

RWANDAN ROUND TABLE REPORT

17 MAY 2014

Introduction

Jean-Marie Gasangwa was employed as project coordinator from 1 February to 30 April with Shirley Gunn as the project manager. Jean-Marie was responsible for organising the roundtable event that entailed: drafting the programme, researching and writing the concept note, coordinating speakers, arranging transport, organizing the venue and refreshments, recording and transcribing the meeting, and writing the report for submission to funders and stakeholders.

The roundtable sought to bring together both Rwandan refugees and non-Rwandan stakeholders in order to reflect on and evaluate the judicial, social and economic situation in the post-genocide Rwanda and finally propose some recommendations.

The final programme is attached as Appendix A.

The Roundtable discussion took place on 17 May 2014 at the Townhouse Hotel in Cape Town with thirty people in attendance. **See attendance register attached as Appendix B.** Our budget allowed for 30 participants, half being drawn from Rwanda refugee community and the other half drawn from government, UNHCR and civil society. The funders of the event were the Foundation for Human Rights (FHR) and Rose Luxemburg Foundation (RLF).

Participants

The DHA MP's and officials were unable to attend the Roundtable in April when it was originally scheduled to coincide with the start of the 1994 genocide due to the national elections on 7 May. The roundtable was therefore postponed to 17 May, allowing MPs and officials time to recover from the elections. However, after the elections they were then in the position of not knowing whether they had a job within the 'new administration' as this would only be announced on 27 May. Needless to say, neither the Minister nor her Deputy or other senior staff attended. Tariq Mellet, advisor to Minister Pandor was committed to attending the dialogue but sent his apologies close to the event, stating he was ill and could not attend. Eddie Madhonsi, the secretary of the Parliamentary Portfolio Committee on Home Affairs, was the only DHA official present.

UNHCR was represented by Patrick Kawuma, Head of Field Office in

the Western Cape, as well as Olivia Mugambi, Regional Protection Officer (Comprehensive Solutions). The Cape Town Refugee Centre and the UCT Refugee Centre that receives funds from the UNHCR also attended.

There was a good response from NGOs: CSV, IJR, CTHC, HRMC (three staff members and Malcolm Campbell, a board member), Catholic Justice and Peace, and two members of the Claremont Mosque attended. Karam Singh, head of research at the SAHRC, attended and chaired one of the three sessions. Howard Varney, representing ICTJ, provided the concluding comments at the end of the programme. Regretfully Yasmin Sooka of FHR was unable to attend as she was out of the country but Ousmane Niang from RLF attended. LRC confirmed their participation but the representative did not turn up. Jason Felix from the Cape Times attended the first session and a short story he wrote was published on page 4 on Monday, May 19, 2014. (See Cape Times article Appendix C.)

There was dissension within the ranks of the Rwandan community at the presence of the Rwandan Ambassador on the list of invited participants. It split the delegation down the middle; some saying they would not attend if the ambassador came. Eventually he turned down the invitation so that matter was resolved but it took a number of meetings with Rwandans to spell out the motivation for inviting the ambassador. It must be understood that there are high levels of distrust between representatives the Kigali regime and Rwandans in the Diaspora, especially since the assassination of former intelligence chief, Patrick Karegeya, in Johannesburg on New Year's Day 2014. Etienne Mutabazi, a leader with the Rwandan community in Johannesburg, was flown to Cape Town to attend the roundtable and the Durban delegate, who had confirmed, was unable to attend at the last moment, fortunately before her ticket was paid for.

Zukiswa was responsible for recording and transcribing the meeting and Jean-Marie transcribed the five hours and 57 minutes long audio recording with assistance from HRMC intern, Lydia Rubenstein. Jean-Marie completed the draft report by 17 June.

The programme

The programme consisted of three sessions: The first was chaired by Jean-Marie Gasangwa, the presenters were Vivence Kalitanyi and Etienne Mutabazi followed by discussion. Shirley Gunn chaired the second session and the presenters were Salim Bavugamenshi and Epiphanie Mukasano, which was followed by discussion. The third

session - a screening of *Coexist* - followed by discussion was chaired by Karam Singh. Howard Varney, of ICTJ, made summary remarks at the end of the session.

Sessions and discussions

Welcome address:

This session was opened by Shirley's welcome address to all participants and an acknowledgement of the funders of the Roundtable, RLF and FHR. In her introduction of the roundtable, Shirley announced that the purpose was to look at Rwanda twenty years post-genocide that started in April 2014, the same month South Africans voted in the first democracy elections. Participants were invited to rise for a minute of silence in honour of those who were slaughtered. Shirley went on to highlight that it was necessary to talk about the situation in Rwanda, because there is so much silence, fear and distrust among the Rwandans and therefore it was hard to have an open conversation but that the Roundtable would attempt to achieve this. Shirley added that the Rwandan ambassador to South Africa was invited to attend the Roundtable but finally declined the invitation and that his presence could have hindered some Rwandans from attending. The Minister of Home Affairs and the Deputy Minister were invited too and to accommodate them the date was shifted from April to May. We thought it was going to work but there is another problem. We note that neither attended the event but Tariq Mellet, advisor to Minister Pandor, sent an apology.

Session One

Jean-Marie Gasangwa chaired the session, and the presenters were Vivence Kalitanyi and Etienne Mutabazi.

Vivence thanked Shirley for organising the roundtable. He acknowledged that he did not know where to start with his topic as the Rwandan history is too broad. Vivence's presentation is attached as Appendix D.

