JUDGMENT DAY

In Rwanda, 92,392 genocide suspects await trial

By Alan Zarembo

The inmates politely applaud and thousands of eyes follow the two Rwandan government ministers as they move toward a smooth wooden table furnished with two microphones and a plastic vase of fake flowers. It is late October 1996, and for the last few weeks the ministers have been on a tour of Rwanda's prisons, trying to convince tens of thousands of inmates to confess to genocide. Today has brought them to the prison in Kibuye, perched on Lake Kivu's stunning blue in western Rwanda, three hours from the capital, Kigali. Dragging a microphone toward him, one of the ministers launches into a lesson about the Holocaust, but his tales of blue eyes and blond hair six decades ago don't change the blank expressions in the sea of black faces before him, so he jumps to the hundred-day stretch in 1994 when the Republic of Rwanda's Hutu majority conducted a campaign of wholesale slaughter against the Tutsi minority. Ordinary citizens did much of the killing with the same tools they used to clear fields and butcher livestock. In all, roughly 800,000 people died, their corpses collecting three times as quickly as did dead Jews in Nazi Europe.

Although this is the first time the inmates have heard the government's plan for their fate, many seem distracted by simpler concerns. They lean on one another, forearms on knees, palms on foreheads, cheeks on shoulders—the world's biggest game of Twister. Hundreds wrap their shirts into turbans as cover from the alternating drizzle and equatorial sun. A baby screams until a prisoner pushes her shriveled left breast into its mouth. The kitchen at one end of the yard resembles a steel mill, pumping black smoke from its eight chimneys as dinner for 2,797 is prepared below. The cooks, wearing soft pink uniforms coated with soot, shout orders over the cacophony of rakes shoving hot coals, long wooden clubs beating maize flour into a rubbery paste, shovels scraping the sides of giant pots, and machetes splintering logs in quick, precise hacks.

The inmates can be trusted with machetes for the same reason that most peasants outside the prison gates can: although it was the main instrument of death during the genocide, the machete quickly reverted to its traditional status as a farm tool. Many in Rwanda would prefer to forget the machete's history, to let the genocide it-

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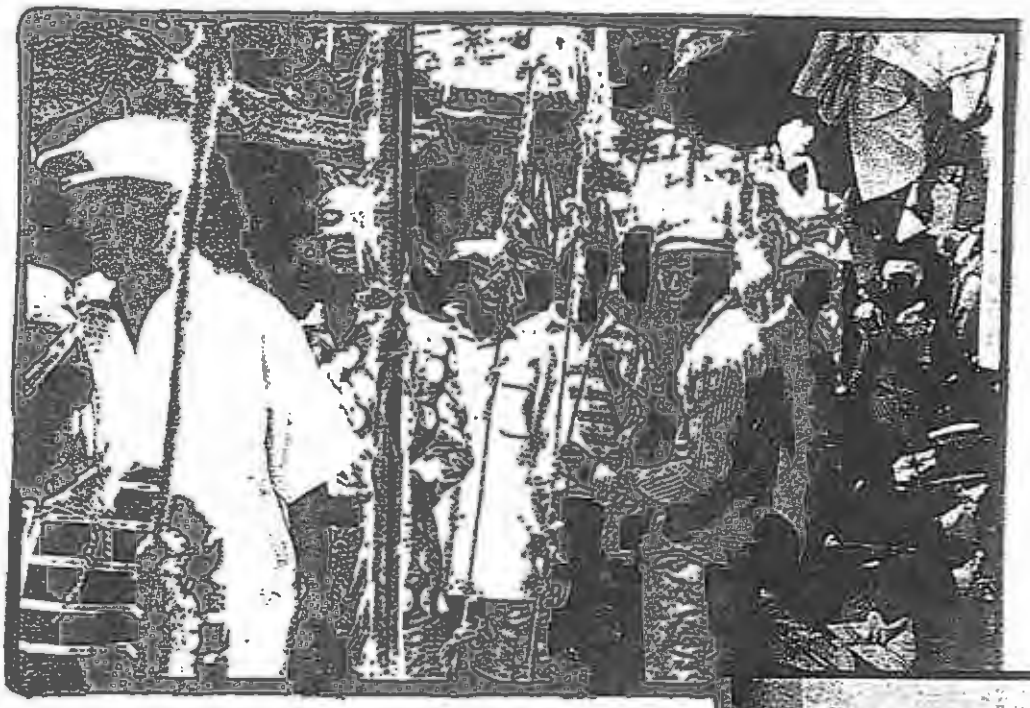
All photographs by Molly Bingham

self slip into the murk of oblivion, but the new Tutsi-controlled government, which ousted the former Hutu leaders in July 1994, cannot allow this to happen, and so it has jammed 92,000 suspects into prisons throughout the country to rate each crime on a sliding scale of brutality. Most of the prisoners are rank-and-file Hutu peasants who were directed to kill their Tutsi neighbors by radio propaganda and given specific targets by local Hutu leaders. So the ministers are offering them a deal: admit to your sins and squeal on your accomplices and superiors in exchange for a sentence short of life in this brick-and-plastic slum. The ministers are political evangelists, trying to convince the throng below that the only way to heal Rwanda is to follow them, as if these microphones, these history lessons, and these neatly wrapped stacks of the new genocide plea-bargain law could methodically undo the insanity the country has inherited.



What the ministers never tell the prisoners, what is never transmitted through the thick black cable that snakes through the crowd to three loudspeakers set on a pickup-truck roof, is that they are worried. Not because their bodyguards have propped their AK-47s against the rusty red prison gate to pass around a cigarette and are only half watching the thousands of suspected murderers but because of a much more ominous fact: the genocide was a nearly perfect crime. Proving that it happened is easy; even proving that certain people were involved is not hard; but pinpointing exactly who did what may be, without confessions and betrayals, impossible.

