

RWANDA BRIEFING



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In 1994, Rwanda suffered a tragedy that left over one million of its citizens dead as a result of war and genocide. The war and genocide resulted in immense suffering to millions more. The war and genocide have had far-reaching repercussions for both Rwanda and the Great Lakes Region of Central Africa as a whole.

Success story in post-conflict reconstruction. Visitors to the country are impressed by its economic growth, security situation and cleanliness, as well as the orderliness of its people and the efficiency with which its institutions conduct business. To its passionate friends, Rwanda is a shining example of democratisation, reformation, and an effective and efficient government. Supporters of the Rwandan government largely attribute Rwanda's post-war reconstruction to President Paul Kagame. The rebel general-turned-civilian politician cultivates a cult of achievements. President Kagame is perceived by most outsiders as both invincible and indispensable to national and regional stability.

There is, however, more to Rwanda and Paul Kagame than new buildings, clean streets, and economic growth. Europe and America care to admit. Rwanda is essentially a hard-line, one-party, secretive police state with a façade of democracy. The ruling party, the Rwandese Patriotic Front (RPF), has closed space for political participation. The RPF does not tolerate political opposition or open competition for power. The government maintains a monopoly of power by means of draconian restrictions on the exercise of the human rights of citizens. The press, civil society and opposition parties are denied the freedom to operate freely. President Kagame and the ruling party that he leads depend on repression to stay in power.

State institutions, especially law enforcement agencies, the judiciary and security forces, have become a power monopoly instead of protecting the fundamental human rights of citizens. Repression has again become particularly acute in recent months. There have been assassination attempts, killings and enforced disappearances of members of the press and political opposition within and outside Rwanda. Purges of political enemies, real and imagined, within the ruling party government continue unabated. These purges have now been extended to the military. A climate of fear and terror has enveloped the nation.

Rwanda is in crisis. The situation that prevails raises serious questions about the country's future. Are there any alternatives? Can the country continue to be peaceful while the government remains repressive and the majority of the people consider the government illegitimate? How do we balance individual freedoms and the requirement for a stable country? How should citizens respond when rulers mistake the state to be their personal estate and deprive their subjects of their inalienable rights? Should they resist peacefully or take up arms? If armed conflict is ill-advised, given its potential to cause human suffering, how else then can citizens reclaim their rights to hold the government accountable? What strategies would help Rwanda avoid violent conflict that appears inevitable and to set it on the path towards peaceful resolution of the problems that drive conflict in Rwandan society.

Rwanda endured destructive war during the period 1990–1994. The war culminated in the 1994 genocide and massacres. The genocide was planned and spearheaded by the government of the day. The war and genocide had very devastating consequences for Rwandan society. The genocide not only led to the suffering and death of a very large number of people (the number of the dead alone exceeds a million); it also resulted in virtual destruction of the country.

Following the genocide, the majority of the personnel of state institutions, fled to exile after the fall of the rump government that had organised the genocide. Rooting and wanton destruction of both public and private property was widespread. Economic production ground to a halt. Institutions of the state ceased to function both as a result of the massacres and exile of their personnel as well as lack of infrastructure and equipment. By the end of the genocide, the public had lost all confidence in the state and its institutions as guarantors of public safety and security. By far the worst damage that the genocide inflicted on the country was the destruction of the trust, tolerance and peaceful relations between the Hutu and Tutsi. The genocide ruptured relations between the Hutu and Tutsi at the individual, community and national levels. Left Rwandan society polarised along lines of ethnicity. Neighbouring countries as Rwanda unstable international relations and external threats. The forces of the Rwandan Patriotic Front had regrouped upon arrival in exile and were re-organising, re-arming, and preparing to invade Rwanda and re-capture power.

As a result of the above and other challenges, the reconstruction of Rwanda in the aftermath of the war and genocide was a very difficult task. Challenges that

faced the government that took power in the aftermath of the war and genocide included the following:

- (a) Restoration of law and order;
- (b) Organising the provision of humanitarian assistance to the population;
- (c) Re-establishing and strengthening institutions of government to drive the reconstruction of the country;
- (d) Encouraging and facilitating the peaceful repatriation, resettlement and re-integration of refugees;
- (e) Laying a foundation for sound economic recovery and development;
- (f) Establishing democracy and the rule of law; and
- (g) Identifying and implementing strategies to promote national unity and reconciliation as foundations for sustainable peace and stability.

President Kagame has received numerous awards from foreign organizations crediting him with success in many areas, including fostering reconciliation in the aftermath of genocide, promoting peace, and reform of government. This section discusses the status of governance in Rwanda. The section seeks to prove that the image of Rwanda as a democratising, reforming and stable post-conflict country that President Kagame and his government and supporters portray it to be does not reflect the real situation. Rwanda is a one-party dictatorship under President Kagame. President Kagame has effectively corrupted the founding ideals of the RPF. Through RPF, President Kagame denies the people of Rwanda the opportunity to exercise their fundamental human rights, particularly the right of political participation. President Kagame is both corrupt and authoritarian. He uses repression to ensure his continued monopoly of power. State institutions violate the most fundamental human rights of the people, including the right to life and the integrity of the person, to keep the President Kagame in power. State security institutions enjoy impunity for grave human rights violations against critics and

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support his quest for absolute power and economic gain is criminalising the fabric of the Rwandan state.

a) Destruction of the

The state of governance in Rwanda cannot be discussed in isolation from the character of the RPF and the quality of its leadership because of the very dominant role that the RPF in general and President Paul Kagame have played in the politics of post-genocide Rwanda. The RPF assumed government at the end of the genocide because it was the only organisation with the military capacity to disarm the organisers and perpetrators of the genocide.

At the end of the genocide, the RPF cohabited in a coalition government with

other organizations that had opposed the Habyarimana dictatorship. Since late 1995, the RPF has progressively assumed exclusive control of the state.

U f!SQG b! h b !f bc fe!b!b f f ! f f ! f!h b! b! !c h! together under one umbrella, individuals and groups of different political backgrounds and ideological beliefs that shared a minimum political platform to promote democracy in Rwanda. From its founding in 1979 as the Rwandese Alliance for National Union (RANU) to its capture of state power in 1994, the RPF professed a commitment to the vision of a free, democratic order under an accountable government. The organisation not only permitted but encouraged open debate and inclusiveness in decision-making. As a rebel movement in the opposition, RPF not only preached, but also practiced internal unity, internal democracy, and a commitment to reconciliation of the Rwandan people. During the 1990s, RPF reached out to build alliances with other like-

led by a democratically minded leadership. President Kagame has terrorised his peers and other members of RPF into submission to his will. The RPF has become President

The prime objective of the struggle of the RPF, as well other groups that rose up during the late 1980s and early 1990s to take on the challenge of opposing the Habyarimana
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affairs of Rwanda since the genocide and civil war has led to reversing, rather than consolidating, the gains that the struggle for democracy had achieved prior to the genocide. In 1991, the Habyarimana regime (under pressure from the military struggle of the RPF, domestic opposition and the international community) introduced reforms that made it possible for opposition groups not only to operate freely, but to participate in coalition governments pending democratic elections. Power-sharing was also a core tenet
g fl B b Q bdf ! Bh ff f !! S b eb ! 3114 ! D ! f f b fe ! fl f f f !
for power-sharing.

In practice, the RPF has... or other political...
operate in the country. The... of President Faustin Twagiramuna...
other critical... b fe... be !... eb ! g...
monopolistic control of the machinery of the state. ... has, since then, striven...
unrivalled political supremacy in Rwanda. The organization... exercises absolute control...
over all organs of the state. It has achieved this political supremacy not through an open...
and free process... political forces, but through repressive laws...
administrative practices... security services to frustrate the exercise of the...
civil and political rights... RPF has paid only lip service to constitutional...
provisions relating to the... participation, inclusion and power-sharing.
Not only is the opposition... participating in government; it is effectively...
barred from undertaking any... inside the country at all. The RPF enjoys...
unchallenged power in Rwanda. Rwanda is far less free now than it was prior to the

genocide.

The political system of the Rwandan state lacks mechanisms of checks and balances that are essential for good governance and genuine democracy. The President has absolute control over the executive branch of government. The Executive, in turn, completely dominates other organs of government. Branches of government other than the Executive are deprived of their autonomy and legitimacy. The independence of the judiciary is compromised.