Questions and responses arising from the presentation:

Q1. My name is Bucyana from Rwanda, here since 1998. Vivence has said a lot but I want to hear exactly all problems, which caused Hutu and Tutsi to fight or to change power. Can you tell us those problems that were between Hutu and Tutsi and talk about how Hutu were suffering too much because I did not hear you mentioning the suffering of Hutu during that time?

A1. Actually I didn't want to go very far into the history a bit before the arrival of the Europeans. Of course there are a number of documents in which you can find what was happening before Europeans settled in Rwanda. But all we know is that there have been rivalries between Hutu and Tutsi and mostly it was about power. But the real problem was that Tutsi tried to impose themselves - trying to control everyone and everything which was not pleasant at all for the Hutu who believed to have been found on the ground by the Tutsi.

The history suggests that Twa, the small group were the first ones to settle in Rwanda but no one knows exactly when. And then Hutu came the second, followed by Tutsi. This is how history portrays the settlement of Rwanda. When Tutsi came they were cattle herders. They have been looking for greener pastures for their cattle and they had to get land from the Hutu that have been in place before them. This is the one reason of these fights or rivalries between Hutu and Tutsi. Of course, Tutsi were able to start a kind of administration starting from one particular place of the country and they always wanted to expand their territory forcefully, oppressing the Hutu forcing them to go away or to become their subjects. Again, this has been another cause of the rivalries and it has been going on since that time until today because everyone wanted to be in control of power.

Q2. I am Ousmane, from Senegal. Can you explain what happened in the genocide? Can we know if there was a link of racism to the Rwandan tragedy?

A2. Ousmane is asking if there is a link between racism and the tragedy but in which way or context? I am not sure but if I see, the population of Rwanda- Hutu, Tutsi and Twa, I am not sure if we can use the word racism maybe we could use ethnic groups. There is something I forgot to mention which may have caused your confusion. In 1933, the colonial power, Belgium introduced the physical measurement based on morphological study to see the distinguishing features between Hutu and Tutsi and from there they were able to issue an identity document in which the ethnic group was mentioned. Indeed, there are morphological differences between Hutu and Tutsi. Until recently, Rwandan ID documents showed the ethnic group, Hutu, Tutsi or Twa, persons belonged to. Rwandans know how to differentiate between their ethnic groups at least at 80 per cent accuracy. Therefore during the tragedy it was easy to know one's ethnic group. So either group could kill another because the distinction was easy. Kagame's militia was killing every Hutu without any distinction and what was astonishing was that his group-Tutsi were killing other Tutsi they found in the country so that

they could claim that Hutu were committing genocide against them and this has been discovered and it is proven and available in media. It is indeed very sad.

Q3. Matabaro. I would like Vivence to tell us about another ethnic group, the Twa. We have three ethnic groups why didn't you mention Twa?

A3. Twa is a small group and I do not know their percentage but before the war they were around 2 per cent but statistics change all the time. But it is believed that it was the first ethnic group to settle in Rwanda. I cannot say that they were marginalised but if I say that they were not intellectually developed I do not think I will be lying. They preferred to live their own way and schooling was not a problem for them although they were not paying school fees. So it was a challenge for the government in power to make a proper integration of the Twa. But despite all this, the Rwandan Patriotic Front was massacring them wherever they found them. Hence I am saying that they are a group among ourselves.

Q4. I am Malcolm Campbell. I visited Rwanda in 2004. There were a lot of prisoners in jail. So I would like to know what is happening in the administration of justice towards prisoners?

A4. Malcolm asked a very interesting question about prisoners in pink uniform. These people have languishing in prison for more than twenty years without trials and even some do not have any person accusing them. That is the situation we have in the country. Some are our relatives or friends, but that is how justice system in country works. Some one spoke about Gacaca. The government is using some people to accuse the others because the government has something against them. These people were taken to court or jail because the government wanted to silence them. Or simply they take them to jail and they will never open a case against them because there is no one accusing them.

Responses / comments to Etienne's presentation attached as Appendix D.

Q1. Bucyana: For me it is not a question but some information. Etienne said everything about the development of Rwanda, but for me it is not a development but a gift money donated by the international community which feels guilty of not having intervened to stop the genocide. So they did not work hard to earn money to develop the country. On the other hand, the money they use is stolen from Congo and is not used to develop the country but to build their own houses. Now if Congo becomes stable and there has

been change in Rwanda, if Congo claims their money, will we pay it? Of course this will be a problem. In a few words, the economy is not sustainable because it is based on stolen things.

A1. I agree with you because basically the money that is being used in Rwanda, if I am not mistaken 70 per cent of it, comes from multilateral assistance especially from the US mostly invested in the Rwandan Army, the United Kingdom, the United Nations because in the different peace keeping missions that Rwanda sent abroad it is being reimbursed for that, the Netherlands.

On the other hand, President Kagame has created a team of presidential advisor committee made up of Bill Clinton and Tony Blair, former Prime Minister of Britain, and Reverend Rick to go and lobby so he can continue to receive international assistance that had been cut off due to Rwanda's support to the M23, a rebel group that is fighting in the eastern Congo.

Rwanda went three times to attack Congo but there was some economic calculation in the matter which resulted in the Congo desk which was a business venture because of the diamond, coltan, and other resources. Rwanda at some stage was among the first exporters of timber and coltan in the world and these were actually stolen from Congo. There is also another big assistance from the African Development Bank and it is a loan to be paid at a later stage.

Q2. Gaspard urged participants who are not from Rwanda to participate actively and give their opinion about what was being said.