Now the new Tutsi-controlled government wants to save Rwanda with the same forces that perpetuated the slaughter, to sort out guilt and innocence with the same authority that allowed the old Hutu bosses to oversee the massacres of 1994. For the genocide was produced not by a culture of chaos but by one of controlled docility, in which pleasing one's superiors is reason enough for existence.

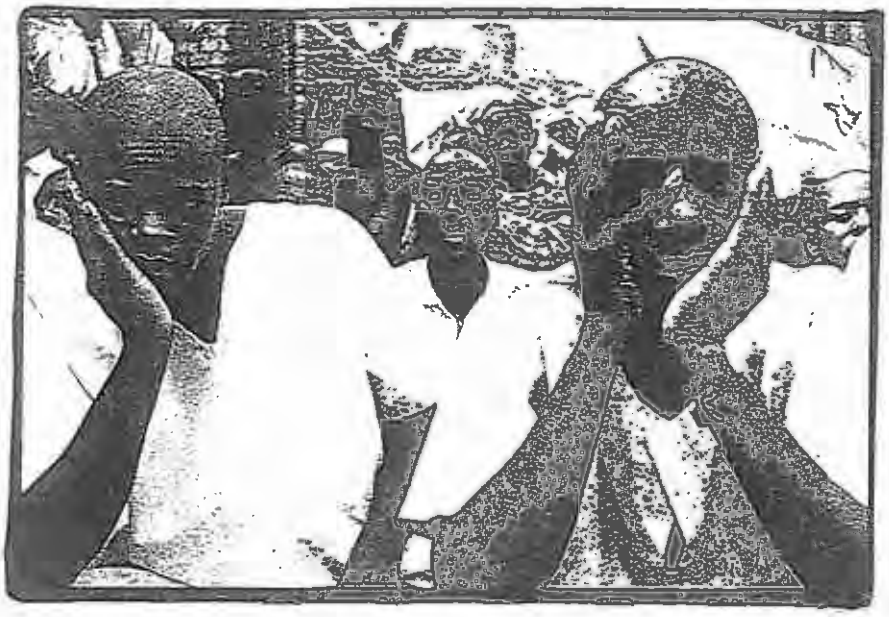
When has a killer gone too far? There were those who competed to murder 200 Tutsis first, the man who crushed 900 people in a church with a bulldozer, and the teachers who killed their students. Where does a man who butchered five people, the same number as did the Manson family, rank on the Rwandan killing scale?

Take the case of Innocent Nsengiyumva, a farmer in his mid-twenties, whose only extraordinary trait is that he confesses to his crime and does not recant—at least not during the first week after soldiers lock him in a military jail. Innocent rarely leaves the dark cell he shares with about twenty other men, and he hesitates when a soldier lets him out to talk with me. His splayed feet and narrow shoulders seem as unlikely as his name; as he speaks, he hugs his torso.

The number of Tutsis he slaughtered could have been many more than the two children he admits to. He can't remember if the victims were boys or girls, only that they each must have been about six, siblings. For two weeks—or was it two months? he can't decide—he was part of the local mob. He enjoyed hunting Tutsis but was sorry to murder. He was ordered to do it, but not by anyone in particular.

Killing was a job. The local Hutu official had a list of victims, and each morning the peasants gathered with

their weapons—machetes for most, a homemade wooden club spiked with nails for Innocent. For the first week he only watched, he says, "like a child watching something his father is doing." The killers drank at the bars they passed, went home for lunch, and resumed in the afternoons. His turn came when the crowd spotted the two children. They didn't try to escape, he says, and didn't scream until he sunk the nails into the side of one of their heads.



I ask the obvious question. "How could you kill children?"

"If you were there . . . Things were strange. I can't find any way to explain it to you. Can you imagine the radio saying, 'Go kill these people'? The message got to the local authorities. They mobilized the soldiers and the militias, and they were going to the villages getting civilians to kill people. We accepted. They said we were fighting for the country."

"What would have happened if you'd refused to kill?"

He looks bewildered, tugging at the sleeves of his mangy red blazer. "Nobody refused."

A man named Innocent murdered two six-year-old children—a piece of absurd horror that leads to another. In deciding his fate, prosecutors must determine whether Innocent's malice was "excessive," whether, under the new plea-bargain law the ministers have been peddling, he qualifies as a "Category 1" killer, and therefore for the death penalty. The designation is reserved for the genocide's leaders and their lieutenants—priests, local authorities, and militia members—"sexual torturers," as well as "notorious murderers who by virtue of the zeal or excessive malice with which they committed atrocities, distinguished themselves in their areas of residence or where they passed."

There are more than 90,000 Innocents. And so it is that a mountain of Day-Glo folders, freshly shipped from prisons and still bound with twine, are piled on a chair in the waiting room outside the office of Emmanuel Rukangira, Kigali's prosecutor. He spends much of his time sorting the files into stacks—stacks that decide life and death. Ranking brutality may seem surreal to outsiders, but to Rwandans, raised in a pecking-order culture, it makes perfect sense. Rukangira explains how one man became notorious for burying people alive, a method that automatically places him in Category 1.

"Is it worse to bury one person alive or kill ten people with a machete?" I ask Rukangira.

He smiles, as if he's thought about this before. "With a machete, you can do it with one hack. To bury somebody alive, it takes him a long time to die. Sometimes they didn't bury him completely. They left him there alive and came back in a couple days with a stick to finish. Others killed pregnant women and cut the babies out of their wombs. That is a cruel way to kill. Category 1."