Judiciary:

Rwanda has invested heavily in rebuilding its justice system since the genocide. Rwanda carried extensive reforms that ostensibly seek to create an impartial, independent and effective judiciary. The government has carried out a restructuring of its entire justice system, creating new justice sector institutions that are better organised, staffed by better-qualified personnel and better resourced. The government has also introduced new laws that sought to make legal processes more efficient and expeditious. New laws have been introduced to regulate the conduct of trials of cases that may be transferred from the tribunal and other national jurisdictions. The reforms that the country has undertaken b fl f fe! ! fl fl b ! gS b eb ! df! f ! f fb! ! g fl judges who conducted genocide trials prior to recent reforms had no legal education, all the judges of the courts are now qualified lawyers, as are the prosecutors. The bar has grown exponentially in terms of numbers. The skills of the personnel have been further enhanced through various training programs.

However, the functioning of the justice system is constrained by one very important factor, namely lack of judicial independence.

The judiciary enjoys nominal independence under the constitution and laws of Rwanda. In practice, the independence of the Rwandan judiciary is completely compromised by the control that he exercises over

Senate Chamber of the legislature, controls most senior judges (including the Supreme Court) and through them, the rest of the judiciary. Most of the members of the judiciary are members of the RPF. The RPF compels its members who have been appointed to the judiciary to continue to owe allegiance to the party; to participate in some activities of the

The judiciary is particularly vulnerable to outside interference in cases involving political issues. The President, his close advisers and security services personnel frequently coerce members of the judiciary to make judicial decisions to suit the interests of the government. The judiciary has become one of the main tools by which the government perpetuates authoritarian rule by persecuting opponents and critics. Law enforcement and judicial institutions rarely investigate, prosecute and prosecute human rights abuses by the security forces, and when they do, proceedings are undertaken rather punish perpetrators. Judicial and law enforcement authorities are used to persecute government critics and opponents through trumped up charges of genocide, terrorism, genocide ideology, corruption, terrorism and more recently, immoral conduct. Cases of political motivated prosecutions are not allowed bail pending conclusion of investigations. The police and security services routinely detain persons who are granted bail or acquitted by the courts. Victims of human rights abuses, including arbitrary arrest and imprisonment, torture, and malicious prosecution have no opportunity to receive redress.

Lack of an independent and impartial judiciary has many implications. It promotes impunity. It compels critics and opponents of the regime to flee the country, as they can not expect justice in cases fabricated by the government to persecute them. Lack of an independent and impartial judiciary is probably the greatest constraint to the development of democracy in Rwanda. The absence of an independent and impartial justice system contributed to perpetuating injustice, instability, and conflict in Rwandan society. Without an independent judiciary, a cornerstone of the rule of law, it is difficult to create and sustain social and economic progress.

Legislature:

The Reform of the Rwandan Parliament is imperative. The process of electing the Rwanda legislature and the legal framework that regulates its operation nature serve to entrench autocratic rule. The Rwandan Parliament does not derive its legitimacy from the electorate. RPF) and the parties allied to it lack fair, transparent and democratic mechanisms for choosing candidates to represent them. The process by which parties chose candidates is flawed and corrupt. Individuals are put on lists through unclear and undemocratic ways. The electorate have mechanism for holding members of the legislature accountable. The fact that legislators do not have specific constituencies, undermines development, as legislators do not have specific communities to which they are required to account. Because of the corrupt ways in which they are appointed, legislators are not independent. Instead of becoming representatives of the people, legislators act as party functionaries for fear of being dismissed.

Members of the legislature are not accountable to the electorate and serve to promote the interests of and discredited party functionaries who influence their placement or retention on the party lists. Debates in parliament are not based on the social economic development. A significant proportion of legislators are always recalled before end of their terms purely as a result of internal party intrigues which have no relationship with the performance of legislators or the views of the electorate. The turn over of the legislature is so high that it affects the effectiveness of the institution. Consequently, there is constant fear by parliamentarians to expose excesses or failures of government officials. As a result, parliament is unable to exercise oversight over or to control government performance as required by law. The legislature merely serves the purpose of rubber stamping decisions making by cabinet, acting as attack dogs of the regime by harassing opposition leaders and ridiculing cabinet members who have fallen out with Paul Kagame.

d) Democratization and the rule of law

The ousting of opponents of the RPF from government in the summer of 1995 set a pattern of intolerance for political opposition that has only grown worse with the passage of time. Throughout the period of transition (1994-2003), the RPF continually devised strategies to weaken, disable and destroy political opposition. Political parties other than the RPF were prohibited from operating during this period. An attempt by former President **Pasteur Bizimungu**, perhaps the only person who could have challenged the RPF during the elections, to set up a new party, was stopped. The former President and other promoters of the proposed party were arrested and imprisoned on what are widely considered to be trumped up charges. The RPF also orchestrated the banning of the **MDR**, the only one among existing political parties that was considered capable of mounting a credible challenge to the RPF during the elections that were scheduled to take place in 2003.

Prior to the 2003 elections, the police, security services and the military increased repression of potential opponents of the RPF. Genuine opposition parties were denied registration and security agencies made it difficult for independent candidates to register. In addition, the RPF had a monopoly of the government-owned media. The government used intimidation, smear campaigns and insults to silence opponents, whether they were international NGOs, civil society, newspapers or political parties. Intimidation against government opponents went to the extent of making threats of physical violence including death. In one speech, the RPF President threatened that those opposed to the

The political transition that Rwanda began after the genocide has, instead of leading to democracy, resulted in the legitimization and consolidation of authoritarian rule. Rwanda is now a very authoritarian regime with a façade of a democracy.

The Constitution and other laws that the RPF introduced in 2003 made it not just difficult, but virtually impossible for the opposition to form political parties and to compete for political power, thereby creating a situation of electoral authoritarianism.

Deputy **Theoneste Lizinde** were gunned down in Nairobi, Kenya.

Lt. Gen. Kayumba Nyamwasa, a former Army Chief of Staff, has recently survived an assassination attempt. Killings of opposition politicians and other critical voices continue. Journalist **Jean Rugambage** and **Andre Kagwa Rwisereka**, Vice President of the Democratic Green Party, both of whom were recently murdered, are the latest high profile victims of the widespread state-inspired violence. Many people continue to flee the country due to this state-inspired violence (see annexe for a partial list of senior political and military leaders who have fled the country since 1994).

The explicitly violent and repressive way in which the RPF deals with opposition and critical civil society has turned Rwanda back into a *de facto* one-party dictatorship. Freedom of expression is severely limited. Critical voices in civil society and the media have been silenced, and the regime has become even more repressive since the end of the transition in 2003.

The law guarantees freedom of the press, but the media remains tightly controlled by the government. Media outlets are either state-controlled, co-opted or constantly under siege. The government has used the curbs on the media to suppress criticism or dissent. The security services sometimes co-opt independent journalists by bribing them with money. Journalists who refuse to toe the line or be co-opted have often been subjected to threats and intimidation. The Kagame government uses trumped up criminal charges to intimidate journalists who express dissenting or critical views. For example, all journalists of the **Umurabyo** newspaper have been arrested and slammed with charges attracting long imprisonment terms. Some journalists have either been killed (**Jean Leonard Rugambage** of the newspaper **Umuvugizi** newspaper being the latest example) or have become victims of involuntary disappearance. Others have had to flee into exile to escape persecution. Several newspapers have been banned outright.

The threats, intimidations and other persecution at the hands of the security services have created a climate whereby journalists exercise self-censorship in order to avoid the wrath

The authoritarian character of the government is compounded by its narrow political base. The Rwanda state has all the trappings of a democratic system of government, but real power lies in the hands of the President and a small group of military officers and a handful of civilians. As will be elaborated on later in this paper, Rwanda has two parallel governments, an informal one and a formal one. The formal government is controlled by the informal one. The President and the inner circle of his close associates that monopolises political power and marginalizes and excludes the rest of the people of Rwanda from political participation constitute the informal government. The membership of the informal government that effectively controls the Rwandan state comes exclusively from the Tutsi minority group.