Q3. Fatima: Would you be able to shed some more light on large numbers of people in prison in Rwanda without trial, their profile or any idea of the current government justification about those people who are in jail for more than twenty years without trial?

Q4. Patrick: I know Rwanda and I have been in Kigali for a while and I noticed some changes but listening to this presentation I am a bit confused. If you compare how the Rwandans were living before 1994 and today, is there any improvement in their way of living because I can see some changes?

Q5. Ousmane: Is there any reconciliation today in Rwanda because we have heard of this experience of Gacaca as a new form of bringing communities to reconciliation? Does it really mean that Gacaca never made any impact between these communities?

Q6. Sufiya: Gacaca has set a successful model of transitional justice in the Africa countries that have just come out of conflict. What is your sense of humility your government officials who did not even appear in front of the court, what level of respect for transitional justice do they have?

Q7. Karam: My question is similar to the one in the corner about understanding the economy pre and post 1994 because you have painted a picture of a society characterised by inequality and corruption. I just want to understand the extent to which these are new phenomena or post-1994 ramifications that related to power dynamics or the extent to which they entitled to historical legacy.

Answers:

A1. About the large number of people in prison in Rwanda and the government's justification, in fact, genocide consumed a lot of people that's what I highlighted but again we have to make a kind of balance. We were in war. When I was writing my LLB dissertation in 1993, I had statistics of civilians assassinated by the Rwandan Patriotic Front (RPF) at the border post in Rwanda, especially at Gatuna, Kagitumba including those who were killed in hospitals. I was aware of attacks against civilian population by our own forces inside the country and it was widely documented, we have documents. When I was at the International Criminal Tribunal of Rwanda (ICTR) I had documents addressing those instances of civilians killings. You cannot tell me the government of that time was the only one responsible. Neither can you convince me that the current government could not have done enough to at least show its commitment of reconciliation by taking some of their guys to court. When the bishops were assassinated on the 4th June in 1994, a widely documented case, and one captain was brought before the court and sentenced to two years. That's not justice. Former government officials have been arrested and brought to the ICTR accused of genocide conspiracy and the majority of them have been acquitted because there has been any genocide conspiracy. The former Minister of Education was the first to be acquitted. We have documents detailing how the RPF, when they were still in the bushes, was arresting people, killing some and moving others to different areas as a strategy of war, and we do not have a single case of those killings. So the majority of Hutu were arrested and genocide was consumed outside. It was common knowledge. Genocide suspects arrested and no one cares. We Rwandans we do care. People have been arrested without being charged. In 2001, when President Kagame he was campaigning for presidential

elections, he went to jails asking people to plead guilty even if they had done nothing. A confession statement was drafted signed or thumb-stamped and eventually released and yet we knew these people were killers.

Some prisoners have started being released little by little but now we have a new wave of refugees who are returning home voluntarily or by force and who according to the government of Kigali are genocidaires, terrorists. So in the near future we will be having a bigger number of people in prisons again.

About the changes in Rwanda, I started by saying that it is the full responsibility of the government to develop the country and that should not be called a miracle. In 1980s Rwanda was developed to the standards of the time. Of course there were no cellphones or laptops as was the case elsewhere. But there were five star hotels and many other things. But is that the type of development we talk about today genuine?

Concerning reconciliation, who reconciles with who? When the ANC came into power in 1994, the TRC was established and everyone was invited to come on the table with their cases. In Rwanda if you talk about what the RPF did they silence you. You cannot tell me where two parties fought in the war for four years and you only have one party in the accused box. That is unreasonable, irrational and untrue. There is ethnic division in all levels especially in strategic services.

Regarding the post 1994 economy of Rwanda, in Kigali there were paved roads, the country was developing. We are not critical but objective and analytical and we are talking facts. Researchers have shown what we are talking about here. People should go and witness themselves.

I need to tell you how Gacaca came about. In 1996 was an organic law, which classified people in two categories. Category one concerned the wide range killers and category two, three and four for those who have stolen properties. But in 2001, realising that Rwanda was housing half a million prisoners and it would take a long time to adjudicate these cases in traditional courts, so one of the provisions in the Gacaca law was to collect information about people who were killed during the genocide irrespective of ethnicity. But in many instances where a killed Hutu was raised or his bones exhumed, the authorities were saying, no we are not interested in this. In the past Gacaca, traditionally, was for low cases and not the cases involving killings or murders and people were addressing

what they had seen and in the case of the current government, it is not happening which is not a model of justice.

Vivence reminded everyone that Gacaca is not an invention of the new government but the current government uses it wrongfully. It has been in existence since times immemorial. It was there to handle small matters among communities and is still being used today but the government uses it to catch more people, mostly innocent ones, that they didn't want in the first place in order to put them in jail. They take people from jail and force them to go and accuse people who are not in jail and whom they have never witnessed committing crimes and once they are arrested, they release the one they used to arrest the other one... Gacaca can never be an instrument of reconciliation since there is no truth, no justice and no reconciliation.

Epiphanie asked to hear from Patrick Hajayandi responding to the changes that he said he has noticed in Rwanda.

Patrick's answer: When you are in Kigali there many things that strike your eyes. As I have been there and given what I saw when I was there, I thought there was development.

Session Two

Shirley Gunn chaired the session and the presenters were Salim Bavugamenshi and Epiphanie Mukasano.

The session is about the voices of the diaspora, meaning we are going to get personal testimonies from the two speakers, male and female. Epiphanie stood in for Alice who was supposed to speak on behalf of the youth and as a mother she is will talk about the challenges that both young women and women face. Salim is a leader of the Rwandan community in Cape Town and will tell us his interesting story.

