Rwandan Platform for Dialogue, Truth, and Justice

“NDI UMUNYARWANDA” (I AM RWANDAN) AND OTHER SIMILAR CAMPAIGN INITIATIVES: RECONCILIATION OR SOCIAL DIVISION?

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Cape Town, South Africa
About the Rwandan Platform for Dialogue, Truth, and Justice (RDTJ)

The Rwandan Platform for Dialogue, Truth and Justice (RDTJ) is a Non-Profit, Non-Governmental Organisation created as a response to the past destructive events in the Rwandan nation, and the present Government’s suppression of the majority of the people who are deprived of their basic liberties, and live in uncertainty and fear. It is committed to the promotion of open dialogue as to the root causes of injustice and oppression in the nation, and to seek a viable way forward to truth, justice, reconciliation, participatory democracy, respect for the rule of law and an equitable and fair distribution of the nation’s resources. It seeks to promote the value of ethnic identity as a resource to build the wider identity of the Rwandan nation, sharing a common culture, language, history and ways of life.

It comprises of individuals dedicated to promote equality and dignity of all Rwandans without any discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination as enshrined in article 11 of the Rwandan Constitution.

The RDTJ vision is to contribute to the building of a democratic peace-loving Rwanda based on valuing ethnic diversity and respect for human rights. In order to achieve this, the RDTJ programme includes advocacy, research, public awareness, capacity building and networking.

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1. INTRODUCTION

On 08 November 2013, President Kagame launched “Ndi Umunyarwanda” (I am Rwandan) ideological campaign themed ‘critically examining our dark history towards shaping a bright future: Leadership responsibility in driving ‘Ndi Umunyanyarwanda’.\(^1\) This campaign is an initiative born out of the “YouthConnektDialogue” of 30 June 2013,\(^2\) in which President Kagame called for every Hutu child or blood to apologize for the crimes committed “in their name” by their parents and relatives during the 1994 genocide. In this campaign, president Kagame reaffirmed that Tutsi genocide was committed “in the name of and on behalf of all Hutu” and that the latter is “genocidaires” irrespective of innocence and age. In this context, all Hutu (innocent and criminals alike) are called to apologize for the Tutsi compatriot in the pretext of ‘looking beyond what divides Rwandans; having a nation build on trust; having an open dialogue; telling the truth, repentance, forgiveness and healing; and strengthening the culture of accountability as well as unity and reconciliation.’\(^3\)

In light of these, the granting of forgiveness is subject to two conditions: (1) admission and confession of committing crimes of genocide (pleading guilty) and (2) asking for forgiveness (plea bargaining). These two requirements must be satisfied for a Hutu to be pardoned and accepted in the Rwandan community as a ‘Rwandan’. These initiatives that seek to affirm the collective guilty of Hutu have a deleterious impact of depriving Hutu rights associated to citizenship and establishing oppression which is nothing in future than pure ethnic discrimination, humiliation and harassment. As will be illustrated, these initiatives are aimed at deprivation of equal rights, entitlements, and benefits of Rwandan citizenship and subjecting Hutu peoples to unequal duties and responsibilities. Certainly, they are based on political ideologies according to which “NO HUTU” should be innocent, and everyone should be considered guilty by complicity.

2. Who must admit and confess for crimes of genocide?

Five years after the 1990-1994 horrific events, the Rwandan Patriotic Front (RPF) regime established the National Unity and Reconciliation Commission (NURC).\(^4\) The NURC was


\(^3\) President Kagame opens Cabinet Retreat on “Ndi Umunyarwanda” op.cit (n1).

entrusted with a mandate to reconcile and unite the major conflicting ethnics thereby alleviating social division and putting an end to human rights abuses and acts of ethnic and political violence that characterised Rwanda for centuries. This is not an easy task. For the NURC to achieve its mandate, the Gacaca Traditional Court was, in 2000, renovated and designed to be “a participatory and reconciliatory” forum in terms of the Organic Law No. 40 of 2000. Simply put, it was westernised and re-designed into a conventional criminal court. The Gacaca (Criminal) Court was thus established in 2001 and started its operation on March 10, 2005. Its main goals include but not limited to revealing the truth, eradicating a culture of impunity, and reconciling Rwandans. This court was given power to impose a sentence ranging from 12 years to life imprisonment. When the death penalty was abolished in 2007, the Gacaca Court’s jurisdiction was extended to include imposition of the life sentence ‘in solitary confinement.’ From the Gacaca Court inception, the RPF regime understood that the retributive theories of justice could foster reconciliation and unity among people of Rwanda.

