me and where they aren't interested in me*' (African Rights, 2004, p. 5). Many women have left their homes hoping for anonymity. Severe stigma attached to rape means women do not organise on the basis of experiences of sexual violence. Although Avega works for members who were raped, it is officially an association of genocide widows, not rape survivors.

### **Gacaca**

The genocide was '*executed with the slash of machetes rather than the drop of crystals*' (Mamdani, 2001, p. 5) requiring effort, coordination and mass participation. The decision to prosecute all those accused of genocide required limitless time and resources. The most resourced and developed justice system would struggle to conduct trials for all suspects. Many legal professionals had been killed, participated in killing or left leaving only 5 judges and

50 practicing lawyers, most of who refused to defend accused génocidaires.<sup>13</sup> Even today, the justice system is inadequate: there are 125 lawyers and 141 trainee lawyers for a population of 9.9 million (Legal Aid Forum, 2008). The government turned to a local form of dispute resolution to make guilt/innocence determinations. Previously a mechanism whereby perpetrator and victim and their families would, facilitated by family or community elders, come to agreement about the best way to remedy harm caused by mostly property crimes, gacaca was revised, formalised and institutionalised to form gacaca jurisdictions.<sup>14</sup> Clark (2007, p. 58) emphasises '*the spirit of gacaca enshrines local actors as the most crucial participants in the search for internal solutions to internal problems,*' with the entire community debating the root causes of conflict while punishing perpetrators. Enacted to deal with crimes of genocide and crimes against humanity,<sup>15</sup> the 2004 Gacaca Law sets three categories of genocide crimes: category one covers planners, organisers and instigators of the genocide as well as zealous murderers and rapists; category two crimes include murder and injury with intention to kill; and category three deals with property offences.<sup>16</sup> Gacaca was originally mandated to deal solely with category two and three crimes however the 2008 law extends the scope to category one crimes (Organic Law No 27/2008 of 02/06/2008). The negative repercussions of this change for survivors are discussed below. Activists, acknowledging the lack of credible alternatives, endorsed the proposal as original and innovative despite fair trial concerns, and engaged in training, advocacy and sensitization to promote and entrench rights. Gacaca, with its reliance on the traditional family structure, epitomised exclusion of women from judicial process. Given differential impact of the gacaca process on women and the large numbers of female survivors, the need to integrate voices and experiences of women into the gacaca and therefore into national and community narratives was pressing. In addition to counselling and sensitization to help survivors understand and emotionally deal with gacaca, organisations have increased female representation as

gacaca judges and ensured rape is treated as one of the most serious crimes.

However, gacaca has failed to fulfil its initial promise due to the number of amendments to gacaca law, failure to take account of RPF war crimes, increasing corruption, high incidence of manipulation and intervention by local politicians and governmental failure to rein in the process. Lack of jurisdiction over RPA war crimes has led to disillusionment and reports of boycotts. These survivors of sexual violence do not even have the crimes perpetrated against them recognised and acknowledged as such. Further, 82% of survivors say they feel threatened during the process with insecurity voiced particularly by female survivors (NURC, 2008). Indeed there have been reports of survivors threatened and murdered.

### **Investigation and Prosecution of Rape**

NGOs and female parliamentarians urged rape during the genocide be treated and punished strictly. Rape was changed from a category four crime akin to theft, to a category one crime on par with planning and instigating the genocide. This legal shift recognised rape and sexual slavery constitute a form of torture and is often accompanied by persisting acute physical and psychological trauma leading to dreadful, protracted deaths. Such a classification with its attending capital punishment sentence<sup>17</sup> has considerable impact on the perception of rape as a spoil of war. However, it can be argued severity of punishment is less important for survivors than to see their rapist pronounced guilty and held accountable. Classification as a category one crime does not make the latter likely as the severity of the punishment makes it less probable men will confess and, due to community pressure and the lengthy process, few women will come forward to testify (PRI, 2002). Moreover, although the law pay serious attention to sexual violence, defects in law and implementation discourage investigation and prosecution. Inadequacy of systematic

investigation, lack of knowledge that rape is a prosecutable crime, scarcity of female investigators and judges, little faith in the justice system and fear of retaliation have led to low levels of rape reporting (Burnett, 2004- 2005).