Salim greeted everyone and thanked everyone for responding to the invitation. He thanked Shirley for organising this event. We had an opportunity to speak in parliament through her (Shirley) and the impact came out. We never had a chance to talk before, especially Hutu refugees, as we are considered genocidaires.

Thanks to all organisations including the religious community and especially the Muslim community. Through SANZAF we have received study scholarships. Thanks to the South African government as well for receiving us here.

I am originally from Rwanda in the north of the country. Some family members are either side. I can say I am both Rwandan and Congolese.

I had experience to know exactly what happened there in terms of the killings that took place there. I attended my primary schooling Rwanda and the university in Congo. So I know these regions very well. Surprisingly, no one can understand how a tiny country like Rwanda invades such a big country like Congo with more than eighty times bigger than Rwanda, whose economy is based on coffee and tea. Rwanda has 11 million people and DRC had 35 million before, 60 million today.

The Tutsi, when they went outside in 1959, didn't just sit. They were organising to come back through violence being helped by president Museveni. We are victims of Rwanda being a door to the big country, DRC as the main cause of the tragedy in Rwanda. Those killings, especially Tutsi died because of the DRC resources. The UN Mapping Report talks about almost seven million people who died in Congo killed by the Rwandan government. My friends forgot to mention the superpowers, such as America under Clinton at the time, and Britain under Tony Blair at the time, who are both advisors to the president of Rwanda today.

The genocide in Rwanda started in 1994 as the trigger of the genocide. The plane carrying two presidents Hutu coming from peace talks in Tanzania and until today no one talks about the crash. The results of the investigation are kept somewhere. In October 2010, the Human Rights Commission released Mapping Report of the killings and until now nothing has been done. No justice has been done.

In Rwanda there is no change, no freedom. They follow refugees to kill them in exile. For example, you know the death of the Rwandan ex-chief of spy in Johannesburg and the attacks against the former chief of staff of the army. But Hutu, who are dying everyday, no one mentions them.

Since the truth in Rwanda is not talked about, we may experience the same things that happened in 1994. The superpowers do not want the truth to get out. Obama said, "Africa needs powerful institutions and not powerful leaders". We need Rwandans to sit together and solve the problems. It is the time to tell the superpowers to stop the killings of the Rwandan and Congolese by Kagame.

Shirley: I had a chance to be in Gisenyi and when you are there

you can see Goma in the DRC, which used to be the Rwandan land before the Germans took over.

Salim: As a former school principal with a Geography qualification, I now have a Diploma in Electrical Engineering from CPUT and currently work for Electro wave as an engineer.

Epiphanie has a Master's degree in creative writing and has published her poems.

Epiphanie: This is an important issue to talk about - Rwanda. Before 1994, Rwanda was not spoken about but now it has become famous in a negative way. I think it is great time that we have peace. Talking peace, I refer to our children and their future. My speech will be about peace. There is no place like home. We need to have beauty in our hearts. Everyone would love to be home with the family. There are always strong ties to the families. Twenty years out of the country means a lot. In 2003 I lost my father. As there was no communication I did not know when he passed away. In 2011 my mother died. You don't assist them in the sickness. If there was peace I would not be feeling the way I am feeling now.

When you are in exile you suffer because it is hard to find a job. No food to feed the children. So it is tough for some people who used to be able to provide for the children. No school uniform no lunch box... Reconciliation is far from happening due to contradictions among the Rwandan authorities. Last year the president of Rwanda in a programme called 'Ndi Umunyarwanda' the president himself urged the Hutu children to apologise for the sins committed by their parents or relatives meaning that every Hutu is a killer. This leads to divisionism.

In terms of education, there are funds allocated to the survival of genocide and no Hutu is a beneficiary. Kigali must be clean and the informal traders must be kicked out the city. How will people survive?

Shirley: tell us about how the economy works in the country.

Epiphanie: Coffee and tea were mentioned as basic economy but banana plantations, which was the main source of income was banned and replaced by flowers. People cannot eat flowers. The economy is centralised, people are told what to grow and what not to grow.

Questions:

Q1 Fidele: We are talking about the problems in Rwanda and the lasting peace. But for me I do not see any lasting peace in Rwanda. Rwandans do not govern Rwanda. For me the current regime is illegal. They took power after committing crime and killing the president and disregarding the Arusha Peace Accord agreement that had already been signed by the president. The president had signed and agreed to everything proposed in the meeting. Moreover, the people in power are not Rwandese they are Ugandans. So as long as these problems discussed in Arusha are not put on table, there will be no peace in Rwanda.

Etienne: The Human Rights news of yesterday reported on arbitrary arrests and killings and in the north, mentioning an executive mayor shot dead trying to escape custody. President Kagame uses his embassies abroad to hunt down his opponents, including Hutu refugees wherever they are.

Fatima: I would like to say that irrespective of whether there is a lasting peace in Rwanda or not as a refugee lawyer I still see the need for protection of some members of the Rwandan community. There have always been some Rwandans that came to me for protection. Fatima stated three cases of Rwandan refugees she managed to help to get permanent residence permits because they presented compelling reasons to stay in South Africa and get papers. The compelling reasons she indicated were mainly based on trauma of what they experienced in their lives in Rwanda or out of Rwanda which according to law prove their danger in case they were to return to Rwanda. She acknowledged that even if the UNHCR has recommended Cessation Clause for Rwandan refugees, there is still a large number of Rwandans who are in great need of protection from the international communities as there are apparent reasons that their lives would be in danger if they returned home. She concluded by saying that she is happy that South Africa has not yet invoked the Cessation Clause and she said that those are a few of the cases to convince the South African government that they should not invoke the cessation clause. Rwandan refugees still need protection.