Nonetheless, the retribution justice is in conflict with reconciliatory justice. The latter seeks to restore harmony and steers away from revenge and retaliation or banishment and exclusion of an individual from a society. On the other hand, reconciliation is a deep process that involves of coming to terms with an imperfect reality which demands changes in the conciliating parties’ attitudes, aspirations, emotions, feelings and beliefs. In converting the Gacaca Traditional Court into a Western-fashioned criminal court, the RPF government out-rightly objected to reconciliatory justice or restorative justice.

Within eight (8) years of the Gacaca Court operation (as it closed its activities on July 18, 2012), it has summoned the majority of Hutu before it for being tried and, eventually, convicted (if found guilty) or acquitted (if found not guilty). Initially, this court was mandated to try all genocide perpetrators regardless of their ethnic backgrounds. With political interference in the Gacaca processes, the prosecutions were restricted to perpetrators of Hutu ethnic backgrounds. Consequently, the court could not apply its mind and criminal laws impartially and without fear. As a result, the Gacaca Court found guilty about 65% of the close to two millions of Hutu population tried. Those found guilty have been sentenced to long term prison sentences in conjunction with hard labour. It is crucial to note that an individual participation of members of the Rwandan community in the Gacaca process, which supposed to be voluntary, became compulsory. Majority of Hutu was tried. Exiled Hutus were also tried in abstantia. Therefore, those who are being requested to admit, confess, and apologise are those whose names were cleared by the so called ‘Gacaca Court’.

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Whereas the innocent Hutu are being coerced and politically manipulated into collectively accepting the blame, there is no single Tutsi who were condemned for the crimes perpetrated against Hutu community during the period of the 1990 up to date. In fact the whole world has come to know that Tutsi (mostly the RPF soldiers or the Rwandan Defence Force) have committed crimes of genocide including war crimes and crimes against humanity against Rwandan citizen of Hutu backgrounds. This is well documented by the UN Gersony Report\(^9\) and the United Nations Assistance Mission for Rwanda (UNAMIR).\(^10\) In addition, the RPF followed the Hutu in the Democratic Republic of Congo (DRC) and bombed them in refugee camps as well as in the tropic forest of the DRC. This is well documented by the UN Mapping Report.\(^11\) In actuality, Hutu has, so far, suffered a hard blow. As Remegius Kintu presented his findings to the International Criminal Tribunal for Rwanda (ICTR), ‘the victor wins if it kills more of the enemy.’\(^12\) If the Tutsi won and defeated Hutu on July 04, 1994, the question that needs to be investigated, according to Kintu, is “who killed more of whom?”\(^13\) The contested figures that were provided by the RPF regime does not show the numbers of Tutsi or Hutu perished. Whereas most reports state that 800 000 Tutsi and Hutu moderate were killed, the 2003 Constitution provides that “more than a million sons and daughters of Rwanda were decimated.”\(^14\) There are no peoples from Twa backgrounds mentioned, similarly there is no any indication where they were spared. However, recently, Rwandans of Twa backgrounds and residents of Nyacyonga suburbs (Kigali), during Ndi Umunyarwanda campaign, requested both Hutu and Tutsi to apologise for the killing and atrocities committed against Twa peoples during the 1994 genocide.