All Rwandans, regardless of ethnicity, are victims of the authoritarian character of the government that rules Rwanda. The core group that controls the Rwandan state does not represent or even act in the best interests of the entire Tutsi community. There are many in the Hutu community who are beneficiaries of the political system that prevails in Rwanda. Nevertheless, it is fair to say that the Rwanda government is dominated by the Tutsi minority. The Tutsi constitute the inner circle that wields real power in Rwanda. The Tutsi are disproportionately represented in institutions of the state responsible for the coercive use of power. The Tutsi dominate the command of the military and security institutions. The control of these institutions is crucial to sustaining the Kagame dictatorship. The Tutsi are also disproportionately represented in the key civilian appointments that the President Kagame and his inner circle make at all levels of government. The perception of majority of the Hutu population is that the government is dominated by the Tutsi and that the government discriminates against them. The RPF has failed to establish an inclusive political order, but has instead entrenched authoritarian, minority rule.

Space for political participation has narrowed even further, instead of expanding, since the 2003 elections. Lack of space for political participation has disenfranchised the Hutu

majority. The RPF, under Paul Kagame, has failed to expand its popular base. The Hutu community is marginalised from a meaningful share of power. The Hutu who serve in government are only surrogates of the RPF who lack legitimacy in their community. They are kept in office, often for very brief periods, for the sole purpose of giving the government an appearance of embracing political pluralism. The Hutu community perceives the RPF as an instrument of political domination by the minority. The government is not considered legitimate by the majority of the population in general, and the Hutu community in particular.

Promoting national reconciliation was the foremost priority of Rwandan society in the aftermath of the genocide. Post-genocide Rwanda has adopted a wide range of policies and undertaken many initiatives (in the justice domain as well as other areas) to promote national unity and reconciliation. The non-legal initiatives that the government has undertaken with a view to promoting national unity and reconciliation include the restoration and maintenance of public security; the abolition of identity cards classifying citizens by ethnicity and the prohibition of references to ethnicity in official documents; the repatriation and resettlement of more than two million refugees and about a million internally displaced persons; the re-integration of thousands of members of the former government army into the military; the enactment of legislation to punish the propagation of discrimination and sectarianism; the introduction of public service recruitment and management policies based on merit rather than patronage; the introduction of merit-based admission to educational institutions; the establishment of the National Unity and Reconciliation Commission, the National Human Rights Commission and the Demobilisation and Re-integration Commission; the undertaking of many anti-corruption programs; and the adoption of a national poverty reduction program. Rwanda has also sought to use justice to promote reconciliation. Accountability for the genocide has been pursued through both the ordinary criminal justice system as well as *Gacaca* Courts.

Most objective observers agree that whereas the above initiatives to ensure peaceful co-

existence have been worthwhile, genuine reconciliation remains elusive. Several factors have acted as a hindrance to the process of national reconciliation. These factors include the persecution of opponents and critics of the RPF, exclusion of the Hutu community from a meaningful share of power and the failure of the selective and partisan nature of the processes of accountability for past human rights violations that Rwanda has undertaken. As a result of the policies that the RPF has pursued since it took control of government, Rwandan society remains deeply divided.

The politics of ethnicity remain intractable in Rwanda. The majority of the Hutu middle-class that was ousted from power in 1994 remains in exile, un-reconciled to the new political order, biding time and hoping for a regime change. Armed groups continue to wage war against the Rwandan state from their sanctuaries in the Democratic Republic of Congo, sixteen years after the genocide. The external armed groups are not the only ones who are not reconciled to the current government. The government says that the conflict has been resolved and there is no need for negotiation of a settlement. The majority Hutu population inside Rwanda feel marginalized and excluded by the government, and they question the legitimacy of the government. The Tutsi community itself is fearful and divided over the direction and future of the country. The Kagame government has failed to engage and lead Rwandan society in genuine reconciliation.

The social conditions of post-genocide Rwanda remain constructed in terms of ethnic identity. The reconciliation that the Rwandan government has pursued is ethically constructed on the terms of the RPF and the Tutsi community. The government is not ensuring the long-term stability of Rwanda. The marginalization of the Hutu population has very profound implications for the political stability of Rwanda and the security of its population.

There cannot be genuine reconciliation in Rwanda until the grievances of the Hutu community over the issues of political participation, as well as the guarantees for the

minorities, equal citizenship before the law, access to resources and accountability for human rights abuses are addressed.

Rwanda has a history of human rights violations stretching back decades. Rwandans experienced particularly horrendous violence, including genocide, during the 1990s. The general human rights situation in Rwanda has improved as armed conflict within S b eb ! c ef ! efd fb fe!! I f f ! fl b ! h ! records of state security services remain a matter of grave concern. Rwanda remains a very tightly controlled society. The government relies on repression to enforce its control of the population. The security services of the state regard dissent and criticism of the government as treason. Some in the security services have a licence to kill and maim innocent citizens or to make them disappear without a trace.

An atmosphere of palpable fear (far exceeding the worst that was experienced even during the notorious dictatorship of President Idi Amin of Uganda, where many Rwandese had sought asylum) has enveloped the country.

a criminal state. Victims of human rights violations considered to be opponents of the government do not have any redress from the courts. Agents of the state are, to this day, still human rights abuses (killings, torture, and disappearances) without accountable. In fact, impunity for human rights violations is now f f d fe! b !! b!f f !cff ! !S b eb ! y.

Qf ef !Lbhb f ! fd ! f df! b fl b f! fl f f! g b fl f f !bhb ! political opponents a step further, by extending the sphere of operations of the murderous f !cf e!S b eb !c ef !b!ef b fe!c !**Deo Mushayidi** ! e bpping in Burundi, the assassination attempt against **General Kayumba Nyamwasa** in South Africa, and attempts to kidnap journalist **Dominique Makeli** and **Jean Bosco Gasasira** in Uganda.

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No person has exerted as much influence on the developments in post-genocide Rwanda as much as Paul Kagame. Until 2000, Paul Kagame wielded strong influence over S b eb !bgg b !c ! f! g ! !b!Wdf!Qf ef ! g f!Sf c d!D b ef! in Chief of the RPA and President of the RPF.

Since 2000, Paul Kagame has governed Rwanda as an absolute ruler. The reconstruction of post-genocide Rwanda is generally cited as an example of a phenomenal success story, and President Paul Kagame is hailed as its sole hero. President Kagame actively cultivates a cult-image as a brilliant visionary with exceptional strategic thinking skills, with impeccable credentials as a reformer to match. This image has been crafted through a combination of an elaborate public relations strategy and repression that muzzles voices that hold governments in other countries. President Kagame silences domestic opponents and critics through unap... He silences voices in the international community (especially leaders of various governments) by invoking failures over the 1994 genocide.

U f! bhf! gQb !Lbhbf !fbef ! b! c d f... be f!) d e hl f - paid lobbyists in some of the major capitals of the world, and foreign friends seek to portray of of President Kagame dwells f d f ! !S b b ! ddf f !! President Kagame is often celebrated by some western political, business and civil society leaders for visionary leadership, success in reconciling Rwandans, and economic policies that promise transformation similar to the experience of the Asian tiger economies. In these accounts, Rwanda is portrayed as a united, strong, peaceful, stable, and growing nation with the potential to become a model for the rest of Africa and the world.

Gf ! gS b e... multi-lateral parties... ont the true content and form... b f ! fbef... of concern, and to discuss the in... shortcomings gQf... f... . Yet,

discussion of the... cannot be avoided indefinitely. Perceptions about Rwanda shape the policies of outsiders (governments, international organizations and civil society) on Rwanda. These policies, in turn, have... Qf ef !Lbhb f !fbef !g ! f! f ! gS b eb!

The RPF has registered many achievements since 1994. Its army is generally credited with having stopped the genocide, although there are genocide survivors who do not share this view. Its government re-established law and order, restored essential social services, repatriated... and internally displaced persons, and established effective... have rescued Rwanda from the brink of becoming a failed state. ... with the often grudgingly acknowledged assistance of the international... to... Kagame rightly deserves his share... the war and genocide.

In spite of positive developments cited in the pre... and... f e! gS b eb !ef f f ! b!cff ! fhb... section of this paper that discusses the status of governance in... Rwanda has failed to transition to good governance and democracy. The RPF manipulated the transition process to entrench its monopoly of political and economic power. Rwanda is a one-party authoritarian state, controlled by President Kagame through a small clique of Tutsi military officers and civilian cadres of the RPF from behind the scenes. The majority Hutu community remains excluded from a meaningful share of political power. State institutions are as effective as they are repressive. The government relies on severe repression to maintain its hold on power.