Category one crimes, including rape, were heard in the national courts prior to 2008. Rapes were investigated at gacaca and then cases transferred to national courts under the 2004 gacaca law.<sup>18</sup> In theory this provision protected women from exposure during gacaca. However, the two tiered system combined the inadequacies of both for survivors: problems of accessing national courts and fear of experiences considered shameful becoming community knowledge. Although the law gives rape victims the opportunity to give testimony to the gacaca judge of their choice in camera, many women did not know of this option and viewed the process as a public one that exposes them to stigma and public ridicule. Moreover, requests to testify in camera give rise to assumptions of having been raped. In 2002, 60% of survivors predicted women would testify less than men and they all believed families would prevent young girls from testifying about sexual violence (Wells, 2004-2005). In some cases, confessions at gacaca have identified victims of sexual violence who then suffer from ignominy.

Despite provision made for women to testify in special courtrooms to maintain privacy, many women find the experience traumatic and fear community members will find out about their testimony (Amnesty, 2004). Although Rwandese courts use the French system under which victims can become parties to a criminal trial and have legal representation to protect them, problems of lack of sensitivity among judges during cross-examination persist and can cause retraumatisation, especially as services to deal with social and psychological trauma are insufficient. Furthermore, few cases have been tried which included charges of sexual violence. Haguruka in 2004 estimated significantly less than 100 women have seen rape cases through the courts and of 20 defendants found

guilty, most had been sentenced to death but appealed their sentences (Mutamba & Izabiliza, 2005). Not only does this failure to hear cases violate the rights of detainees, some of whom had been in prison without trial for over a decade, but it also delays judicial resolution for victims. Combination of the above factors leaves victims believing investigation and prosecution have failed them.

In order to speed up the rate of trials and turn the page on prosecutions, the government passed a new gacaca law in 2008 that widens the scope of gacaca to judge category one crimes, including rape. By the time NGOs knew about the legislation, it had already been adopted. All activists interviewed expressed surprise at speed of passage and lack of consultation. Only the two survivor organisations, Ibuka and Avega, were consulted but their comments were not incorporated. The National Service of the Gacaca Courts (SNJG) claims it carried out consultations in rural areas with representatives of survivor organisations to find survivors' views, argues opinions were very positive as survivors wished to see justice being done and dismissed women's organisations as engaged in general rights work and therefore not concerned. Nevertheless, activists when interviewed indicated the level of consultation was not satisfactory and stressed this amendment should have taken longer owing to the sensitive nature of changes proposed, most specifically the stigma and trauma likely to be caused to victims. As criticism has intensified, the government has become increasingly unreceptive with law, policy and implementation not open for discussion. Lack of consultation around the 2008 gacaca law underscores the reality that the government includes organisations in decision making only when it suits its purposes. Most organisations interviewed express reservations about the amendment. The Coalition Against Violence Against Women is lobbying for rape cases to be heard at the Supreme Court. Organisations that recommended cases be judged in national courts or at the International Criminal Tribunal for Rwanda are now focusing on implementation and monitoring,

sensitizing victims and the general population and hoping to correct any defects.

Human Rights Watch sees only two possible reasons for the amendment: either the prosecutor's office has deliberately delayed prosecution of rape until all other crimes have been judged or accusations are motivated by enhanced possibility of obtaining conviction where other charges are unable to be successfully proved, especially as in camera gacaca proceedings will also exclude trial observers and monitors.<sup>19</sup> Permission to monitor these sessions has been refused. Lack of trial observation as well as the unavailability of physical evidence<sup>20</sup> raises the spectre of thousands of trials taking place in gacaca in front of untrained judges making determinations on the basis of the testimony of the victim, who may have suffered greatly from sexual harm but be unable to provide evidence that it was the accused who is responsible. Judges will have to decide by weighing victim testimony against that of the accused. The SNJG dismisses concerns, asserting rape survivors can ask for certain judges not to hear their cases, people already know the identity of those who were raped, proceedings will be held in camera with punishment of up to 3 years imprisonment for those who reveal testimony and rape no longer has the same stigma due to rise in premarital sexual relations. However most activists interviewed declare having rape tried at gacaca will lead to problems. Even in closed sessions, three gacaca judges, SNJG officials, members of the prosecution team and trauma counsellors will be present and, whereas judges in criminal courts are believed to be better able to understand the delicacy inherent in cases of sexual violence and give equitable judgements and keep confidentiality, gacaca judges are viewed as less likely to keep the content of in camera sessions private. Victims will have to face those they accuse of raping them with lay judges controlling the proceedings. Avega has underlined to the government the importance of finding judges with integrity and discretion to hear these cases and train them on the need to keep the content of proceedings secret. Even if details are unknown,