Given the fact that all ethnics of Rwanda suffered loss, the genocide of Rwanda was initially known as “Rwandan genocide” until 2008 when the 2003 Constitution were amended to restrict the genocide to Tutsi.\(^15\) Since 2003, Organic Laws were crafted and promulgated to criminalise any person who does not agree with this discriminatory approach to resolve issues related to genocide.\(^16\) Crimes such as “revisionism, negationism and trivialisation of genocide”\(^17\) were used to stifle any Hutu or dissident who could seek legal remedies for the loss suffered during the genocide period or advocates for the plight of Hutu victims. Besides, the

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\(^12\) R Kintu 'The Truth Behind the Rwanda Tragedy' Document prepared and presented to the U.N. Tribunal on Rwanda, Arusha, Tanzania, March 20, 2005 at 18.

\(^13\) Ibid.


2008 amendment to 2003 Constitution created “genocide denial/ideology”\(^{18}\) that deprived political opposition leaders and any dissident the right to speak their mind as far as true and genuine reconciliation is concerned.\(^{19}\)

Within understanding that all ethnic groups suffered, the Organic Law, which established Gacaca Court did not limit its jurisdiction to prosecute and try the crimes solely committed against Tutsi.\(^{20}\) It is well documented by Human Rights Watch, Amnesty International, researchers, and other human rights organisations that ‘Inyangamugayo’ (Gacaca Court judges) were threatened by the Tutsi-dominated government to face dire consequences if they dared try a perpetrator of Tutsi background. In restricting the genocide to Tutsi, a Hutu was deprived the right to mourn and to bury in dignity their beloved ones. This belittles the process of reconciliation and violates the fundamental human rights.

Seen from this, it is the Tutsi compatriot that must admit, confess, and apologise for the crimes committed against Hutu compatriot since 1990s to date. They must be punished for the atrocities that they have committed. Otherwise, these segregation policies fuel anger, hatred, and resentment and promote social division and polarisation among Rwandans. Yet, they promote the culture of impunity and reinforce monopoly and centralisation of power in the hands of Tutsi dynasty, based on ideology of collective guilty which employed ‘Tutsi victimisation’ philosophy at the RPF regime advantage. The government of Rwanda ought to recognise that Tutsi members have been and are still active in ethnic and political crisis. It takes two people to fight and, for reconciliation, these two people in question must acknowledge their roles played in conflict and fighting process. They must be honest to each other for pacification and harmony.

3. Justification and collective guilty

In the RDTJ press release issued on 18 July 2013 entitled “President Kagame’s Medieval Thinking of Visiting the Iniquity of Fathers Upon Children Divides Rwandan Society”,\(^{21}\) the RDTJ vehemently objected to the medieval ideology of collectively saying all Hutu bear the blame. They don’t. Criminal liability must be an individual. Innocent people and criminals’ offspring cannot be burdened with criminal accountabilities merely on the basis of sharing social group with criminals. This is unjust and unfair.

The imposition of apologising to innocent Hutu is intended to justify the RPF regime’s political ideology that all Hutu are collectively genocidaire or dangerous and, ultimately, be able


\(^{19}\) See also Law No. 18/2008 Relating to the Punishment of the Crimes of Genocide Ideology, promulgated October 2008: Articles 2 & 3.

\(^{20}\) Also the Constitution of the Republic of Rwanda, 2003 does not restrict genocide to Tutsi. It places emphasis on ‘sons and daughters of Rwanda’ without any distinction.

to cover crimes committed by the RPF soldiers and Tutsi civilians up. Admission and confession is, in criminal justice system, an acceptance of the blame. In other words, while confession is an ‘unequivocal acknowledgement of guilty, which, if it were made in a court of law, would be accepted as a plea of guilt’, the admission has an implication of waving away one’s right to adduce evidence pertaining to allegation or allegations levelled against them. Admission has a serious implication for its maker (a person who apologised) because, once it is made, the maker admits that it is true he/she is guilty and does not intend to dispute such fact. As you may be aware, those who pleaded guilty either before the Gacaca Court or the ICTR were convicted or not acquitted. Apologising is a mechanism to justify collective conviction that genocide was committed by one ethnic group (Hutu) against another (Tutsi). This political conviction is not true. This is one of political dynamics that aimed at the promotion of and protection of a political and economic system that favours Tutsi and unfairly discriminate against Hutu and Twa. It is a calculated, deliberate, systematic, and intentional discrimination.