President Kagame uses the coercive instrument... the military, security services and police) to sustain himself in power against... of the people. State security officers continue to commit grave human rights... suppress all political

status of a party representing the interests of a minority ethnic group that can only stay in power through force. The systematic harassment of legitimate Hutu leaders who were part of the Transitional government resulted in most of them fleeing to exile. The unlucky ones were assassinated and a few are marginalized and banished to obscurity in Rwanda. Meanwhile Paul Kagame has gone about recruiting fictitious and compromised leaders for the parties that were formerly part of the transition. Essentially the parties have been destroyed through coercion and compromise of non representative leaders. Meanwhile, RPF has co-opted, recruited and forced members of other parties to join its ranks by promising jobs, money or through forceful recruitment and death threats.

Myth 2: Kagame is an incorruptible, austere man of absolute integrity:

President Kagame and his handlers labour strenuously to portray him as an incorruptible, austere man of absolute integrity. The reality could not be further from the truth. The transformation over the time he has been in office. President Kagame is an absolute ruler whose absolute power has corrupted not just him, but the entire Rwandan state in very systemic, pervasive and profound ways. Integrity is about matching words with deeds. For a public servant, integrity and accountability is about respecting the law, applying the law equally to all, and being held accountable. President Kagame has not done this. He has used his power to enrich himself and his family, and to create a system of patronage and clientelism. He has used his power to silence his critics and to suppress dissent. He has used his power to create a system of fear and intimidation. He has used his power to create a system of corruption and bribery. He has used his power to create a system of nepotism and cronyism. He has used his power to create a system of repression and human rights abuses. He has used his power to create a system of economic stagnation and unemployment. He has used his power to create a system of social inequality and poverty. He has used his power to create a system of environmental degradation and climate change. He has used his power to create a system of political repression and human rights abuses. He has used his power to create a system of economic stagnation and unemployment. He has used his power to create a system of social inequality and poverty. He has used his power to create a system of environmental degradation and climate change.

Fighting corruption was a key goal that President Kagame brought to Rwanda. President Kagame has not done this. He has used his power to enrich himself and his family, and to create a system of patronage and clientelism. He has used his power to silence his critics and to suppress dissent. He has used his power to create a system of fear and intimidation. He has used his power to create a system of corruption and bribery. He has used his power to create a system of nepotism and cronyism. He has used his power to create a system of repression and human rights abuses. He has used his power to create a system of economic stagnation and unemployment. He has used his power to create a system of social inequality and poverty. He has used his power to create a system of environmental degradation and climate change.

Rwanda does not, admittedly, have a problem with institutionalized bribery and misappropriation of public resources for personal gain. This is a common problem in many developing countries. However, President Kagame has used his power to create a system of corruption and bribery. He has used his power to create a system of nepotism and cronyism. He has used his power to create a system of repression and human rights abuses. He has used his power to create a system of economic stagnation and unemployment. He has used his power to create a system of social inequality and poverty. He has used his power to create a system of environmental degradation and climate change.

corruption than misuse of public funds. The worst form of corruption is the criminalization of the state in the pursuit of absolute, unaccountable power. When a leader who is in power puts in place laws and institutions that make it impossible for citizens to exercise their right to political participation; impedes (through means such as denial of registration or licensing, censorship or even outright closure) the functioning of opposition parties, civil society and independent media and their ability to hold government accountable; controls and uses the machinery of the state (especially law enforcement and judicial institutions) to ensure his monopoly of power; persecutes real and imagined political opponents to the point of killing some and making others victims of enforced disappearance; protects state security officials who kill innocent citizens whose crime is to be perceived as opponents of the government, from being held accountable; and blatantly rigs elections, then that is the ultimate and worst form of corruption. President Kagame has committed and continues to commit such crimes and human rights abuses.

None of the fair-minded RPF members of the past and present would ever have imagined that the organization would one day be a party that worships its leader like an idol, bans opposition political party activity, silences the press and civil society, steals votes and presides over gross human rights abuses against innocent citizens for which there is no

description of corruption in public office, what does?

President Kagame is also responsible for financial impropriety and theft of public resources on a grand scale. Contrary to the false perception that naive outsiders have of him, President Kagame does not even bother to portray himself as an austere leader, let alone live like one. Austerity is all that the country can afford. President Kagame lives a lifestyle that anyone in the world would find lavish. The President is by far the most corrupt leader at Rwanda

Compared to Rwanda, he had a simple home and only received a salary. He drove a very old car. He lived a down-to-earth life and did not, upon his death, leave any significant wealth. His predecessor, President Kayibanda, lived an even simpler life and may have died a pauper.

President Kagame, on the other hand, lives simultaneously a lavish and ostentatious lifestyle and is a huge drain on the national treasury. President Kagame has raised neighbourhoods to the ground or sealed them off to the public in order to build luxury palaces, even at a time when housing was in very short supply. The Rwandan government spends tens of millions of dollars every year to maintain his personal household. He drives very expensive cars, of which he has a large fleet at any one time. He changes these fleets very frequently to avail himself of the luxury of every new model. He is obsessed with luxury aircrafts and has spent more than US \$150 million on such aircrafts. President Kagame loves travelling, and he travels very frequently. When travelling, he insists on staying in the most expensive hotel in whatever city he is visiting.

During his time in public office, President Kagame has amassed a fortune beyond imagination for a ruler of such a poor country. The fortune is drawn from both the national treasury and the vast wealth of the business investments of the RPF. The RPF is the biggest business enterprise in Rwanda. Some believe it may indeed be the largest commercial enterprise in East and Central Africa. The flagship holding companies for the vast network of RPF investments are **Tri-Star Investments Sarl** and the **Rwanda Investment Group**. The RPF has investments worth at least hundreds of millions of dollars.¹ The portfolio of the RPF includes investments in aviation, banking, agriculture, telecommunications, energy, construction, real estate development and management, security, communications² and manufacturing (including food processing, cement

¹ Information newly released by the RPF to journalists suggests that the RPF has investments worth more than \$20 billion. Nation, 19 July 2010

² The RPF owns the daily newspaper, **The New Times**. However, The New Times is managed by the intelligence services rather than Tri-Star Investment Group, the RPF's holding company.

production etc). The assets of the RPF are, for all practical purposes, the personal wealth of President Kagame. The RPF does not have any committee or body that oversees all of its assets. President Kagame spends and manages the vast wealth of the RPF single-handedly. He alone appoints the senior managers of the various RPF enterprises. He alone decides in whose names the major bank accounts of the RPF are to be maintained. He alone decides how the funds on these accounts are spent. The people in whose names the bank accounts are maintained answer only to President Kagame. Only President Kagame makes all major investments. President Kagame never reports to any of the organs of the RPF on the business activities of the RPF. The RPF calls for transparent over-sight of the business affairs of the RPF.

The enormous wealth that the RPF has amassed during its time in government is, for all practical purposes, the personal property of President Kagame; and he treats it as such.

The involvement of the RPF in business inside Rwanda has many negative implications.

U f! hb b ! f ent in business:

- (a) Deprives private enterprises of financial resources. The RPF compels state-owned enterprises which manage state-owned assets to provide such resources (such as **Societe du Rwanda**) to finance the RPF's business activities, thereby making such resources unavailable to the wider public;
- (b) Deprives private businesses of equal and non-discriminatory access to business opportunities. The RPF discriminates in favour of its businesses when privatizing state-owned enterprises (such as **Cimenterie du Rwanda (Cimerwa)**) or granting licences for lucrative business operations such as telecommunications (**MTN Rwanda**), or energy (**exploitation of Lake Kivu Methane gas**);
- (c) Corrupts the political system. The state officials who grant licenses, collect taxes, or are responsible for over-sight of different aspects of the economy, are compelled to

always put the business interests of the RPF ahead of their obligations to the state and the people of Rwanda;

- (d) Enhances social inequality, as the wealth and job opportunities generated by the business activities of the RPF are accessible to only a few people who are connected to the leadership of the party and government. Within RQG! Q f ef ! Lbhb f ! callous conduct has not allowed him to spend even a small fraction of his massive financial fortune to support the welfare of orphans, widows, and other deserving members of RPF/RPA fallen heroes.