Only about 2,000 Hutu suspected mass murderers will make the honor roll. The rest are Category 2, the common killers who will serve seven to eleven years if they confess before charges are brought, twelve to fifteen if they confess after, and life in prison if convicted without confessing. Category 3, those who maimed but did not kill, can get off with one third the penalties mandated in the standard criminal law. Category 4 includes those who looted the homes of the dead, crimes so relatively minor that Rwandans have been told to work out compensation plans among themselves.

But it is too soon to classify thousands of inmates. Before prosecutors can gauge malice, investigators must make files, and for files to be made each Hutu prisoner must first be identified. This is not easy. When the new Tutsi-led government seized power, thousands of suspects were denounced by neighbors, arrested by Tutsi soldiers, and locked up without records. Files were made later, often based solely on information the prisoners provided themselves. In some prisons, foreign aid has allowed the government to correct that sophistry with another: inmates are now photographed in the hope that their accusers can provide their real names.

In Mbogo, forty miles north of Kigali, new arrestees line up at the door to investigator Ephrem Sikubwabo's office, a concrete cubicle that reeks of sweat and fresh paint. Spiders have strung their webs across the metal bars on the windows; crumpled sheets of carbon paper spill out of a cardboard box onto the floor. Twenty-seven-year-old Sikubwabo sits behind a desk, listening to a transistor radio while he hammers out interrogation transcripts on a manual typewriter. In an assembly line of denial, inmates enter one by one, sit, clench the sides of the wooden chair, and proclaim their innocence.

As long as they remain silent, the genocide will remain a collective act.

When the Tutsi rebels first took power, it was common for Hutus to admit to—even boast of—their role in killing Tutsis. But behind prison walls the indoctrination has turned tactical. Now not only do most dispute their crimes but many deny that the genocide ever happened. Portraying themselves as victims of the Tutsis, the prisoners have taken on an unusual role for suspected killers: the spokesmen for due process.

"He who has done a bad thing must be punished," declares a chubby-cheeked inmate of the Cyangugu Central Prison. "But I don't understand why we must wait two or three years to be judged."

To reach him, I have had to follow two barefoot prisoners lugging an oil barrel full of beans down a corridor carpeted with an interlocking weave of outstretched prisoners, past men scrubbing plastic plates in the gray water that ripples through the gutters, and into a room dank with sweat and breath. Every prison has a hierarchy, and it soon becomes clear that I have been led to Cyangugu's City Hall—and that the inmate with the chubby cheeks, Théodore Munyangabe, No. 1,550 on the Category 1 list, is Boss.

Munyangabe's ward resembles a two-story chicken coop. A vent in the roof casts a strip of sunlight across the top roost, a plywood shelf where he sleeps in a row of twenty men. Twenty more sleep on the bottom shelf. As I watch a prisoner on the upper deck wash his feet in a bucket, another inmate shimmies out of the one-foot crawl space beneath the bottom shelf, where yet another twenty sleep. Convincing a fellow inmate to sell his shelf space can cost more than $100, nearly half of what most Rwandans earn in a year, so the poor fan out to sleep on the rafters, the cement floors, the corrugated-tin roofs, and the cardboard sheets that cover the pit latrines. They are used to the stench of shit.

"In every society there are some people who are better off than others," Munyangabe says with a shrug. He employs a teenage prisoner to wash his clothes and deliver his meals, and pays the boy in biscuits handed out by the Red Cross; another inmate cuts his

hair. Testimony from these low-level prisoners would probably be enough evidence to convict men like Munyangabe, but I wonder whether Rwanda's new leaders will ever be able to convince them to rat out their bosses. Clearly, Munyangabe is doing his best to keep their lips sealed.

I ask him about the plea-bargain law. "If I am a murderer, the court must prove it. It is not [my job] to prove to the court that I am a murderer. If I had done something bad, I would tell it. It isn't easy to confess something you haven't done." I ask him if there was a genocide. "I can't be quite sure, but I think there are people who have done bad things."

Until he was arrested in March of 1995, Munyangabe, forty-two, was a deputy governor in Cyangugu Prefecture, tucked between Zaire and Burundi at the south end of Lake Kivu. His slight lisp, round face, and powder-blue shorts give him a boyish quality as he leans on a rafter and scoops maize paste into his mouth. "They say I have killed men. I don't know who. And I don't know who says so."

Munyangabe may never have touched a machete or fired a rifle, but in Rwanda guilt is inversely proportional to how low you are on the killing chain. Human-rights investigators believe that he led a massacre of hundreds at a church, then accompanied the governor to a nearby stadium where Tutsi men were herded into groups to be killed. Nearly a year later, Munyangabe caught word of his impending arrest and went to meet Jane Rasmussen, a United Nations human-rights monitor. They sat on the office porch for more than two hours; she took notes of their conversation. Yes, he drove grenades to the Cyimbogo church, where hundreds of Tutsis had taken refuge, but it was his driver who tossed the grenades inside. He thought about saving Tutsis instead of driving them to roadblocks manned by militiamen, but as a member of the government he really had no choice.

"He was not lying and shameful but pleased to present the story of himself as a good man trapped in a bad situation, who'd done the best he could," Rasmussen remembered. "I was thinking, why was he telling me all this? Did he feel a need to confess? Did he want legal advice? This is the creepiest part. I think he really didn't understand anything he had done was wrong, legally or morally. It's the perfect example of how people's sense of right and wrong got turned around in the genocide."

Back in the Cyangugu prison the rain starts. Inmates string up tarps and rush to catch the runoff in buckets. A muscular man in red bikini underwear foams with soap lather, a crucifix swinging from his neck, as I head toward the prison's exit. The only guard left on duty padlocks the main gate and, after bidding me goodbye, heads home for the night.