Patrick Kawuma: From Fatima's contribution, the Cessation Clause recommended by the UNHCR was informed of the international committee's assessment and I would like to say right now that the UNHCR is receiving places of Rwandese in South Africa, for their protection not only in South Africa, for durable solution for resettlement which was not the case let's say a few months ago or one year ago. So the issue of the protection of Rwandese refugees

in south Africa is evolving but the issues depend on case by case, of course, it is not for a group of people. So if there are cases among the Rwandan community, which are facing serious protection concern, our door is open, as Fatima said, those concerning compelling reasons are welcome.

As a person coming from near Rwanda, I was in Gisoro in 1994 receiving Rwanda crossing into Uganda and witnessed bodies floating in the Akagera river in the aftermath of the genocide. This is something that some humanitarian workers who were there witnessed and as Fatima said, really the issue of existing trauma among the people who went through that situation will live there for the rest of their lives.

Patrick also talked about the 'go and see and come and tell' programme that he happened to facilitated himself. Rwandan refugees who wanted to go and see were taken to Rwanda by UNHCR for them to go and see the situation in the country. They could stay for a week or two and come back to tell what they experienced on the ground. Those who need to go can see us and make an informed decision and go to witness if what is being said is positive or negative.

Gerald: I was quite moved by Salim whose wish is for the voice of Rwanda to be heard. At this time, I would like to know which voice of Rwanda is that. In conflict situations there is more than one story, usually two or more narratives. Usually you have victims and perpetrators. But in my view there is the same kind of narrative told the whole morning thus far. And the compelling reasons or points made in this narrative paint a picture of a government which is quite oppressive, showing insecurity in Rwanda. Going back to Salim's wish that Rwandans' voice should be heard, my question is: is this narrative that we have been painting shared by all Rwandese? Are there some who paint a different picture? I was hoping to hear a sort of different narrative or more than one narrative this morning. Am I sure that there are compelling reasons for a different narrative also? So far a number has mentioned that the international community, especially the UK and US, have a quite controversial sight in relation to what has gone on in Rwanda. I ask myself, why do they have this sight?

Salim: It is a good question. Of course here you are among the Rwandan refugees we have our story and if today you go to Rwanda you will hear different stories depending on what side they are but what we are trying to do here is to tell the truth. If I said let our voice be heard, it started to be heard now. In the past twenty years

we could not sit here and talk as refugees from Rwanda. It was impossible. But now we can go and talk to the media...and some people are interested to hear us and others realised that those who are portrayed as killers today may be themselves the victims. You said that I have mentioned the superpowers, such the US and UK, that is a fact and some reports or investigations are not being released because of them. For example, Bill Clinton is involved. If the investigation is released, whoever does it is trapped and fired or killed. Richard Goldstone had to resign because he initiated investigations around genocide for both Hutu and Tutsi he could not, and he resigned. Carla del Ponte wanted to do investigation on the Tutsi as she had proof of their involvement in the genocide as well but and this resulted in her being fired as the prosecutor of the ICTR. It is not just emotions or lies; there are well documented truths. As some of my friends mentioned, there will be no lasting peace in Rwanda since even those superpowers have Rwandan blood on their hands.

Q Shirley: Do you think there is one collective voice of Rwandans in South Africa? Is it a voice or voices?

A Salim: It is many voices but we are trying to get one voice.

Vivence: Your question is very crucial when you ask if there is one single voice of Rwandans in South Africa. The answer is no. The reason is that the Kigali regime keeps on sending people who get here and report as refugees and those people have a good story to tell to people like Fatima and Patrick so that they believe that they are genuine refugees. But when time comes those people show their true colours that they are the Kigali regime agents and this is the issue Patrick mentioned of 'the come and see and go and tell programme'. These are the people that will volunteer to go and they live among us. They will go and come to tell people that are supposed to protect us, like Fatima and Patrick, that Rwanda is good and safe. So we do not have the same voice. I think people should be careful when they receive people who are trying to portray the positive image of Kigali regime. Then I want to say something about the question asked regarding the reason why the mentioned superpowers taking a stand in supporting Rwanda. They started supporting Kigali since 1990 when we started the war until today. To answer this question one should go back into the history of the region. The problem there has geopolitical ramifications. Rwanda, Burundi and Congo were the colonies of Belgium. We spoke French and Belgium and France was controlling the resources of the region and then US and UK were not happy to see France enjoying those benefits, controlling those resources. The current

regime decided to go behind France and he spoke to the Anglo-Saxons on whom they counted to get support. This is what they did before even starting the war. When the war started, UK and US supported the war and even today they continue to support the current regime and France is completely out. This is another way of understanding the involvement of those superpowers in the Rwandan problems.

5.3. Session three: Screening *Coexist* with discussion chaired by Karam Singh.

Comments and reactions to the film:

Q1. Celestin: I see that film has been accepted to be shot in Rwanda because they are siding with the government. If you go and interview the same people they will change the story. They wanted the foreign countries to know about Hutu killers. Some Hutu have accepted to have killed many people and are asked to say who helped them so they can arrest them in numbers.

So since people are not equal, how can reconciliation happen while ones are labeled as killers? For me the film is biased and wrong because it is showing one side-Hutu being bad.