The involvement of the RPF in certain businesses (such as the exploitation of the natural resources of the DRC) is sometimes in violation of international law.

Apart from the vast fortune of the RPF, President Kagame also has unlimited access to the financial resources of the state. President Kagame treats the national treasury like a personal bank account. The President insists on being paid (in addition to his salary and the large budget for the running of his personal household) a large operational fund (worth tens of thousands of dollars every month, that he does not account for. When travelling, the President takes hard cash of up to \$100,000 on every trip that he again does not account for. Despite the obvious conflict of interest, President Kagame frequently presides over cabinet meetings discussing business transactions between government entities and commercial enterprises belonging to the RPF.³

President Kagame has, on occasions, even ordered the direct transfer of government assets to the business entities of the RPF.⁴ The President has also, on occasions, sanctioned the illegal transfer of government assets to the RPF, as has been demonstrated

³ Examples: the grant of a banking licence to **Banque du Com** (BCDI), in which the ; the award of the first cellular telephone service provider to **MTN Rwanda** (in which the RPF had 51% share-holding; the privatisation of various state owned enterprises that the RFP has acquired, including **Cimerwa** and **Imprimerie Nouvelle**; the award of a licence for the exploitation Methane gas in lake Kivu to **Rwanda Energy Company Limited (REC)** in which the RPF has majority shareholding.

⁴ The luxury aircraft referred to on page 24 that the RPF claims as its property were purchased with government funds.

by the transfer of Global Express jets that were paid for with government funds to the RPF.

The President has, on occasions, compelled state-owned enterprises to provide him or his family with free services that other citizens would ordinarily pay for. An example of such services was the construction of roads and installation of electricity infrastructure at his Muhazi farm. The President and his family use government assets for personal purposes. The first family uses the luxury jets referred to above for family holidays, taking children to school, or visiting children during the middle of the school semester. The President even shamelessly takes property belonging to other citizens and fails to pay compensation. For example, the land at Muhazi, on which the President has established his farm, belonged to his deceased uncle (the late Kimonyo). The President has taken his

df ! f ! ! fld f ! g ! df !gb !c ! b! ! be!d f b !
! fl df ! !

Qf ef !Lbhb f ! bhfl gb !b f fl fbef! g h ! fh ! !b !efdf !
Kagame sets very high standards of integrity for most of those who serve under him, but is unwilling to live by the same rules.

Myth 3: Kagame as a reforming, unifying leader.

Uninformed observers credit Pres. Kagame with a record of reforming and unifying Rwanda. While it is true that the President has introduced a number of reforms (in the areas of governance, as well as the economy) and has overseen the implementation of the genocide reforms do not address the root causes of the conflict and the resulting divisions in society.

The reforms that Rwanda needs most in the aftermath of the very violent genocide (in the genocide) occasioning intense polarization along the lines of ethnicity. The establishment of a new basis for the exercise of power, the expansion and deepening of space for the enjoyment of fundamental rights and freedoms, the broadening of the

participation in social, political and economic development and national healing and reconciliation as a foundation for sustainable peace and development. Organisation of political governance in Rwanda can only lead to sustainable peace if it is inclusive in ethnic and political terms, ensures the protection of the minorities, and is based on fundamental human rights and freedoms.

The reforms that Rwanda has undertaken under the leadership of President Kagame do not address the root causes of the Rwandan conflict. President Kagame does not believe in the concepts of democracy, the rule of law, and separation of powers. He does not believe in the power of ideas. Kagame, like all dictators, pays only lip service to democracy, but is unwilling to respect or practice its essential elements. He blatantly flouts all tenets of democratic governance. Kagame also refuses to acknowledge that identity-based conflicts can only be resolved by political compromises that lead to inclusive systems. The President trusts only his use of coercion and repression to achieve his political goals.

The Rwandan state has not reformed; it has become even more dangerous since it is in the hands of a tiny minority that can only rule through repression and terror. As a result the government lacks legitimacy within the constituency of a trusted Tutsi minority is crumbling. President Kagame has become a polarising figure, whose continued leadership is only certain to lead to perpetuate conflict and to lead to new violence (even of genocidal proportions) in years to come.

President Kagame often receives profuse praise for the efficiency of government services in Rwanda. A false perception that Kagame is an efficient and effective leader who is building a meritocratic state has captured the imagination of ill-informed outsiders.

The theory that President Kagame must be a good leader because the Rwandan state functions better than most other places in Africa is based on the opinion of people who do not expect anything in Africa.

The fact is that the Rwandan state has been highly effective for centuries. The order and efficiency for which outsiders credit Kagame actually predates his ascent to power. The political and social environment in Rwanda, in fact, constrains productivity and effectiveness. President Kagame has failed to build institutions based on merit and inclusion. Rwanda lost much of its human capital during the genocide. The vast majority of the intelligentsia who survived the war and genocide went into exile and has never returned, largely because of the unfavourable situation for which President Kagame and the RPF bear responsibility. Rwanda continues to experience a severe brain drain, as many educated and experienced people continue to flee the country to escape repression. Networks of appointments are based on patronage rather than merit. As Kagame has consolidated his control of the machinery of the state, he has become less inclined to recruit on the basis of merit, relying instead on unquestioning and blind loyalty within an ever-narrowing circle. The senior management levels of most state institutions are dominated by the Tutsi minority. A very large number of the people he appoints to senior positions lack basic qualifications or experience for their jobs.

President Kagame is an extremely emotional, unpredictable, abusive and physically violent employer. A fearful or marginalised workforce cannot operate at optimum capacity or be creative. Senior leaders in Rwanda are often paralysed into inaction, fearful of taking decisions before they are asked. His natural temperament impairs his capacity to govern responsibly. Few of the people that Kagame appoints to senior management and policy positions ever stay in those offices for long. There is a very high turnover in government offices; time not long enough to make any impact. Rwanda is operating far below her potential. An improved political climate would not only ensure sustainability of public services in the long term; it would also lead to better delivery of services in the immediate term.

Many other myths and misconceptions about the nature and impact of President Kagame are still abundant.

Domestic cronies and foreign supporters of President Kagame assert that President Kagame is the only person who can command the loyalty of the Rwandan Defence Forces and the support of the Rwandan people, particularly as only he can command the loyalty of the Rwandan Defence Forces and the support of the Rwandan people, as his control of the fierce fighting force that the RPA is makes him invincible.

These assertions have no basis in fact. Kagame had minimal formal education. He was a member of the Interahamwe militia during the genocide government. Even his military career, where he started service in low-level intelligence positions and worked in many administrative jobs prior to joining the RPA, and did not manage high-level intelligence operations that he would have the world believe was his domain) is often embellished.

In Uganda, Paul Kagame was renowned for his irrational and impulsive mistreatment of subordinates, and torture of suspects. He was famously nicknamed 'the battlefield commander' (Q b f ! B ! f ! f ! f b ! Q f e f ! L b h b f ! b ! f ! S Q B ! f ! ! b ! b d f f f ! ! b g f ! f ! h f d e f ! with many others who have served at all levels of the military as well as government) before and after the genocide.

Given the fact that Kagame is a member of the Interahamwe militia, it is not surprising to ask whether there is an alternative leader. The answer is yes. There is. Kagame became the leader of the RPA by accident, following the death of more senior leaders during the first

Kagame proved his worth in leading RPA throughout the war and genocide. However, he has (as a result of his pursuit of absolute and unaccountable power), become a burden to both the RPF and the nation. President Kagame is not indispensable to the RPF either. On the contrary, his continued rule threatens to derail Rwanda from its path to an enduring recovery, healing, reconciliation, development and peace that is critically necessary.

If Kagame can lead the country, in spite of his educational, professional, ethical and political limitations, there are countless other Rwandese who can help lead this country out of the ruin to which it seems destined. The fate of a nation should not be tied to the whims and caprices of one man. President Kagame is neither indispensable nor, on the contrary, he is a stumbling block to the transition to democracy and to sustainable peace and stability in Rwanda. He is a polarizing figure whose pursuit of absolute and unaccountable power is driving Rwanda towards certain ruin.