The prison stands on a hilltop like a medieval fortress. I can hear the din of thousands of voices from behind the thirty-foot-high brick walls as my translator and I descend into the valley. Along the way he says, "You people are lucky—you *muzungus* [white people]. When there is something wrong you say it. You say, 'Fuck you.' But us, we play diplomacy. We are not open. We don't show everything."

"What do you mean?" I ask.

"I can smile at you, drink with you, and eat with you—and have something bad against you. This evening I can come and kill you, even though we were together today. Between Hutu and Tutsi there is always doubt."

He is a Hutu in his mid-twenties. I will call him Pierre. During the genocide he hid a Tutsi carpenter in his house. One day he returned home to find a mob in his front yard; they were cousins and neighbors, some of the same people we had just seen in the prison. "They said, 'There was a Tutsi in your house,' and I said, 'No.' And they said, 'Yes there was, and we killed him. Here he is.'" At their feet was the body, his skull dented, a gash across his neck. Pierre went inside and closed the door.

He says that most of the killers enjoyed their jobs, each day working a different side of town, each night swilling beer and dining on the freshly butchered cows of dead Tutsis. I ask him how such celebration was possible.

"When somebody is your enemy, killing them is nice."

"Did you kill?"

"No."

"Why not?"

"I don't know why I wasn't interested. People were getting rich from it. Those who were killing were boys and bandits. I had no reason to get more things. My father can feed me." Then he offers that he refused to feast on the fresh beef. "The same machete that killed a man killed a cow. I am eating the cow, so I am eating the man."

"Would you ever testify against the killers you saw?"

"Even if they arrest me and say, 'Tell us what you know,' I would not say anything."

"Why not?"

"It's not my job."

Anyone who saw mutilated bodies flicker across a television screen in the spring of 1994 might dismiss the genocide as yet another African tribal war unleashed in yet another lawless African state. Hutus make up 85 percent of the population; Tutsis, most of the rest. But the problem is that there is little consensus about whether Hutus and Tutsis can be called tribes at all. Before colonialism, Rwanda was a highly organized feudal kingdom. The overlords were Tutsis, but not all Tutsis were privileged. The two groups meet none of the standard conditions that define tribes; for centuries they have lived on the same hillsides, spoken the same language, shared the same burial customs, and intermarried.

The Belgians, masters of Rwanda and neighboring Burundi for four decades, tried to quantify the differences between Hutus and Tutsis. Belgian ethnologists claimed that the average Tutsi nose was 55.8 millimeters long and 38.7 millimeters wide, compared with Hutu dimensions of 52.4 and 43.2. Other dubious distinctions were based on property: those who owned fewer than ten cows were said to be Hutus; the rest, Tutsis. The colonial government issued each group identity cards and forced Hutus to work for free while Tutsis supervised. The first massacres in Rwanda erupted in 1959, when Hutus slaughtered Tutsis in order to consolidate power before the country's pending independence in 1962. Roving the hillsides in squads, they chased tens of thousands of Tutsis into exile, the same Tutsis who would multiply in asylum, creating a generation of expatriates who would return to take power after the 1994 genocide.

Far from being another lawless African country, independent Rwanda became and remains a model of order. The country is divided into 12 prefectures, 154 communes, 1,600 sectors, and tens of thousands of cellules—a top-down network of officialdom rooted in a precolonial kingdom, codified by colonizers, and preserved after independence. Once Hutus had vanquished the Tutsi elite, it used the pre-existing social structure to exercise complete control over the populace. Residents had to ask permission to leave their hillsides. Everybody became a de facto member of the only political party, Hutu President-for-Life Juvenal Habyarimana's Mouvement Revolutionnaire National pour le Développement (MRND). When opposition parties were legalized in 1991, MRND tacked "et la Démocratie" to its name, but nothing about Rwanda was very democratic. It was a nation of followers, a culture that foreign-aid donors be-

lieved contributed to progress: more than 60 percent of Rwandans were Catholics, a higher proportion than anywhere else on the continent; there was very little street crime; and peasants spent two days a month planting trees, terracing fields, and paving roads in a national service program called *umuganda*, which amounted to forced labor. The crews were called *Interhamwe*: those who work together.

Foreigners refused to see the bigger national project in the pipeline. They could have looked for clues in Burundi, where over the last three decades the Tutsi minority had kept their grip on power by periodically massacring Hutus, as many as 300,000 in 1972. Both countries have the same ethnic mix, but lacking the revolution that brought Hutus to power in Rwanda, Hutus in Burundi had grown so obedient to their Tutsi overlords that they dug their own graves and reported to police stations for their scheduled—and sometimes rescheduled—executions. Some twenty-two years later in Rwanda, it was Tutsis who would die, and this time it would be the civic duty of Hutus to kill them. The ideology of Tutsi extermination would flow down the hierarchy of command into virtually every home, the churches would fill with bodies, the terraced fields would become mass graves, Hutu soldiers would speed across the country on some of the best roads in Africa, pink identity cards would help determine who would live and who would die, and *Interhamwe* would refer to a new kind of work crew: not tree planters but militias made up of peasants and unemployed young men recruited from the ranks of ordinary Hutus on every hillside, the gangs that became the most notoriously brutal killers.

The seeds of genocide were planted in late 1990, shortly after the Rwandan Patriotic Front, a rebel army led by English-speaking Tutsi refugees, invaded from Uganda. Three years of fighting ended in a stalemate, forcing the MRND to sign a power-sharing agreement with the Tutsi RPF rebels. But the Hutu leaders delayed implementing the agreement, and extremists within the government began to enact a plan to exterminate not only all Tutsis but Hutu sympathizers as well.[1] On April 6, 1994, President Habyarimana's plane was shot down—most likely by his own extremist Hutu allies—killing him and providing the pretext for the massacres.