gacaca sessions are held in public spaces and community members will see who is entering the building or space and automatically classify them as a rape victim. Trauma counsellors have found the majority of survivors reported increased emotional and psychological suffering after testifying. Lack of legal representation for the victim is likely to cause further trauma as the woman concerned, often with little knowledge of the system, will have to navigate the legal bureaucracy and defend themselves with no support during questioning. Many activists fear rape victims, wanting to keep experiences secret, will not come forward and testify. The SNJG underscores the need to mobilise survivors to bring cases to court and maintains survivors with whom officials met are ready to testify. However, NGOs indicate they are not willing to help women go to gacaca with rape allegations as they believe the experience could create more suffering and rejection.<sup>21</sup> The consequences will be that justice will not be served. Those who raped and tortured will continue to remain in communities or be released from prison due to lack of evidence and the true incidence of rape during the genocide will not enter judicial or national memory. Courts influence the way societies remember mass atrocity, legitimising a particular history which affects collective memory. The removal of rape cases from public hearing as well as the prospect of the vast majority of rape victims not registering cases may well mean the true incidence of rape does not enter the public record. Rape is *'something that everyone knows and keeps quiet about'* but the issues outlined above make it likely that future generations will not know its true nature and pervasiveness. The government aims to destroy the culture of impunity by raising awareness of what took place so they will *'never again'* occur. Are acts of rape and sexual torture exempt from this need to eradicate?

### **Implications of Governmental (In)Action**

The most pressing concerns for many in Rwanda centre on survival. This is especially true for victims who face additional

health concerns, often lack housing, continue to experience acute psychological trauma, may have assumed responsibility for the care of orphans and in many cases have suffered the loss of family breadwinners. For survivors, obtaining anti-retroviral treatment, having a house in which to live or enough food to feed families is as important as seeing those who subjected them to sexual torture or killed family members punished. Despite the nature and prevalence of rape and its classification, the government has been slow to offer legal redress, medical treatment and counselling. Victims find it very difficult to recover damages awarded in gacaca and national courts, as convicted génocidaires are usually poor. No comprehensive assistance scheme exists. Although the Rwandese government has admitted responsibility and the need to compensate victims for the actions of the previous regime (Gabirol, 2002), reparations are not forthcoming and draft legislation setting up *fonds d'indemnisation* has stalled in Parliament due to lack of political will. The *fonds d'assistance aux rescapés du génocide* is insufficient to meet the needs of survivors, only covers those who were at risk of death during the genocide, and is plagued by unfair allocation of funds. Survivors' organisations have stepped into the breach and in the face of insufficient resources and do their best to assist those in need. Avega has local committees in Rwanda's districts which provide solidarity and consolation for widows, engage in trauma counselling, run medical centres, help with the reconstruction of homes, distribute clothes, assist members to find food to eat and give loans for small business projects. In many cases, Avega remains the only lifeline for survivors, being a source of guidance and moral support as well as concrete assistance.

### Conclusion

*'When we talk about what the génocidaires did during the genocide, we are often taken for being crazy exaggerators. Those who we're accusing and testifying against are being released. That's demoralising for us'* (African Rights, 2004, p.78)



The RPF government is engaging in classic doublethink. It seems committed to achieving gender equality and this is certainly very useful diplomatically. Rwanda is known and lauded as the nation with the highest number of women in parliament. President Kagame has received much of the credit and many believing his convictions drive the actions of other officials to support gender equality.<sup>22</sup> Such perceptions heighten loyalty to the President among women generally, who make up the majority of the voting population and attribute their promotion at all societal levels to the President. Women are being used to legitimise governmental power and consolidate Kagame's power base. Much of it is a *façade* of power that remains as long as women operate within a circumscribed space. Real power remains in the hands of a small coterie surrounding the president. This much is evident from the repercussions for those who dare to criticise the government, the marginalisation of women's organisations from discussions surrounding the 2008 gacaca law and the side-lining of survivors' needs and experiences, particularly distasteful given the genocide has become politicised in internal discourse and interaction with outside actors to justify and legitimise RPF actions and the centralisation of real power.