He is also a destabilizing force. His oversized ego, over-ambitious and unrealistic ambitions to control the course of events (and probably resources) of a bigger and mineral-rich neighbouring country, and faulty reading of regional dynamics led to the (unnecessary and disastrous) second Congo war. This second invasion of the Congo was a disastrous gamble that led to the death of millions of innocent people suffering on a horrendous scale, including the rape of hundreds of thousands of women and girls. Although the international community eventually exerted sufficient pressure to compel Rwanda to withdraw its forces from Congo, Rwanda has continued to foment conflict in the war in the Congo through proxies. Rwanda is perpetually insecure, as it lacks legitimacy and support from its neighbours. Its belligerent posture and is prone, not only to internal conflict, but to war with its neighbours as well. Because political opposition has limited space for operation inside Rwanda, it tends to organise from outside.

As a result, the Rwandan state is always looking across its borders for scapegoats to domestic troubles. In short, President Kagame is a destabilising factor for both Rwanda and the Great Lakes region. The policies that President Kagame continues to pursue are detrimental to international peace and security.

The dilemma that Rwanda and the region face is not whether they can survive without Kagame at the helm, but whether they can survive inevitable implosion in the event of his continued leadership.

The instability and violence that Rwanda has experienced for more than a half a century has largely been a result of conflict over unresolved issues relating to governance. Disputes over political representation, political participation, access to resources and respect for fundamental human rights lie at the heart of the conflicts that Rwanda has experienced. On assuming power, the RPF promised not only to restore peace, but to also establish democracy, the rule of law and respect for human rights, and to address the major causes of conflict that had devoured the country for so long.

As explained in the foregoing sections, President Kagame and the RPF have failed to address these issues effectively. Rwanda is at a crossroads once again. The situation in Rwanda is the most repressive it has ever been. Government refused to register opposition political parties for the 2010 presidential elections. Members and leaders of opposition parties continue to suffer persecution, including constant surveillance, arbitrary arrests and imprisonment, torture, prosecution on trumped up charges, enforced disappearances, and even murder. Civil society and human rights organizations in particular, have been silenced. Independent media outlets have been closed and critical journalists have been arrested, imprisoned, killed or forced into exile.

International human rights organizations, like Human Rights Watch and Amnesty International, have been branded biased, their reports dismissed and their representatives have either been thrown out of the country (as was the case with Human Rights Watch) or restricted in their freedom to monitor and report on the human rights situation in the country. The country has been enveloped by a climate of fear and enforced silence.

The outcome of the just concluded Presidential elections was always a foregone conclusion. The elections did not provide any opportunity for citizens to change government. Only political parties that have been co-opted by the RPF (that are

participating in the elections for the sole purpose of giving a false impression of a competitive election process and legitimacy) were allowed to participate in the elections. As is the normal practice, the RPF used the resources of the state for its campaigns. The Electoral Commission is presided over, and dominated by, the same RPF members who were used by the RPF to rig the 2003 elections. Rwandans have no opportunity to exercise their rights to political participation. President Kagame, not unexpectedly, easily won re-election. The President and the RPF claim the outcome of the election as popular vindication for his policies and a mandate for his continued rule.

On the contrary, the outcome of this election drives Rwanda closer to inevitable conflict. The superficial peace that Rwanda currently enjoys has been accompanied by a progressive closing down of political space. Kagame justifies this stifling political context by saying that the policies and practices he dictates are necessary measures to maintain stability and to prevent a recurrence of genocide. However, the consolidation of authoritarian rule enhances prospects for violent conflict instead of consolidating peace and stability. By closing off the opportunity for political participation and dismissing calls for a peaceful, negotiated settlement of the Rwandan conflict, President Kagame has created conditions which make violent conflict inevitable in future. In particular, the exclusion of the Hutu in meaningful power-sharing perpetuates perceptions of victimization, which in turn fuels violence.

Deprived of the opportunity for political participation on an equal footing, the Hutu community in particular, and other opponents of the regime in general, may, in years to come, fall prey to the fresh incitement to liberate themselves from the hated and presumed Tutsi domination by resorting to sectarian violence. More particularly, by refusing to make compromises to open up the political space and to agree to at least share power, the ruling party once again risks not only losing power by force, but also exposes all Tutsi to the risk of violence, even violence of genocidal proportions, at some indeterminate future time.

Rwanda can only begin to hope for lasting peace when it has devised a political system (to avoid the tyranny of the ethnic majority), while providing adequate guarantees for the minority.

The Rwanda conflict, in effect, really never ended. Rwanda may look peaceful internally, but it is a peace maintained by force of arms. As long as Rwanda is unable to resolve its governance problems, the risk of conflict will remain.

Q f ef !Lbhb f !be f ! ! f! f !) c f h! f! b ! !S b eb! g ! f! security of their homes and offices, and oblivious to the pressures, pain and terror of life under an oppressive regime) say his approach to governance is a model for other developing countries to follow. (The Rwandan government's approach to conflict. Experience has shown, however, that respect for human rights and freedoms, is not only an end in itself but also the only viable route to sustainable development. Only free persons can be creative, entrepreneurial and innovative in the social, economic and political domains in a sustainable way. Without freedom of thought and action, Rwanda is trapped in its backward, conflict-prone state.)

President Kagame is a very polarizing figure. His policies have led to the polarization of society along the lines of ethnicity and to fuel conflict. The Rwandan government's failure, to-date, to find a fair and peaceful settlement of the issues that divide Rwanda have grave domestic and international implications.

The chances of violent conflict appear more likely with each passing day. The immediate risk of conflict is that emerging divisions within the RPA could lead to a potentially destabilising internal attempt to topple President Kagame. The long-term and virtually inevitable danger is that, in the absence of progress towards democratic rule, the marginalised Hutu majority will take up arms and attempt to overthrow what they consider to be Tutsi dominated minority regime in the same way that the marginalised Tutsi rose up against the regimes of the past. The overthrow of the present government would, in all likelihood, be preceded by human rights abuses by the RPA.

As the Tutsi minority cannot hope to impose their will on the Hutu majority forever, the military victory of a Hutu insurgency could, in turn, conceivably lead to the genocide of the remaining Tutsi population of Rwanda. When Rwanda shall implode, as it inevitably will unless President Kagame changes course, the implosion could have also devastating consequences for Tutsi communities in other countries of the Great Lakes region of Central Africa.

The hopes for a democratic, peaceful and stable Rwanda that the overthrow of the rump government that carried out the genocide once inspired, have dissipated. The issues that have previously driven conflict in Rwanda remain unresolved. Rwanda is, by many accounts, again in grave risk of very violent conflict.

Such conflict is not inevitable, but neither is it easily avoidable. Whether Rwanda will again have to endure atrocious conflict or find a way to overcome the forces responsible for intractable conflict and transition to a peaceful, stable democracy will depend on the policies and actions of many players, including President Kagame himself, Rwandan civil society, the international community, and the African continent. Such a transition cannot be averted by passive conduct. Positive actions have got to be taken if Rwanda is to avoid a recurrence of the tragedy that the country experienced during the 1990s and before.

We offer the following reflections on some of the steps that may need to be taken to avert a new catastrophe and set Rwanda on a path towards security, peace, democracy, genuine reconciliation, national healing, and sustainable development. The minimum steps that we believe need to be taken to achieve this objective include the following:

- (a) Promoting freedom as the foundation on which to build peace and shared prosperity for all Rwandans;
- (b) Undertaking a genuine, inclusive, unconditional and comprehensive National dialogue on the nature and causes of the deep divisions that have plagued the country, and on a compact on the future of the country;
- (c) Establishing a New National Partnership Government to lead Rwanda through the transition to democracy; and

(d) F h b h h! f! f b b!d ! d e h! ! b d b !S b eb ! f h c !
! !S b eb ! f gorm agenda.

The process of change that Rwanda needs if it is to avoid another return to violent conflict cannot begin until the current government changes its attitude towards fundamental human rights. The ideas of freedom, justice, peace and prosperity are inter-related. Freedom is the cornerstone of peace and sustainable development. A free society cherishes and upholds human rights and promotes peace. Peace in turn unleashes the creative potential of the people to pursue self-fulfilment, leading to prosperity. Freedom places choice in the hands of the people to bring about a positive and shared future. Freedom begins with respect for the most fundamental of human rights.