Enlisting civilians to kill was a deliberate attempt by the ruling Hutus to create a society that Tutsis could never govern. And it may have worked. Although in 1994 the RPF defeated the Hutu army, stopped the genocide, and took power,[2] the only beneficiaries of their revolution so far have been the army officers who claimed hillside villas and the roughly 800,000 Tutsi refugees who returned from three decades in exile to replace the dead. The RPF set up a coalition government that blames tribal distinctions on colonialism and avoids using the words "Hutu" and "Tutsi," but few believe the pretense of kinship. Hutus in the government are figureheads; intermarriage has all but ceased; and Hutu extremists still kill Tutsi survivors and foreigners as part of ongoing attempts to destabilize the Tutsi-led government. Many of the estimated 6 million Hutus view their new bosses as a foreign army of occupation. Imagine the Jews picking up arms in 1945, taking over Germany, and then having to run the country.

But even this comparison falls short. At the height of the Holocaust in 1944, the Nazis executed about 400,000 over a three-month period, the same length of time it took Hutus to kill twice that many. If Nazis ran killing factories that most Germans never had to confront directly, Rwandans murdered intimately, spattering their clothes with the blood of their neighbors. A U.N. survey of more than 3,000 children after the war showed that 69.5 percent had watched murders or maimings, 78.5 percent had heard screams, and 16 percent had hidden under corpses. Nobody knows how many people actually took part in the slaughter, but without gas chambers and crematoria, the number of executioners had to be far greater than in Germany.

Therein lies the dilemma. Can an ethnic minority control a country simply because of the evils perpetuated by the majority, no matter how awful? Is justice, or revenge, a solid enough foundation for a nation-state?

"There is no Republic of Genocide," one foreign diplomat tells me. I ask him what he means. "Genocide is the basis for the existence of this government. Arresting people is the only way it has to assert its authority."

The first time I visited a Rwandan prison was October 1994, three months after the Tutsi rebels took power and not long after I arrived in Rwanda. I had lived in Africa as a college student and had written a thesis about why Uganda had sponsored the 1990 RPF invasion; back in the United States I couldn't understand why some nice people half a world away were butchering their neighbors. So about the time that Americans were watching O. J. Simpson's Bronco ride, I quit my newspaper job, traded my rusting station wagon for a plane ticket, and convinced the warden to open the single padlock on the gate at the "1930," the Kigali central prison. The name refers to the number displayed above the door, which is the year the Belgians built the compound.

Back then, the prisons held about 6,000 inmates. By January of this year, my third in Rwanda, 92,392 people were stuffed into fifteen prisons and 183 local jails, some so packed that inmates must take turns sitting down. And just when the prisons seemed full, the army, as if conducting an experiment on claustrophobia, shoved in more people—an average of 600 a week last year. By official admission, some of those jailed are innocent, turned in by people who wanted their houses, cows, or fields—some sense of compensation for their dead rela-

[1] *Extremists pushed an ideology known as Hutu Power via propaganda such as* Kangura, *a magazine that in 1990 published "The Hutu 10 Commandments," which warned Hutus not to intermarry, fraternize, or go into business with Tutsis. Commandment 8 states simply, "The Hutu should stop having mercy on the Tutsi." Commandment 10 proclaims that "the Hutu ideology must be taught to every Hutu at every level. . . . Any Hutu who persecutes his brother Hutu for having read, spread, and taught this ideology is a traitor."*

[2] *Ironically, the downfall of the Hutu regime may have been due to its dedication of men and resources to the genocide rather than to fighting the highly disciplined RPF, which forced the Hutu army and militias into exile in Zaire.*

tives short of finding the real killers.

One Monday last October, in a Kibuye jail, a 15-by-12-foot cell held about seventy-seven inmates. They competed for air and light through three small windows. That night soldiers squeezed in forty-five more, bringing the density to about six people per square yard. The guards heard shouts and banging on the door, but refused to open it until the next morning. By then, sixteen were dead.

Such incidents are all too common, but the new government is faced with three grim and equally absurd options: ignore an atrocity, answer it in kind, or slowly sift through a mountain of individual brutalities, grading each one using methods that are at best terribly slow and at worst entirely arbitrary. One afternoon, returning from a prison with Gerald Gahima, the deputy justice minister, I told him how I once entered a reporter's lottery to watch the hanging of Westley Allen Dodd, who had killed three children in southwest Washington. Gahima responded, "Anybody who kills three babies deserves to die. He deserves more than death. But what do you do when everybody has killed three babies?"

The young judges stroll into the classroom in the town of Gitarama. None carries a briefcase or legal pad. Only three out of the fifty-odd men and a few women wear spectacles, though more probably need them. As they enter, a clerk tears open a brown envelope and passes out copies of the new plea-bargain law, printed in French, English, and the country's indigenous language, Kinyarwanda. The clerk paces down the aisles like a high school proctor, distributing notebooks and blue Bic pens. A throat clears when one judge in white patent-leather shoes saunters in fifteen minutes late.

If the judges seem unseasoned, it is because most have no legal experience at all. More than 80 percent of the former judicial officials fled or were killed during the genocide; many participated in it. There are few left to help judge the 92,000 inmates who give Rwanda the distinction of imprisoning a higher percentage of its population than any other country in the world. In 1996, 46 Manhattan judges heard 259 murder cases prepared by 600 prosecutors. As of January of this year, Rwanda had 201 judges, 132 prosecutors, and 157 investigators. Even if each of Rwanda's twelve genocide courts could try one case per day, the trials would continue for twenty-nine years. The government says it is too poor to hire defense attorneys, and the country's 33 private lawyers have expressed little interest in representing genocide suspects. Last year the justice minister was fired, though never prosecuted, for allegedly embezzling $100,000 and trying to clear her uncle of genocide charges.