Rwanda faced unprecedented challenges in the aftermath of the genocide and civil war. The country was devastated and both physical and human infrastructure completely destroyed. However, acknowledgement of reality only gives a certain amount of latitude in terms of governmental obligations towards survivors of sexual violence. This does not justify the exclusion of crimes committed by the RPA from the scope of consideration and neither does it excuse the derisory small number of prosecutions for rape. This is no explanation for the lack of proper consultation of women and survivor organisations with regards to the 2008 gacaca law. There is no excuse for the persecution of human rights activists, some of them survivors, who are critical of the government and the accusations of harbouring genocidal ideology aimed their way. Survivors of sexual violence are viewed more as

a problem than a group of people whose requirements need consideration. Their marginalisation reinforces their invisibility. They only come into focus as objects of pity or ridicule or when they can be instrumentalised in the service of a government that places emphasis on remaining in power rather than caring for the most vulnerable of its citizens.

*“It makes me sad to hear them call me a ‘genocide survivor.’ I am not a survivor. I am still struggling [to survive]”* (HRW, 2004)

### References

- African Rights (2004). *Rwanda: Broken bodies, torn spirits: Living with genocide, rape and HIV/AIDS*.
- Amnesty International (2004). *Rwanda: ‘Marked for death,’ rape survivors living with HIV/ AIDS in Rwanda*, AI Index
- BBC News (2004). Talking point special: Ask Rwanda’s president. Available at [http://news.bbc.co.uk/1/hi/talking\\_point/3442577.stm](http://news.bbc.co.uk/1/hi/talking_point/3442577.stm), last visited 15/01/2010
- Burnett, M. (2004-2005). Remembering justice in Rwanda: Locating gender in the judicial construction of memory. *Seattle Journal of Social Justice*, 3, 757-784
- Clark, P. (2007). Hybridity, holism and “traditional justice”: The case of the Gacaca Courts in post-genocide Rwanda. *George Washington International Law Review*, 39 (4) 765-837
- Constitution of the Republic of Rwanda (2003)
- Drumbl, M. (2000). Punishment, post-genocide: From guilt to shame to *civis* in Rwanda. *New York University Law*

*Review, 75, 1221-1326*

Gabiro, G. (2002). Rwandan genocide: Paying for reconciliation. *Hirondelle News Agency*

Gabiro, G. (2002). Rwanda/ Gacaca: Exclusive interview: Rwanda pushes on with Gacaca Tribunals. *Hirondelle News Agency*

Gourevitch, P. (1998). *We wish to inform you that tomorrow we will be killed with our families*, New York: Farrar, Straus and Giroux

Hamilton, H.B. (2000). Rwanda's women: The key to reconstruction. *Journal of Humanitarian Assistance*, available at <http://web.archive.org/web/20061022163923/www.jha.ac/greatlakes/b001.htm>, last visited 15/01/2010

Human Rights Watch (2008). *Law and reality: Progress in judicial reform in Rwanda*, HRW

Human Rights Watch (2004). *Struggling to survive: Barriers to justice for rape victims in Rwanda*, 16(10A). HRW

Human Rights Watch (2004). Rwanda: Parliament seeks to abolish rights group. HRW

Institute of Research and Dialogue for Peace (2003). *Sustaining peace in Rwanda: Voice of the people*. IRDP

International Crisis Group (2002). *Rwanda at the end of the transition: A necessary political liberalisation*. ICG

Jefremovas, V. (2002). *Brickyards to graveyards: From production to genocide in Rwanda*. Albany: State

