

The Rwandan Reconciliation

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The nine Rwandan judges filed into a grassy enclosure shaded by tarps to keep out the equatorial sun. Each wore a blue, green and yellow sash that said "inyangamugayo" -- trusted person. Two prisoners were summoned from the rear. Fifty or 60 people sitting on benches facing the court stood up. The chief judge said, "We are going to remember." Then, a long silence.

They were there not only to remember, but to be able to stop remembering, to find truth and maybe justice, and to rebuild their lives. This is the gacaca court (pronounced ga-cha-cha). The name means "on the grass." Throughout Rwanda's history, neighbors have settled disputes by adjourning to the gacaca to sit, discuss and mediate personal and community problems.

But now these Rwandan courts are faced with trying more than 40,000 prisoners implicated in the genocide of 1994, when the members of the country's Hutu ethnic majority killed nearly 1 million minority Tutsis in a 100-day rampage. Most of the accused have been in jail for more than 10 years without trial. While the masterminds of the genocide -- those who planned, organized and incited it -- will be tried by the International Criminal Tribunal for Rwanda operating in Tanzania, and others charged with murder will be tried in regular criminal courts, the many more who abetted the slaughter will go before the gacaca courts. The gacaca judges are not lawyers, but respected persons selected by the community.

This is a strangely inspiring process to witness, especially for me, a retired lawyer used to the often acrimonious U.S. system. While the crimes in Rwanda are deeply disturbing, the gacaca courts, which generally meet once a week, emphasize reconciliation and deemphasize retribution -- though further punishment for those accused is still possible. There are approximately 10,000 gacaca courts, each with nine elected judges. They are how most ordinary people here are coming to terms with the past.

Rwandans want, above all, to find out exactly where and how those close to them died. Without this knowledge, it is hard to move on. Genocide memorials have been erected throughout the country in the solemn style of our Vietnam Veterans Memorial, only the slates are largely blank, listing hundreds of names of the known dead but leaving space for tens of thousands of others who perished and whose names are unknown. The need to learn the names of the dead is greater than the need to punish.

I was in Rwanda with my son over the summer to visit American friends. One conducts anti-violence workshops for gacaca judges for the African Great Lakes Initiative, a Quaker group. Her husband is a health adviser for the U.S. Agency for International Development. Given my experience as a public interest lawyer, I wanted to attend a gacaca, even if I had to absorb the proceedings through someone translating Kinyarwanda in a low voice.

During the session I attended one day in early August, one of the accused, a man named Nicodemus, was summoned before the bench. His accuser rose, took an oath and stated: "Nicodemus was persecuting Tutsis, hunting them. I am not sure if he killed them." He then asked the tribunal to forgive Nicodemus, as though charging him in public were its own form of revenge.

A second accuser, named Bimenyimana, rose and accused Nicodemus of killing someone named Concord. A judge asked, "How do you know Concord died?" Bimenyimana answered, "I had lunch with people who said he died." The judge: "How did he die?" Accuser: "I don't know. I didn't see him again, and we were neighbors." At this point the judge read out an article of the laws of gacaca, informing the accuser that he was in danger if he was perjuring himself. At the earlier information stage of the court process, he had stated that he didn't know how certain people had died; now the judges wanted to ascertain whether he was bringing false testimony.

An imposing woman in a striking brown dress with a blue and white pattern and matching headdress rose from the audience and advised the accuser Bimenyimana to tell the truth. "Other people here are neighbors of Nicodemus," she said. Although Kigali is a populous city, the neighborhood where Nicodemus lived is a small, tightly knit community within the city where everyone seems to know everyone else.

To a foreigner like me, the ethnic lines that once meant life or death appeared blurred. Nicodemus was Hutu; the accuser who asked the tribunal to forgive him appeared to be Tutsi, but it wasn't obvious. Both Hutus and Tutsis sat on the tribunal; I could not tell the difference. Still other Rwandans are part Hutu and part Tutsi.

To many, the Hutu/Tutsi distinction is a matter of economic or social standing rather than ethnic origins. A display in the Kigali Memorial Centre says that if a Hutu acquired 10 cows or more, he was considered a Tutsi. The Tutsi guide who took us to the Kigali memorial had invited his Hutu friend along. We stood in the peace garden of roses overlooking the city's hills. Smiling, the guide said: "I'm Tutsi. He's Hutu. Why aren't we fighting?" Both young men had been children when the genocide occurred and have grown up together.