Long-term peace, stability and sustainable development are not possible in a repressive environment such as the one that currently prevails in Rwanda.

Without freedom, Rwanda will be condemned to recurrent violence, physical destruction and the death of innocent people. It is not possible for citizens to engage their government on the need for peaceful political reform while the government remains oblivious to its duty to guarantee respect for fundamental human rights.

The struggle for political change in Rwanda must necessarily begin with new attitudes about human rights, especially the sanctity of human life and integrity of the person. The sanctity of human life and integrity of the person must be placed at the center of the reform agenda. Before Rwanda can seriously embark on the path of political reform that is inevitable if the country is to avoid renewed war and bloodshed, the security services of Rwanda must stop committing egregious human rights abuses, including arbitrary arrests and detentions, torture, politically motivated criminal prosecutions and detentions, extra-judicial killings and enforced disappearances of opponents and critics of the government.

A critical part of the process of enlarging the opportunity for citizens to enjoy freedom involves addressing the question of impunity. There will be no progress towards democracy or sustainable stability until the problem of impunity in Rwandan society is confronted and addressed. There can be no prospects for reform while agents of the state continue to torture, maim and kill opponents and critics of the regime at will. As a result, impunity for human rights violations that members of the security services now enjoy. The government must begin to investigate and prosecute, in good faith, crimes committed by the security services.

As for human rights violations committed before, during, and after the genocide, individuals responsible for the violations against Hutu should be held accountable though not necessarily in a retributive justice way. The one-sided justice championed by Kagame is a seed for future violence. In this effort to end impunity, the focus should be on accountability that enhances chances for reconciliation.

Military officers who have in the past committed very grave human rights violations, whom the government is yet unwilling to prosecute, must at the very minimum, in the interim at least, be discharged from the army and security services. Civilian and military courts must begin to provide the remedies, including damages, those victims of human rights abuses are accorded by law.

For reform to have chances of success, the government must allow the people the freedom to express and exchange ideas. Creating conditions that make the exchange and diffusion of ideas is a critical part of the process of expanding freedom. The government must learn to live with divergent views, to tolerate critical voices. Opposition political parties must have the freedom to organise and to hold government accountable. Civil society must be allowed to perform its watch-dog role in monitoring the performance of government. Independent media must be allowed to publish.

If the government cannot bring itself to respect these fundamental rights, prospects for peaceful change are remote.

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compact**

The 1994 war and genocide were brought to an end by the outright military victory of the RPF. As a result of its military victory, the RPF had unfettered discretion in envisioning and in implementing the reconstruction of post-genocide Rwanda. The RPF has rarely consulted other political parties or civil society on major issues relating to planning for the future of the country. The common practice has been for the RPF to make decisions on issues affecting the country and to inform the compliant parties that remain part of the government afterwards. When the RPF has taken the trouble to consult other political parties, it has not seriously taken their views into account. The RPF has not only failed to organise b! f! efc b f! bc ! f! d ! b! b e! g f! c ! ! b ! b d f ! suppresses independent debate about major issues that still divide Rwandan society.

The RPF hb! h !c ! ! f! ! ! ef b e h! g f! d ! ! b e! !
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The over-riding consideration behind all the decisions that the RPF has made during the time that it has been in control of government has been to protect and entrench its monopoly of political power. As a result, post-genocide Rwanda has not had the benefit of an open, inclusive national dialogue to address all problems that the country has experienced and to ensure a stable future for the d !B !b f ! g f!SQQ b bd d ! gS b eb in the aftermath of war and genocide. The RPF has not opened a count ! g f! f! h f f fd d largely failed. The country remains d the populat excluded and marginalised.

Feelings of mutual mistrust and fear continue to fester. The middle-class that run the country prior to the genocide remains in exile. The Hutu majority feel marginalised and excluded. The majority of the Tutsi community is disenchanting as well. For many Rwandans, the path of violent conflict appears to be the only option of making right the injustice, discrimination and abuse that they feel they have been subjected to. Groups committed to the overthrow of the government (and possibly the destruction of the Tutsi community) remain active in the Democratic Republic of Congo. Internally, Rwanda is becoming increasingly unstable, particularly as a result of the evident *break-down* of cohesion within the RPA, which is evidenced by the defections of former integrated Ex-FAR officers, including **General Emmanuel Habyarimana** and **Col. Balthazar Ndengeyinka** and original officers such as **Gen. Kayumba Nyamwasa** and **Col. Patrick Karegeya** (among many others), and the imprisonment inside Rwanda of other senior military officers, including **General Munyakazi**, **General Karenzi Karake** and **General Charles Muhire**. The nature of defections and purges that have affected RPA provides an indication that the problems that the RPA faces cuts across the board and do not affect the Hutu or Tutsi in the Military exclusively.

The likelihood that some of the many individuals and groups that are disaffected with the regime may decide to use violent means to overthrow it is very high.

In order to defuse the crisis that Rwanda is facing, it remains very necessary for Rwandan society to have an honest dialogue about the causes of the problems that Rwanda faces and the solutions to those problems. Rwanda cannot move beyond the current quagmire without an honest, inclusive and comprehensive debate on the many issues that drive conflict in the country. Some of the issues that such a dialogue would address (issues on which the RPF does not yet see eye-to-eye with its opponents and critics today) include

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Rwandan society has gone through; the state of political governance in Rwanda today; democratisation and apportionment of power and control of state institutions (especially the military and security services) in a newly democratic Rwanda; strategies for promoting reconciliation and peace-building, protection of the minority from

marginalisation, exclusion or atrocity in any post-genocide Rwanda.

The RPF has, to date, resisted all calls for dialogue on the problems that confront the country. The organisation opposes such dialogue out of fear that the dialogue could lead to calls for it to share power more fairly with its opponents. Nevertheless, this kind of dialogue remains indispensable as the only way of avoiding violent conflict that appears almost inevitable if the Rwandan government cannot find a solution to the problems relating to political governance that the country faces. National reconciliation and durable stability will remain elusive until these issues and reach a consensus about how to deal with them. The organisation of a national dialogue about these issues should be inclusive and comprehensive. The outcome should be a *compact* or bargain that would set the basis for continuing collaboration in building a free Rwanda.

The reforms proposed in the foregoing paragraphs could only be implemented by a new government comprising representatives of the current regime and the opposition. The transition to democracy that Rwanda embarked upon at the end of the genocide has failed. The RPF has created a political system which denies the people the right to participate meaningfully in politics. Law enforcement, judicial and security institutions are manipulated to suppress the exercise of fundamental human rights of citizens who are not members of the RPF. The RPF justifies the draconian restrictions on the right to political participation on the grounds that the rules that it has set are necessary to prevent manipulation of ethnicity and recurrence of genocide. The real motive for these restrictions is to insulate the RPF from political competition, and entrench President Kagame's rule.

As a result of the limitations that the RPF imposes on the right of other political forces to organisational freedom and political legitimacy. The government is particularly since government is not only repressive, but is also perceived as a minority regime that excludes and marginalises the majority of the population, the Hutu community.

The possibility that democratic elections could endanger the Tutsi minority by bringing Hutu extremists to power. It is self-evident, however, that a minority regime cannot impose its will on the majority. A peaceful, managed transition to democracy is the only viable means. There is a need to devise a consensus that takes into account the interests and aspirations of the Hutu and Twa their respective fears and aspirations.

If Rwanda cannot yet embrace democracy, it can at least begin to practice meaningful sharing of power among communities, and between the government and its opponents.

In the aftermath of the genocide, the RPF promised to allow opposition politicians to experiment with power-sharing. This was, however, very short-lived as opposition politicians had been excluded from government. The trend since then has been to allow opposition politicians to participate in the RPF-dominated government do not have any power or influence in the government. They are merely tolerated for the purpose of lending legitimacy to the government by giving the appearance of political plurality and competition. **As indicated in the section on checks and balances,** Rwanda has two parallel governments, one formal and the other informal. The informal branch determines policies and effectively runs the government; the formal branch is merely a facade.