University of New York Press

- Jefremovas, V. (1991). Loose women, virtuous wives, and timid virgins: gender and the control of resources in Rwanda. *Canadian Journal of African Studies*, 25 (3), 378-395
- King, K. A. (2006-2007). Representation of women: Constitutional legislative quotas in Rwanda and Uganda, *Charleston Law Review*, 1, 217-236
- Legal Aid Forum (2008). 'Access to justice and legal aid: The contributions of the members of the Rwandan Legal Aid Forum.' International Conference on the Impact of the Judicial Reforms for the Justice Sector in Rwanda, Kigali, Rwanda, on file with author
- Longman, T. (2006). Rwanda: Achieving equality or serving an authoritarian state? In G. Bauer and H. Britton (eds.), *Women in African Parliaments* (pp.133-150). Boulder: Lynne Rienner.
- Mamdani, M. (2001). *When victims become killers: Colonialism, nativism and the genocide in Rwanda*. Princeton: Princeton University Press.
- Mgbako, C. (2005). Ingando solidarity camps: Reconciliation and political indoctrination in post-genocide Rwanda. *Harvard Human Rights Journal*, 18, 201-224
- Morel-Seytoux, S. and Lalonde, H. (2002). *Gender assessment and action plan for USAID/Rwanda*. Kigali: USAID
- Mutamba, J., and Izabiliza, J. (2005). *The role of women in reconciliation and peace building in Rwanda: Ten years after genocide 1994-2004: Contributions, challenges and way forward*, Kigali: National Unity and Reconciliation

### Commission

- National Unity and Reconciliation Commission (2008). *Social cohesion in Rwanda: An opinion survey*, Kigali: National Unity and Reconciliation Commission
- Newbury, C. and Baldwin, H. (2001). Confronting the aftermath of conflict: Women's organisations in post-genocide Rwanda. In K. Kumar (ed.), *Women and civil war: Impact, organisations and action* (pp. 97-128). Boulder: Lynne Rienner
- Office of the High Commission for Human Rights (2010). *Democratic Republic of Congo, 1993 – 2003, Report of the mapping exercise documenting the most serious violations of human rights and international humanitarian law committed within the Democratic Republic of Congo between March 1993 and June 2003*. Office of the High Commissioner for Human Rights
- Organic Law No 16/2004 of 19/6/2004
- Organic Law No 27/2008
- Organisation of African Unity (2000). *Rwanda: The preventable genocide*. Organisation of African Unity
- Pearson, E. (2008). Demonstrating legislative leadership: The introduction of Rwanda's Gender Based Violence Bill. *Initiative for Inclusive Security*
- Penal Reform International (2002). *PRI research on Gacaca Report: Rapport I: Gacaca jurisdictions and its preparations*, Penal Reform International Kigali
- Powley, E. (2004). 'Strengthening governance: The role of women

in Rwanda's transition: A summary.' prepared for the  
Office of the Special Adviser on Gender Issues and  
Advancement of Women Expert Group Meeting on  
'Enhancing Women's Participation in Electoral Processes  
in Post Conflict Countries,' UN Doc  
EGM/ELEC/2004/EP5

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

Prunier, G. (1995). *The Rwanda crisis 1959-1994: History of a  
genocide*, London: Hurst & Co

Report of the Secretary General on Women, Peace and Security to  
the UN Security Council, 13<sup>th</sup> October 2004, UN Doc  
S/2004/814

Reyntjens, F. (2004). Rwanda, ten years on: From genocide to  
dictatorship. *African Affairs*, 103, 177-210

Rombouts, H. (2006). Women and reparations in Rwanda: A long  
path to travel. In R. Rubio-Marin, *What Happened to the  
Women?* (pp.195-245). Social Science Research Council:  
New York

Twagiramariya, C. and Turshen, M. (1998). "Favours" to give and  
"consenting" victims: The sexual politics of survival in  
Rwanda. In M. Turshen and C. Twagiramariya, *What  
Women Do in Wartime: Gender and Conflict in Africa*, (pp.  
101-117). London and New York: Zed Books

UNIFEM News (2008). Rwandan women secure 56% of  
parliamentary seats in historic election result. Available at  
[http://www.unifem.org/news\\_events/story\\_detail.php?Story  
ID=736](http://www.unifem.org/news_events/story_detail.php?StoryID=736), last visited 15.01.2010