The first day my son and I spent in the country was a Saturday set aside for community service. We could have stayed inside, but we decided to join in. We were handed machetes, and walked down the dirt road to the center of Kicukiro, a sector of Kigali, together with hundreds of other people to clear land for a community center. It was surreal, given that machetes were the weapons used in much of the killing. Yet perhaps it

was a metaphor -- as though ploughshares had turned to swords and back again.

After two hours of clearing brush, digging boulders from the earth and, to everyone's delight, finding a stolen television hidden in the tall grasses, the community gathered under a shelter at the soccer field to discuss an important piece of news: One thousand prisoners who had been jailed without trial for 10 years were about to be returned to this community of about 8,000 people for trial before the gacaca courts. Many were already in the neighborhood, recognizable by the pink outfits prisoners must wear, working on public service projects by day and returning to prison at night.

Two years earlier, during a similar program, released prisoners had attacked people who had turned them in and community members had avenged murders allegedly committed by those who had been released. How to reintegrate the prisoners more successfully was now a major concern. Moreover, many prisoners' wives had remarried and established new lives during the decade their men were jailed. The prisoners would need food, shelter and jobs.

The anxieties about the prisoner release were compounded by the country's extreme poverty and crumbling infrastructure. According to my friend with USAID, approximately 90 percent of all Rwandans are unemployed or underemployed. Running water and electricity work intermittently; on every street, people line up with large yellow jerrycans to fill at public wells.

People lack the most rudimentary tools -- like screwdrivers or monkey wrenches -- and many of the country's craftsmen have been murdered or jailed. There aren't many animals to help clear land for farming. No burros, no oxen pulling plows. Farmers hoe by hand. Most Rwandans subsist on about 80 percent of the daily calories needed for healthy living. The annual per capita income is \$261. Children receive free education only up to grade six, and few families have the \$130 it costs for each additional year of schooling.

So it was no surprise when a man rose to question the mayor at the soccer field and said: "Our neighborhood was promised a paved road four years ago. Money was raised, yet the road building has not begun. Why not? Why do we have a shortage of water? Why does our electricity constantly go out?" Everyone cheered.

At the gacaca another accuser was sworn in. He was the brother of Concord, who died. He said that Bimenyimana was telling the truth and that another prisoner, Ntabakunzi, was with Nicodemus when the killings occurred. A woman in a yellow outfit and headdress rose to suggest that the tribunal wait for Ntabakunzi's testimony. Another woman rose and said, "Ntabakunzi is the man who raped me." The chief judge of the tribunal asked her to return the following week to give sworn testimony. A man in the back row talked directly to Nicodemus: "If given time to speak, tell the truth. Even if Ntabakunzi is not here to testify, please tell us the truth. What happened?"

That is the question that this green, hilly country is facing. Once the story has been told, the dead can rest and the survivors can get on with life.

It seemed as though every family included a victim, a perpetrator or a collaborator -- sometimes all three. My friend told me that a Rwandan colleague of hers at the Friends Peace House described this scene: " 'People killed and saved people at the same time. Twelve people broke in through the roof of my home and started killing. They hacked my parents with machetes before my eyes. When someone attacked me, the person killing my parents stopped, said "no children" and got everyone to leave.' "

The application form for attending gacaca asks people to explain the benefit to them and to Rwanda of their attendance. My son and I felt we had an obligation to bear witness so we could tell others about this place. In the children's room of the Kigali genocide memorial there are pictures: "David: loved football, made people laugh, wanted to be a doctor, killed by machete." Or, "Lisa, infant: favorite food: mother's milk, favorite person, mom, thrown against wall."

Last week I learned from my translator that the gacaca court, after hearing further evidence, found Nicodemus guilty and sent him back to prison.

Despite the stain of violence, Rwandan society appears to have strengths that could help it heal. The young woman who translated the gacaca hearings has adopted three genocide orphans and taken in a close friend who had been unfairly jailed and lost his job. And people conduct themselves with dignity. In day-to-day life, I saw no littering, no begging, no eating in public and a pride in personal appearance that defies the omnipresent dust. And in the gacaca, where it would have been understandable for anger to burst forth, there was restraint and decorum.

Rwandans have a saying: "God does his work throughout the world by day, and comes home to Rwanda to sleep at night." If so, maybe Rwandans will one day be able to sleep more peacefully.

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