The majority of the new judges are Tutsis with few memories of Rwanda. They either were born in exile or fled the country as children in 1959, returning to their homeland after the 1994 genocide had ended. Some of the judges are Hutus, and some are Tutsi genocide survivors like Sylvestre Bizimana, a towering thirty-one-year-old with a whispery monotone and a pewter Marlboro belt buckle. Before the war, his family ran variety shops in two towns. Three brothers, his father, and dozens of relatives were killed.

"After the war, nothing was left," he says. "I wanted to serve my country."

Elsewhere, judges whose families were massacred may recuse themselves from hearing massacre cases. In Rwanda that is not an option, so Bizimana answered a radio advertisement. Applicants for judgeships had to be at least twenty-five, have a secondary school diploma, and be free from criminal convictions. Hundreds showed up for the hour-long test. Part One was an essay question worth twenty points: "In a democratic state, it is essential that a government not interfere in the decisions of judicial tribunals. Discuss." Part Two was a set of twenty questions, worth one point each. Here are some of them:

1. What is the capital of Canada?
2. The Hippocratic Oath is sworn by members of which profession?
8. Jean-Paul Sartre is author of:
   a) *The Second Sex*
   b) *The Outsider*
   c) *Being and Nothingness*
13. The chemical symbol for sodium is:
   a) Na
   b) Cl
   c) So
14. Humans first landed on the moon in:
   a) 1969
   b) 1970
   c) 1972
15. The president of the Supreme Court of Rwanda is:
16. Croatia was formerly part of:
   a) the Soviet Union
   b) Czechoslovakia
   c) Yugoslavia
17. The cornea is found:
   a) in the eye
   b) in the heart
   c) on the foot
19. The author of *The Republic* is:
   a) Plato
   b) Aristotle
   c) Euripides
20. "Extradition" means:
   a) to convict someone twice for the same offense
   b) to convict someone in his or her absence
   c) to remove a person to a country where he or she is accused of a serious offense

The top scorers won a four-month course on Rwandan law and an $88-a-month job. Today is their final classroom lesson before they take the bench to judge genocide defendants. The les-

son is on the new plea-bargain law. "I didn't write the law. I've only been asked to teach it," an appeals-court prosecutor says before instructing the judges to open their copies to page 10. His disclaimer is understandable. The law has spurred a divisive political debate. Punishments must be stiff enough to satisfy genocide survivors' craving for justice but light enough that prisoners have an incentive to confess. Many survivors believe that execution is the only suitable punishment for the killers, even for children who followed the example of their parents. Other opponents say that the courts will become so clogged that eventually innocents will make up confessions; otherwise they could easily spend more than fifteen years—the maximum sentence for admitted Category 2 killers—awaiting trial.

Larger fears loom over Kigali authorities. What will the world think if they start executing the guilty en masse? Will the sentences incite Hutu prisoners—and, more importantly, fugitive militants—to further violence? Can the government safely free the innocent after their trials and the guilty after they serve their sentences? The Ugandan-raised health minister, Colonel Joseph Karemera, tells me, "We can't release prisoners until we brainwash the population to accept them."

Clutching a pen and notebook between his handcuffed palms, Deogratias Bizimana hops off the tailgate of a pickup truck at gunpoint. Rwandan cameramen shove boom microphones in his face as he enters the courtroom in the eastern town of Kibungo on December 27. The audience of several hundred claps vigorously as the prosecutor reads the charges, a catalogue of evil that qualifies Deo for Category 1: leading gangs of killers, carrying a grenade, theft, doing nothing to help people in danger. Children gather on the window ledges outside, clinging to one another as they peer in at the thirty-seven-year-old suspect standing at the bench in his baggy prison shorts and rubber flip-flops. He is the first genocide suspect to be tried in Rwanda.

Before him, three stone-faced judges sit at a table draped with the Rwandan flag, dressed in black robes piped with saffron cuffs, hearing the first criminal case of their lives. All three grew up in Zaire, where one was a teacher, another studied banking, and the third got a business degree.

The trial lasts about four hours, with more than a quarter of the time taken up by a debate between Deo and the judges over whether he will be allowed to speak French. The judges decide that since most of the crowd understands only Kinyarwanda, he must speak it too, even though French is one of Rwanda's three national languages. A Rwandan radio journalist leans over to me to joke, "He must have used the machete in French."

Deo has no defense attorney and was given only Christmas Day to review his file. Although the families of the dead have lined up to stake claim to the defendants' belongings, the closest Deo comes to confronting his accusers—whose statements are read by prosecutors, not presented in person—is when a man in the audience rises to show the machete scars on his neck and scalp, then holds up his right hand to display the stubs of three missing fingers. Deo tries to defend himself with logic, refuting an accusation that he once stood up in a crowded tavern and beckoned Hutus to kill all Tutsis, including those present.

"If the witness was a Tutsi in the bar, and he is still alive, how did he come to know that statement?" Deo asks amid laughter from the crowd, as if he had said that the goat ate his homework. The prosecutor retorts: "[Deo] seems to be saying that the only witnesses are those he killed."

That may be true, and the irony of it all strikes me. If the old regime had succeeded in killing all the Tutsis, there would be no trials, no memories, no political dilemmas. Genocide, according to international law, is defined as "acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group"; the closer you come to destroying the whole, the fewer witnesses are left behind, and the harder genocide is to prove. A week later, such paradoxes don't prevent the young judges from sentencing Deo to death. As the pickup pulls away to take him back to prison, he vows to appeal, a process that could delay his execution by a few months at best.