- Waldorf, L. (2006). Mass justice for mass atrocity: Rethinking local justice as transitional justice. *Temple Law Review*, 79 (1), 1-87
- Wells, S.L. (2004-2005). Gender, sexual violence and prospects for justice at the Gacaca Courts in Rwanda, *South California Review of Law and Women's Studies*, 14, 167-196
- Wing, A.K. and Johnson, M.R. (2001-2002). The promise of a post-genocide constitution: Healing Rwandan spirit injuries. *Michigan Journal of Race and Law*, 7, 247-316

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<sup>2</sup> Chitra Nagarajan has a LLM Human Rights, Conflict and Justice. She is a feminist activist and Director of Gender Action for Peace and Security, a network of development, human rights, humanitarian and peace-building organizations that works on women's rights in areas affected by violent conflict. She has worked to promote and protect the human rights of women in China, the United Kingdom, the United States and countries in West Africa.

<sup>3</sup>Only 22 soldiers have been tried for war crimes, of which 14 were found guilty and given light sentences: HRW (2008).

<sup>4</sup>For full details of these raids, plus the response of the Rwandese army, please see OCHHR (2010).

<sup>5</sup>Apart from this brief overview, this article is unable to provide a detailed account of the causes and reality of the genocide and war. For more details, please see Prunier (1995), Gourevitch (1998), OAU (2000) or Mamdani (2001).

<sup>6</sup> Interviews were conducted with Rwandese who returned to the country in the months following RPF victory.

<sup>7</sup>Cockroach: term originally used to refer to the RPF but which came to be used as an ethnic slur for all Tutsis.

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<sup>8</sup>Those who stand together: the name for the Hutu militia that was responsible for coordinating and carrying out the bulk of the massacres.

<sup>9</sup>In the last elections women secured 45 out of 80 seats in the Chamber of Deputies, making the present parliament the first in the world to have women in the majority: UNIFEM (2008).

<sup>10</sup>Preamble No 10 Constitution of the Republic of Rwanda 2003: '*Committed to ensuring equal rights between Rwandans and between women and men without prejudice to the principles of gender equality and complementarity in national development.*'

<sup>11</sup>Many young people interviewed echoed the government view of history, asserting experiences in the *ingando* (solidarity camps) as the source of their knowledge. The RPF-dominated government has employed *ingando*, or solidarity camps, both to plant the seeds of reconciliation, and to disseminate pro-RPF ideology through political indoctrination. The government encourages or requires Rwandan citizens from diverse walks of life—students, politicians, church leaders, prostitutes, ex-soldiers, ex-combatants, *génocidaires*, *gacaca* judges, and others—to attend *ingando* for periods ranging from days to several months, to study government programs, Rwandan history, and unity and reconciliation.

<sup>12</sup>Between 1998 and 2002, 10 Vice Presidents, Secretary Generals, founding Presidents, Coordinators and members of Avega and Ibuka went into exile: Waldorf (2006).

<sup>13</sup>In the aftermath of the genocide, defending accused *génocidaires* was considered tantamount to supporting their actions: Interviews with activists.

<sup>14</sup>For ease, *gacaca* will be used in this article to refer to these *gacaca* jurisdictions.

<sup>15</sup>As will be seen below, this has been interpreted to exclude consideration of war crimes committed by the RPF and has led to perceptions of the *gacaca* being a one-sided form of justice with Tutsis able to claim the moral high ground and status as completely innocent victims and the RPF as their saviours.

<sup>16</sup>Art 51 Organic Law No 16/2004 of 19/6/2004.

<sup>17</sup>Please note Rwanda abolished capital punishment in 2007.

<sup>18</sup>Organic Law No 16/2004 of 19/6/2004.

<sup>19</sup>HRW also give examples of cases where rape charges, previously not mentioned, were brought in the final stages of *gacaca* proceedings when the accused was on the verge of acquittal: HRW (2008).

<sup>20</sup>For details of the insufficiency of collection of evidence, see HRW (2004).

<sup>21</sup>Please note that this information came, not from survivor organisations themselves who are very wary of being seen as so openly against government policy but through interviews with other women's rights activists.



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<sup>22</sup>Many activists interviewed expressed these views and seemed to lay all credit for improvement in the lives of women at his door rather than considering their own hard work.