Q2. Etienne: To take from where Bucyana (Celestin) has left, during the TRC led by Desmond Tutu and his team there is no place where reconciliation was forced to the people. It must come out of the will of people and not forced to them. At the ICTR we witnessed many instances where many killers confessed in front of the judge saying that authorities had told them to do this and that but without mentioning any names because they knew they could be charged for that. How come that a government in 20 years has been unable to at least come to SA and seek assistance on how reconciliation took place and learn from them?

Q3. Abdallah: Since 1994 there has never been peace in Rwanda because 1994-1998-people have been dying. During the year 2003 while the presidential elections took place, people continued to die. In 2007 during the 2nd mandate of Kagame, opponents died or have been silenced. Dead people are being collected in the bushes. From then till today, there has never been peace and there will be no lasting peace. Regarding reconciliation, two parties must be together. Hutu and Tutsi should be sitting together like we are sitting now. If people meet in Rwanda, they praise the government because its one side. I remember in a meeting when the Prime

Minister acknowledged that everybody in government did wrong except for the president. Another musician sang a song relating to reconciliation and was put in jail for siding with opposition parties. So the government does not want to hear anyone criticising it.

President of Tanzania, Jackaya Kikwete, has said that reconciliation in Great Lakes can not take place unless the government negotiates with opposition forces. Uganda did not have a problem but the president of Rwanda labeled him as helping the Hutu genocidaires.

So people have been mentioning about the superpowers and Rwandan refugees being hunted down by their own government so what can be done to save the Rwandans?

Q4. Rashied: I want to share with you that I would like to go to Rwanda to learn a little bit about the Muslim community. As you know, we Muslim community we are not safe. Everyday people with legitimate grievances against superpowers like Alqaida, Bokoharam, .. but they use wrong means like killing innocents and then they don't help the poor. So everyone in the Apartheid struggles, it is very important. Listen: Anyone who did anything against the anti-apartheid we didn't say it was advancing our struggle. It may take us[unclear]. I am empathising with your grievances you have put against the regime and that has continued for centuries. But this genocide, we are not saying that it was not only Hutus killing Tutsis but it is irreversible but there were killings. But of course my brother we should be crying forever because what is the definition of peace? It is respect for human rights... if you kill one human being it is as if you have destroyed all the human kind. You should cry forever. And this is what is lost. If we prosecute our struggle for legitimate[unclear]but we do it in the wrong way by killing one innocent life then our struggle has no meaning, the victims become perpetrators. If we give you power in Rwanda if you follow, you will do the same thing because you have lost respect for human life. So I hear your grievances but we also know that within a hundred days one million people died. This is not nice. Whoever did the killings.. killings happened and for us just... because we have grievances, that is not good enough because we will become like that. You see, you also romanticised our struggle in South Africa but things are not all well as you are putting. The TRC is not so good as you think it is. If people ask what happened in twenty years? I will say nothing has happened because it is the same people who have blood on their hands who, in the camps, when they were fighting wars were also executing others because we all know. I can tell you the history of our struggle. It is not only the perpetrators that get dehumanised but also the victim becomes dehumised. We all need

healing. But the key point I wanted to say is: why do I want to study about the Muslims in Rwanda? Because I heard, relatively speaking, Rwandan Muslims played a much better role in peace and I think that lesson needs to be brought to Muslims all over the world because we have lost the most important thing in our religion, sanctity and respect for lives which is the same thing that happened in Rwanda and Great Lakes even all over the world and even in this country where crimes. We will never destroy any superpower if we lose our dignity they will always put us down because they have lost our humanity. We don't respect human life and the sanctity but that does not mean that their killings are withdrawn, every day while we are sitting they are killing but must we imitate them? Are they our teachers to teach us? They are not our teachers. So I think the fundamental lesson for me in all of this is unfortunately we were saying maybe we are scared to go Rwanda. The reason why we are going there is a pilgrimage to respect those lives lost so that it can affect us and move us to regain our humanity. Thank you very much.

Shirley: I think I am going to come back to what Rashied and Etienne have said. I want to draw a bit of a comparison to our own truth commission in South Africa. In South Africa we were not forced to reconcile. There was no reconciliation programme. But were we forced to behave in a certain way? Yes we were and it takes a lot to stand up and say no I am not going to accept this forgiveness story, and I am not going to get this man to wash my feet at all. He must wash every South African's feet and I will stand at the end of the queue before he comes to my feet. But there was pressure. It is like, "Africans are such forgiving people" does that make one non-African if you are not forgiving, if you are not that forgiving because you don't have the truth in which to reconcile? So these are big questions and really it will be a mistake to think that we were not coerced into a certain way. People who testified from survivors' end said on the stage when the light was bright and they were sweating and in hype of it they said. 'Yes I will forgive' and the next day they said, "How could I have said that?" It is like you are swept up in the moment and you say things also...I can forgive today...I can wake up tomorrow and think...actually I don't forgive anymore. It is not something that is made of wood or concrete. It is a human emotion that can shift and change in time and there should not be cost in mode to say this is how I think must change and we accept that happens. And this programme is a long term one. The programme in Rwanda, there was a lot aid coming in for reconciliation and then it dried up. It was a little short package, that is what Rwandans in Kigali say there was no long term programme. Crying is acceptable. Until we die, unfortunately,

Pierre, we must be crying and grieving. We have to live with that. It takes emotional maturity to feel and to empathise with the other. That is the kind of stage where we need to move to, where we can actually understand how somebody else feels not just ourselves. So these are big challenges we are faced with in post-conflict in our countries, we are faced with and we are learning. We can learn from each other but we cannot learn anything if we don't talk and share our experiences. So I am so grateful.