Was justice served? Hours after the sentencing, back in Deo's village, his Tutsi neighbors tell me yes. His Hutu neighbors say maybe not. One woman who listened to the proceedings on the radio stops short of calling him innocent but says that some details presented in court were wrong. She nervously looks around for the Tutsi spies she fears may be hiding in her bushes before saying that investigators never questioned her and that many Hutus are too afraid even to attend court, let alone present evidence to contradict the prosecution.

If this was the first trial—presumably among the strongest cases—I wonder what trial number 4,156, or number 33,372, will be like.

Rwandan officials make no apology for imprecise justice. They say that meeting Western standards would mean freeing large numbers of killers for lack of witnesses or due to legal loopholes, which would be disastrous for a government that derives its legitimacy from the wrongs of the old regime. The alternative may be executing some innocents, but officials say that it is hypocritical for the world to criticize Rwandan justice when, as of February 1997, the U.N. international tribunal set up in Arusha, Tanzania, to punish the masterminds of the Rwandan genocide has yet to convict anyone.[3]

Hamstrung by mismanagement and bureaucracy, the Arusha tribunal is the scorn of Rwanda, in part for not using the death penalty. The chief prosecutor until September 1996—Richard Goldstone—also headed the Yugoslavian tribunal, and in nearly two years he spent just seven days in Rwanda. Most genocide planners continue to live comfortably in exile. The tribunal did indict Colonel Theoneste Bagosora, a top army officer believed to be among the Hutu inner circle. He was originally arrested in Cameroon, not for killing Rwandans but for the murders of ten Belgian U.N. peacekeepers in Kigali.

The executions of the Belgians were a calculated attempt on the part of Hutu extremists to make the world turn away so that the genocide could continue unimpeded. It worked. The Genocide Convention, signed by dozens of nations after World War II, proved futile when the United States, wary of another Somalia, dodged its international obligation—leading other countries to do the same—by refusing to use the term "genocide" in public until the 1994 massacres were nearly over. The U.N. force was reduced to a skeletal crew as soon as it evacuated all foreigners, leaving Rwandans—including those who worked for the U.N., foreign governments, and aid organizations—behind to die.

One of those left behind was Bonaventure Niyibizi, the top Rwandan working for the United States Agency for International Development in Kigali. He smiles wanly as he tells in an unbroken voice the story of his mother's three-day execution the killers sliced her Achilles tendons the first day, hacked off her legs and head the next, and finally returned to toss her body in the river. He attributes his own survival to sheer luck.

A year after the genocide, Niyibizi was invited to the U.S. State Department auditorium in Washington to accept an award, which he guessed—wrongly—was "foreign employee of the year." When he was called to the podium, the head of USAID, Brian Atwood, handed him a wood-and-bronze plaque, and the audience applauded. The inscription read: "A unit citation to USAID/Kigali for working together in a situation of great peril to make and implement decisions resulting in the safe evacuation of the entire American mission staff." It was USAID's congratulations to its Rwandan employees for saving their Amer-

[3] *Indeed, the tribunal workers seem too busy conducting bizarre experiments in cultural relevancy to concern themselves with justice. In September 1996, a week before the first trial started in Arusha, only to be delayed for months, tribunal member Gregory Gordon was onstage playing Hamlet in a production cosponsored by the United States Information Agency. The program noted that Gordon, "when not engaged in theatrical activities, is helping to prosecute war criminals for the International Criminal Tribunal for Rwanda." Other tribunal employees played the King, Queen, Horatio, and Laertes; the USIA flew in a drama consultant from Chicago. Comparing the Danish prince's existential crisis to the genocide, the director, who also played Horatio, billed the play as a form of national therapy, telling one reporter, "What the play is actually about is to speak the truth about what happened here, about ambition and corruption gone awry." On opening night in Kigali there were no more than three Rwandans in the audience.*

ican co-workers. A copy of the citation was sent to each one, even to the fifteen who had been killed.

Back in Kigali, Niyibizi mounted the plaque next to his door. "I am keeping it in my office," he tells me, "not because I am proud of it, not because I deserve it, but to remember how we have no value."

Hope for a lasting peace is fragile and requires a national consensus on the fair administration of justice. But Rwanda's 800,000 victims and 92,000 prisoners form an elaborate puzzle of accusation in which each piece stubbornly refuses to fit its obvious match. On a hilltop in Mbogo, I meet Odette Mukandekezi, a Hutu woman who denounced Athanase Mujyambere, a prisoner in the "1930," for killing her Tutsi husband. She thinks she is thirty-two. A deep scar emerges from her left ear, juts across her forehead, and curves down into her right eyelid. A gray cardigan is draped over her shoulders, hiding the fact that her left forearm is gone, and as she speaks, she rubs her right thumb over the stubs of her index and middle fingers, severed at the knuckles with a machete by a neighbor who attacked her in April 1993 for being "a friend of Tutsis." That year, the government was sponsoring small-scale massacres in what amounted to a practice run for the genocide. One year after being brutalized, she watched Mujyambere order a mob to exterminate hundreds of Tutsis gathered in a church.

"I remember Mujyambere saying to the others, 'These are snakes, let us kill them,'" she tells me. "I can't tell you who did what, only that when he said to kill, they started with machetes and guns. There were lots of people. I cannot even remember their names. Mujyambere was the chief, in charge of making sure nobody was missed."