_Ndi Umunyarwanda_ Campaign is manifestly directed at impairing and marginalising all Hutu but is not aimed at achieving a worthy and societal goal of unity, reconciliation and, above all, revelation of truth and strengthening a culture of accountability. It goes without saying that this campaign intends to make real victims look like the criminals. This ideological campaign is very against fundamental human rights and freedoms.

4. **Asking forgiveness: Promotion of Hutu exclusion in the social and political realm**

Where a person accepts the blame or pleads guilty, he/she can plead for a lenient punishment on the ground that he/she has cooperated with a criminal justice system. If the Rwandan reconciliation follows the retributive theories of justice instead of reconciliatory theories justice, it is clear that those who will accept the blame in the pretext of apologising for the crimes committed in the name or on behalf of all Hutu will, formally or informally, face legal consequences. Why? If one accepts the RPF allegation as it puts it to all Hutu, he/she will be accepting that he/she shared or shares the same intention of or is jointly associated in committing genocide crimes with those who were found guilty – the so called ‘perpetrators of genocide’. In that, the admission-maker will be publicly declaring that he/she is co-perpetrator or guilty by complicity.

Bearing in mind that there was no forgiveness that was provided by the Gacaca court, acceptance of the blame will undeniably be resolved in terms of the retribution justice. This theory of justice is based on the premise that a person who is found guilty (or pleaded guilty) deserves to suffer the pain of remorse or being censured and that ‘full of remorse for or expressing sorry’ for crimes must be in itself painful. This implies that a guilty person must be

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given a painful punishment. Article 70 of Organic Law No.40 of 2000\textsuperscript{24} and article 76 of Organic Law No. 16 of 2004\textsuperscript{25} can help us to understand the legal and painful consequences that await those who will plead guilty. They clearly state that persons found guilty of the crimes of genocide are liable to the withdraw of their civil and political rights, including, permanent deprivation of the right to vote, the right to eligibility, the right to be an expert witness in the rulings and trials (except in the case of giving a mere investigation), the right to possess and carry fire arms, the right to serve in the armed forces and in police, the right to be in public services, and the right to be a teacher or a medical practitioner in public or private institutions. The Kagame regime is seeking to justify its ethnocentric approach in the running of Rwanda’s affairs on the analogous ground that Hutu are “unfit” to be public and military servants. A Hutu will thus be deprived his/her right to participate in the decision-making because his/her thinking, opinion, and view are, in apologizing, proved to be irrational and illogical.

While the RPF regime abolished ethnicity in Rwanda, President Kagame has not ceased to make reference to Hutu and Tutsi in his speeches, policies and social schemes. Most importantly, these schemes favour one ethnic group – Tutsi. Filip Reyntjes has referred to the RPF integral social approach as “Tutsisation.”\textsuperscript{26} The base of refusal of ethnicity is an integral element of the hegemonic strategy of President Kagame’s inner circle to criminalise and dehumanise all Hutu in order to maintain power in its hands. Criminalisation of the Hutu in the pretext of ‘Ndi Umunyarwanda Campaign’ will not pave the way to justice of all victims of the crimes of genocide, or to an inclusive dialogue, or to a genuine reconciliation. It is unfair practice for one side to ask for forgiveness whilst the other side is being shielded and not demanded to follow the same practice. Ndi Umunyarwanda Campaign squarely falls in the ambit of the Tutsisation as explained by Reyntjes. He describes tutsisation as a policy that perpetuates the political influence of the RPF and autocratic rule.\textsuperscript{27} In so doing, the RPF regime abolished ethnicity, on one hand, and discriminate against Hutus on the ground of collective guilty, on the other. Within this understanding, Hutu members were removed from their posts and were replaced by Tutsi.\textsuperscript{28} Their political parties were banned on the basis of allegation of an extremist political ideology. Today, opposition political parties whose leaders are Hutu are denied the right to register and to compete with the RPF. The cases that can be cited include FDU-Inkingi, PS-Imberakuri, and PDR-Ubuyanja among others. The right to vote and/or stand for public office were taken away from many Hutus by the Gacaca court in terms of articles 70 and 76 of the Organic Law No. 40 of 2000 and No.16 of 2004 respectively. The deprivation of the right to participate in elections clandestinely continues by implicating the whole Hutu community in genocide.