Ousmane, once again, thank you very much to the Rose Luxembourg Foundation. Please tell every one up in Johannesburg that this is a very necessary kind of programme and I hope we will find ways of continuing this progress and I say that from very deep down inside me. We are just scratching the surface. It was a big commitment to put the whole day aside so we need a lifetime to work on this. So that is my contribution.

Questions

Q1. Patrick: Thank you very much. I am quoting one sentence that said 'the alternative to reconciliation is codestruction'. I remember being in a workshop in Burundi and there was a Hutu man who has been living in a refugee camp in Tanzania for a period of more than thirty years since 1972 and he was expressing his pain thinking it was only Hutu that suffered a lot. Then in the same workshop was another Tutsi woman who also said how she lost all her family members in the same year his parent left the country. Then the man, after listening to the woman's story, he was so surprised to know that even the woman has experienced the same situation. So, drawing on this, I would like to say that what matters in to try and understand each other. I have been working in the field of reconciliation for four years and I know that it is really something very sensitive. In February, I was in Kigali to visit the genocide memorial and was struck by the fact that it written 'genocide against the Tutsi' only as if those Hutu who were killed were not human beings...they are forgotten. Now here it is the opposite as if.. I was surprised to see seemingly a wise man saying that people should not be crying for their dead ones, but I believe that the lady in the documentary who was crying her cries were genuine. She was really feeling pain. If you cannot comprehend her pain you could also be in a position where someone else cannot comprehend your pain. That is why if as Rwandan you think about reconciliation, you have to shift the way you see and understand things. Because you must understand their way you are analyzing things. There is this level of politics and there is low level of people. Think how you have been living together. So you need to recognise that as long as you ignore the pain of the others you will never come to a level of

reconciliation. After twenty years, if you are not at this level, then you must know that you are still too far and something must be done.

Vivence: From what we have seen, the journalist, I forgot his name, started showing what the government has achieved portraying its good image but he ends up saying that there is no reconciliation, people are saying and doing what the government wants them to say or do. That is the truth. At the same time I want to say that if you really want to achieve reconciliation, you need to go back and see where the problem started and if possible we could show another documentary showing what the government has done starting from 1990 when they invaded the country. They have been killing people in the Byumba province, inside Rwanda, all over. We have witnesses of this and if could also show a documentary around that. Otherwise what we just saw here is a drop in ocean. And people should know that there was no single attempt of government to a true reconciliation or to bring people in forum sessions to hear what they can say. Thank you.

Patrick: What I meant, when we talk about reconciliation we should not refer to the government but rather to ourselves. What are we doing to help reconciliation happen? Are we doing something that leads to reconciliation or we are creating something leading the younger generation to another kind of conflict?

Epiphanie: Thank you very much. I think there is no way we can engage in this talk without including leadership. How can we reconcile if the government shows one side as innocent and the other one as wrong doers? If you consider people who died in Rwanda, how many Hutu do you think have died since they attacked the country in 1990 to 1994 without mentioning those who died in the Kibeho camp and in the forests of Congo? So the government should be the one to initiate these talks, knowing that Tutsi died and Hutu died as well, and bring them together for talks to reconciliation.

Gaspard: Regarding the title 'How far has Rwandan come in achieving lasting peace in twenty years' I would suggest that there should be "Rwandan" instead of Rwanda because at the end of the day, it is the Rwandans who must reconcile. Also I am convinced that time of reconciliation will come. It might take twenty years, forty years, but it will happen. What we are doing today is sharpening the pencil one day some one will say. Let me take it and start writing. Something else I wanted to mention is that if we watch the documentary we see two facts. People died, that is a fact.

The second thing, there is a need of talk. The third one, who started the whole thing? Why and how long can this last? To answer this, I will be back to Vivence's presentation, which needed to be elaborated a little bit more. Rwanda has been in a cycle of violence and that has been going on for many years and a better solution can happen through talk; reconciliation and mutual respect. Coexistence can be between people but reconciliation should be initiated by the government.

Salim: As Rwandans we have to accept that people died and I saw it myself. Around one million, mainly Tutsi and Hutu. That's a fact. But all those lives that were lost, there is no change. Criticising the government is also a good contribution. There were intermarriages, my cousin was a Tutsi... Tutsi are our brothers and sisters and we didn't wish they could die. Our leadership failed us. If all Rwandans could sit and solve their problems but the government does not want that. The government should be removed.

Fidele: We are not difficult people but the problem is the leadership, if we had somebody who could help us. For example, if there was an opposition led by a Hutu things could work. In all this we need a mediator. Please the Human Rights Media Centre, help.

Patrick Kawuma: In a democratic system, you cannot have those votes above 93, 97 per cent. Knowing that the majority is Hutu and minority Tutsi, how could this happen that Kagame get this percentage of votes?

I think getting rid of Twa and Hutu, this could work towards reconciliation. I think the language as median means of communication could help in this. May be there is a miscommunication between the Anglophones and Francophones. Burundi also has had those massacres as well. I think the Great Lakes Region needs great lakes solutions. As the president of Tanzania was saying, the solution should go beyond the borders of Rwanda to include everyone in conflict to seek a lasting solution.