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destroying other political parties, and making it difficult for other political organizations
to operate freely in Rwanda, it would not be realistic to expect the RPF alone to
implement the reforms that Rwanda needs to undertake if it is to avoid change through
violent conflict. The only realistic option for peaceful political reform lies in setting up a
new interim government (the **New National Partnership Government**, led by the RPF if
necessary) that would be a balanced partnership between the RPF, its opponents and
other segments of Rwandan society charged with leading the country during a transition
period. The **New National Partnership Government** would, in particular, have to
include leaders who are widely perceived as legitimate as representatives of the
community. No meaningful reforms can take place while the RPF, led by
Kagame and the RPF continue to control the Rwandan state in the manner
today.

Such a **New National Partnership Government** would have responsibility for
determining the minimum reforms that would have to be implemented immediately
to make the process of transition transparent, fair and accountable (including freeing
political parties, restoring freedom of the press, permitting the civil society to have
independence to perform its proper watch-dog role, disbanding informal security
networks that today serve to persecute opponents of the regime, initiating minimum
reforms of security sector institutions (RDF, Police, National Security Service, Prisons,
DMI) necessary to permit a credible and fair process of transition, organizing the
national dialogue (referred to above); organizing national consultations on a new
constitutional framework, organising voluntary return of Rwandan refugees, and
organizing genuinely free and fair elections within a specific timeline and agreed
framework.

No meaningful reform can take place without a minimum of separation of powers and
checks and balances to ensure an even playing field during the transition.

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Political reform in societies in transition must necessarily be nationally owned and driven to succeed. However, the international community can play a positive role in supporting and promoting political change. Policies of foreign governments and international institutions, in respect of countries going through political transition after violent conflict or authoritarian rule, matter. How the international community relates to the government
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Governments in transition after conflict care about the policies of major foreign powers on their human rights practices. The manner in which the international community engages political actors in countries undergoing or recovering from violent conflict involving gross human rights abuses or authoritarian rule sends signals to those actors - signals that either promote greater respect for human rights or encourage continuation of a culture of impunity.

The international community (and, in particular, the governments of the major global powers and economies) could play a useful role in helping to prevent human rights violations and promoting greater respect for human rights through dialogue and other policies. The silence of international institutions on human rights abuses in countries prone to human rights abuses, some argue, can lead to a culture of impunity.

The international community has a very critical role to play in helping to avert the calamity that is certain to befall Rwanda in the event that a peaceful negotiated settlement
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African Unity (OAU) practiced a policy of non-interference in the affairs of sister states that allowed governments to commit gross human rights abuses against their citizens without risk of censure. Human rights problems facing communities in Africa were not an issue of serious concern to governments and institutions outside Africa either. Most governments found it acceptable to conduct business with regimes responsible for atrocities against their own citizens. In this environment, the warning signs of the

genocide that was threatening Rwanda were ignored.

The well-documented gross human rights violations that the Habyarimana regime committed against the Tutsi prior to the genocide attracted little outside attention and even less condemnation. Even after the genocide started, few governments expressed concern or regret about it. Hardly any seriously considered doing anything about it. Some governments even continued to have military cooperation with the rump government that was carrying out the genocide and to sell arms to it.

The Rwandan genocide compelled the international community to reflect on its responsibility to confront atrocity and gross human rights violations occurring in situations of violent conflict. Many individual leaders and institutions in the international community re-bgg fe! fl e! feh! f f! bbb ! to stand by while repressive governments commit atrocities. In practice, little has since changed in how governments continue to deal with regimes that are responsible for gross human rights abuses against their citizens, particularly in Africa. The criminal justice system that the international community has established to bring perpetrators of atrocity to justice is more likely to bring perpetrators of atrocity to justice if they too have been vanquished in military conflicts. Governments still show little inclination to hold perpetrators of gross human rights abuses to account if they remain in power. President Kagame is a major beneficiary of the weaknesses of the still evolving system of accountability for atrocity b e! f!h ! b! h !!J! b f ! b! h ! fd e! governments and international institutions to hold him or his officials accountable.

The choices that foreign governments and international institutions make as to whether or not to support improvements in human rights practices, political governance in general, and in a particular post-conflict settings, may have a strong bearing on whether the society in question stays on an old and familiar path (of unaccountable government, repression and authoritarian rule) or makes a break with the past and opts for genuine democracy, the rule

The international community has failed to engage President Kagame constructively on issues relating to human rights and governance in general. The failure of the international community to hold President Kagame and his government accountable for gross human rights violations and to demand the lifting of restrictions on the exercise of fundamental freedoms undermines prospects for peaceful political reform in Rwanda.

South Africa, the United States, the United Kingdom, the European Union, and other major world powers, and governments that provide the development assistance on which Rwanda so heavily depends, need to end the attitude of denial and to begin to confront the truth about the shortcomings of the Rwandan government. International institutions must begin to think long-term, and to put the interests of the people of Rwanda (as opposed to relations with the government and the absolute ruler of the day) first. Governments of democracies, in particular, must rise beyond the guilt shame of their failures over the 1994 genocide and begin to deal with issues relating to the Rwandan situation.

Many in the international community rationally avoid confronting the truth about the grave situation in Rwanda by claiming that President Kagame is an irreplaceable source of stability. This is a dangerous and shortsighted policy that perpetuates instability. By failing to hold President Kagame and his government accountable, the international community does a great disservice, rather than helping to bring about a more democratic and stable Rwanda. The international community's failure to engage the Rwandan government on human rights and governance issues, and its support of a system of government in general, the international community has betrayed the same kind of indifference that preceded (and some would argue even encouraged) the genocide and risks being repeated.

President Paul Kagame and the RPF have squandered the opportunity that history presented to the RPF to move Rwanda beyond its history of social polarization, repressive government and endemic conflict. The issues that drive conflict in Rwanda remains deeply divided, unstable and very vulnerable to violent conflict. President Kagame's rule is characterized by gross human rights violations, crimes against humanity, suppression of legitimate demands for democracy, gross human rights violations of every kind, including murder against political opponents and critics of his government, utter disregard for the law and judicial institutions, and massive human rights violations. The short-comings, failures and crimes in comparison with excesses for which Paul Kagame has been responsible during his stewardship of Rwanda.

Neither brute force nor the financial and material support of external backers can sustain a government that the people overwhelmingly reject.

Neither brute force nor the financial and material support of external backers can sustain a government that the people overwhelmingly reject indefinitely.

Change of government in Rwanda is as necessary as it is inevitable. The Rwandan people have a legitimate right to demand and expect a change of government. The best way of enabling Rwanda to avoid inevitable conflict of catastrophic proportions is to promote a peaceful settlement that will recognise the right of the majority to determine their own destiny and to enjoy their fundamental rights, while addressing the concerns (especially for security and the risk of political and economic marginalization) of minorities.

The people of Rwanda, together with rest of the international community, have a moral duty to work to end this repressive system of government. Rwanda is literally again on the brink of an abyss. The consequences of failing to act to reverse the drift toward violent conflict and bloodshed could be as tragic as the events of 1994. In the aftermath of the 1994 genocide, most of the international community made pledges to never again allow atrocious conflict on the scale of what happened in Rwanda then to take place *on* their watch. The complicity of collusion and silence that contributed to making the 1994 genocide possible ought not to be repeated. The manner in which the international community has engaged the government of Rwanda to date clearly indicates that the lessons that ought to have been drawn from the 1994 genocide have not been learnt.

Democracy will not come to Rwanda easily or within a short time. The challenge that Rwanda and her partners have is to engineer peaceful transition to inclusive, democratic governance in time to avoid renewed widespread violence and sectarian bloodshed. The process of bringing about that necessary change can be gradual. The right place to start in bringing about such democracy is to ensure respect of the fundamental freedoms of her people, especially the right to life and integrity of the person, freedoms of expression, and political participation.

The next priority for Rwanda is to ensure that Rwanda changes its laws on political participation to allow alternative voices to have more than a symbolic presence on the political landscape. The international community should engage the government of Rwanda to address the need to organise a comprehensive dialogue on the future of the country.

Implementation of the outcome of the dialogue should be through a coalition government that includes the opposition and ensures full participation. Such an endeavour is not a negation of the need to create a national identity, devoid of ethnicity. On the contrary, such an endeavour based on the principles of our time, seeks to ultimately nurture a new Rwandan identity by weaving freedom into the very fabric of

Rwandan society. Freedom, good governance, the rule of law, democracy and shared
f ! cfd f! fl h fl b! e! S b eb ! f d h ! (and other diverse
elements) into an enduring nation.



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