\textsuperscript{24} Op. cit (n5).
\textsuperscript{25} Establishing the Organisation, Competence and Functioning of Gacaca Courts Charged With Prosecuting and Trying the Perpetrators of the Crime of Genocide and Other Crimes Against Humanity, Committed Between October 1, 1990 and December 31, 1994.
\textsuperscript{27} Ibid at 4. See also K Nyamwasa, P Kageeya, T Rudasingwa, G Gahima, Rwanda Briefing, August, 2010 at 7.
\textsuperscript{28} Ibid: For example, the FPR has the majority of MPs in the National Assembly. Four of the six leading members of the Supreme Court, more than 80% of mayors, the vast majority of the directors-general of departments and professors and university students, almost all of the army and security services of the State are Tutsi.
This unwise approach will open the doors to oppression, resentment, and political crisis arising out from resistance and the struggle to assert the equal rights associated to citizenship. In reality, *Ndi Umunyarwanda* campaign hides a hatred and division agenda that was designed by the Kagame’s inner cycle. For instance, whereas April of every year is a national month of mourning and remembering the Tutsi genocide, the government of Rwanda preaches the non-existence of ethnic groups in Rwanda. This is a contradiction and a time has come for the RPF government to face and acknowledge the truth and deal with it rationally and reasonably instead of continuing to demonise the entire Hutu population. In principal, the RPF is manipulating and blinding Rwandans people that there is no Hutu, Tutsi, and Twa who exist in Rwanda. The million dollar questions are: How did President Kagame identify Hutu youth who apologised at YouthConnectDialogue and how does he identify Hutu who are apologising in this forum dubbed “*Ndi Umunyarwanda*” if there is no ethnicity in Rwanda? Who are the Tutsi who are claimed to be victims and survivors?

5. Conclusion

Reconciliation in Rwanda is possible and desirable only if all the victims and perpetrators of the Rwandan human disasters are allowed to come forward by the RPF government. This process is achieved if it is done fairly and equally for all Rwandans regardless their ethnic backgrounds. It is the duty of the RPF government, regardless of ethnic affiliations, to promote and protect all Rwandans’ fundamental human rights and freedoms. The RDTJ makes the following recommendations:

- It calls upon the RPF government to immediately stop from inducing, coercing, and compelling Hutu population to give self-incriminating, but baseless, testimonies so as to justify its discriminatory policies.
- It pleads to all Rwandans to object to this inflammatory policy of ‘*Ndi Umunyarwanda*’ and calls upon all Hutu to “NOT” plead guilty for the crime they did not commit.
- It calls upon the RPF government to understand that all Hutu are “NOT” to be blamed for the 1990-1994 horrific and heinous crimes. The RPF government needs to come to terms with an imperfect reality which demands changes in its political attitudes towards examining our dark history and resolving the issues related to it so as to shape a unified nation in its diversity.
- Only individuals who committed atrocities, from both sides, should be punished and/or ask for forgiveness. These must include members of Hutu ethnic group who killed Tutsi compatriot and members of Tutsi ethnic group who killed Hutu compatriot. This must be done to achieve a genuine fight against the culture of impunity and for promotion of peace, unity, and reconciliation.
- It calls upon the RPF government to reconsider its position on ethnicity and to recognise that Rwanda is a tri-nation comprises of Hutu, Tutsi and Twa, who should equally participate in the local and national matters that can adversely affect them.