I return to the "1930" to confront Mujyambere with her accusation and ask whether he thinks it is fair that prosecutors have put him in Category 1. More than 8,000 suspected murderers are packed into a space built for 2,000. Like most Rwandan prisons, the "1930" is run by the inmates. In the United States this would be a recipe for chaos, but the opposite is true in Rwanda. There are few escape attempts, and violence is rare. The orderliness of

Rwandan society has been replicated in the prisons and color-coded. Inmates with money and stature have had the pink prison-uniform fabric fashioned into double-breasted suits and trenchcoats. The poor hang bundles of their ragged clothes from the rafters like carcasses in a butcher's freezer. Those at the top of the hierarchy wear royal blue baseball caps, each labeled "capita" and numbered 1 to 12—these are the captains of each of the twelve wards. Other colors denote health workers and Red Cross assistants. Yellow berets perched on their heads, the inmates in charge of security look like Boy Scouts, but slightly sadistic ones; they herd their fellow prisoners by swatting them with long sticks.

Several yellow berets greet me inside the "1930" gate. As if part of a performance artist's critique on authority, one carries a toy pistol, holster, and walkie-talkie, all made of tinfoil; another has fashioned a badge out of a Michael Jackson photograph and pinned it to the front of his hat. They fetch Mujyambere while I take a tour, stepping over potholes, passing a neatly dressed man peering into a small mirror while he trims his chin whiskers. Four men draw a diagram of a gasoline engine. Nearby a man irons uniforms while a teacher quotes Mao, comparing China's cultural revolution to the 1959 uprising of Hutus in Rwanda. Within the compound are Bible-study classes and computer courses using keyboards drawn on cardboard. The less industrious prisoners sit in plastic hovels smoking cigarettes and playing cards.

Suddenly a stooped man with specks of white hair on the sides of his shiny head and curly tufts growing out of his ears is delivered to me. Scrawny legs poke out of his pink Bermuda shorts. He wears a fuzzy blazer over his uniform, ornamented with a strand of rosary beads and a medallion of the Virgin Mary. "Mujyambere," a yellow beret announces.

He speaks only Kinyarwanda, no French. He says that he is sixty-one, and that he opposed his son's decision to join the Hutu army during the genocide because "he could have been killed." Mujyambere says that he was not especially close to the authorities on his hillside, as he had retired from the government years ago. When I ask him what he was doing during the spring of 1994, he says that he stayed on his farm.

"I didn't see anybody dying. I didn't see anything. No bodies. Nothing. In our sector, the Tutsis fled. The military chased them to kill them. It was only the young people. The old people didn't join in the killings."

"Why are you here?"

"They say I have killed some people, but I didn't."

He claims that Mukandekezi, her children, and another neighbor denounced him in September of 1994 so that they could steal his five cows. I ask for more details. He says that she is a Hutu and that her husband, who may have been a Tutsi, died in the war. He doesn't know the circumstances. He makes no mention of the missing forearm.

In a church in Kanzenze, twenty miles from the capital, loose dirt and cobwebs coat hundreds of garbage bags filled with skeletons collected from the pews and the countryside. The polyurethane stretches over skulls and rib cages; a few tibias pierce through. Gaspard Musonera, a Tutsi whose smooth face and slight build make him look younger than his thirty-two years, says that somewhere in the bags are pieces of his parents, three brothers, and one sister. He survived because he fled north to join the rebels. A year after taking power, the Tutsis appointed him mayor.

Some Hutu prisoners have pledged their loyalty to their new mayor, who says, "When I ask them why they killed, they say, 'Because the government told us to. And since you are the authority now, we would do it for you too.'"

You too might obey orders to kill, even if you believed killing was morally wrong—for example, to save your own life. That is not what happened in Rwanda. The genocide happened so swiftly, with so little internal resistance, that there was no time for a national moral dilemma. Some killers proved themselves equally capable of good and evil, hiding Tutsis by night, butchering them by day. The genocide had less to do with whether ordinary Hutus believed killing their Tutsi neighbors was a good idea than with upholding the standards of good citizenship, which in the spring and early summer of 1994 was to kill Tutsis in broad daylight. Ironically, such civic devotion may be the only chance for healing Rwanda. The idea is less absurd, and more hopeful, than is the fatalistic myth of Rwandans as a people forever condemned to follow feral impulses.

"The culture of obedience was a reaction to oppression. You have to respect a dictator," says Colonel Karemera, wild-eyed and grinning. "We are lucky to have this culture. It can make people do bad things, but it can also make them walk ten kilometers to make bricks to build homes. They respect whoever is ruling them."

Last May, Hutu militants based in Zaire crossed the border to attack a jail in Gyangugu, freeing about eighty genocide suspects. Over the next few days, more than twenty returned and checked themselves back in. When I ask them why they would give up freedom to spend years waiting for trial in a victor's court, their responses sound almost rehearsed and have little to do with repentance.

"We must obey the law," they say.

The answer seems ridiculous given the scale of killing in Rwanda, but it makes a certain sense. It is the reason why few genocide survivors have sought revenge, why pedestrians stand at attention and rush-hour traffic stops when the Rwandan flag is raised and lowered, why the once bloodied churches fill up again every Sunday, why Rwandans still come by the thousands when the government radio announces *umuganda* workdays, why genocide suspects are allowed to use machetes, why some prison fences are made of eucalyptus branches, and why inmates applaud for the government ministers who imprisoned them.

The "law" that the returned prisoners are talking about is not a permanent set of ethics written in the Rwandan criminal code or the Bible but the directives of whoever is currently in power. And in that sense, Rwandans are among the most law-abiding citizens in the world. The genocide was not an eruption of tribalism but the rote conduct of a society raised on reverence for even the most wicked leaders. Killing was the law, and Rwandans followed it. ■