Celestin: Referring to what was raised earlier on, when the president was forcing the Hutu youth to ask for forgiveness for the sins committed by their relatives Hutu. Is this reconciliation? What about Tutsi youth? Now they imposed the English language as the majority of them came from Uganda. How about the teachers who don't speak English? This is intellectual genocide. Does this lead to reconciliation? Why the Tutsi alone are allowed to cry for their dead ones? How about the Hutu?

Vivence: Has anybody heard a minority ruling the majority and this could be called democracy?

Rashid: We need to rise above sectarian justice. If I am muslim and I vote for a Christian whom I think is just, if I am a Hutu can speak out for a Tutsi then this could happen.

Shirley: Patrick raised a point about the programme "come and see, go and tell". When we spoke to Madam Warsame in Kigali, the head of the UNHCR, she said the same. Oh, we put a programme together. You can imagine what the programme is like, nice and glossy programme and you thinking, you are hearing this and you can't quite believe this is the way it will be. Then I came back and I spoke to Salim and others and there was a complete shut down about that idea and it is because the 'come and see, go and tell' programme is orchestrated by the state so will the people really get sense of what is happening in their country? Will there be any reprisals for the people to go and come home again? What is the protection that is offered? I want to throw that question out as well because you have mentioned it Patrick, and UNHCR offers this but it is a bit unbelievable.

Gaspard: Can I say something about this programme? So many people who went to Rwanda in this programme, they went there because they were chosen. Those who come forward will to go are the agents working for Kigali? I think the UNHCR should think about another way of doing things. We have technologies that could be used. We have parents, sisters and brothers in Rwanda. All this is based on a pure lie.

Jean-Marie: To add on that, as cunning as the government of Kigali is, they just spot out an important and influential person. They offer him or her full protection so that when he or she comes back safe more people also follow in numbers thinking they will also be safe and once they get there they get arrested.

Etienne: In 2003, I met the Minister of Refugees and Rehabilitation who left the refugee camp and went to take the post of the Minister. Was she really the only person fitting for that post? General Marcel Gatsisinzi, a Hutu, was offered a post of Minister to influence his fellows Hutu refugees and started arresting people. Where is he today? I do appreciate the work of UNCHR but I am convinced that there is a lack of sincerity somewhere. Sadako Ogata, when she retired from UNCHR, wrote a very interesting book about Rwandan cases. She knew things but when she was still in office in Geneva and New York she never mentioned anything. We need to be

mindful of how many people we have lost after a voluntary repatriation from Congo and many other countries.

Karam: “Uh I would like us to move to us closing the session or actually close the session there was a, there was a tea break on the schedule, do we want to take a ten minute break? We’ll move to the final closing remarks. I’m gonna take this opportunity to thank you for that session and for your reflections on the film. I’m not going to do a summary but it was a rich discussion. And I realise the film was jarring for some of us and you weren’t happy with the film but I think the process and you were talking about the film assists us in that process. There was a line somewhere in the credits that said ‘films don’t change the world, people change the world’ so lets just see the film as an instrumentality to help move the conversation along. With those few remarks I would like to introduce my friend and colleague Howard Varney. Howard may not be known to all of you but he has a long history in the democratic struggle in South Africa as an activist and a lawyer. He was very active in the Truth and Reconciliation Process here, as an investigator, and has become really one of the outstanding leading advocates on issues of transitional justice, which unfortunately bring him far away from his family traveling to far-flung parts of the world, so it’s a real privilege to have him here and to share this table with him. With those few words let me hand it hand it over to Howard to make a few closing remarks.”

Howard Varney—Closing Remarks

“Karam thanks for that introduction and thanks to Shirley and the Human Rights Media Centre for hosting this important event and for inviting me. I first have to make an important disclosure, and that is that I am not an expert on Rwanda. Yes I have worked extensively in the fields of transitional justice but happily I noticed on the list of invitees that I was described as being a member of the Rwandan community and for the purposes of this afternoon I wear this description as a badge of honour. I thought that I would devote my closing remarks to looking at Rwanda and the question of transitional justice. And perhaps for those of you not familiar with this term, it’s essentially a discipline that deals with redressing the past and in particular past violations it’s about what can be done to address suffering and the pain of victims and what can be done to learn the lessons from the past to build a democratic and compassionate future. It’s a discipline some might even say is an industry that has developed over the past few decades and as Karam mentioned, for my not inconsiderable sins, I’ve been active in this industry here in South Africa and elsewhere.

The first observation that I'd like to make is that this conversation we've been having today I found enlightening I've learned an incredible amount about Rwanda and its history and its current challenges. The sad observation that I'll have to make is that in all likelihood is that this conversation could not have taken place in Rwanda itself. I don't know if I'm correct in making that observation but I do see a few of heads around the table nodding. And I suppose the question we have to ask is: Why can't this conversation take place in Rwanda at this present time. And what needs to be done going forward to try and facilitate this kind of conversation in Rwanda in a safe and secure environment. But turning to the efforts that have been made in Rwanda to deal with the past and listening to some of the inputs that has been made this morning and of course drawing upon what has taken place in the last twenty years we've heard about the trials that has taken place on the new organic law on the national level. We've also heard about some efforts made through the military courts. We've heard about the gacaca trials that have taken place at the community level. And the film spoke at length about the work of the national reconciliation commission. At the international level we've also discussed in some depth the work of the International Criminal Tribunal for Rwanda. And perhaps what hasn't been mentioned is that there have been a handful of cases in countries like Belgium, France, and Germany. We've exercised something called Universal Jurisdiction to bring cases against potential perpetrators, who happen to be on the soil of those particular countries, although it should be said that there have been very few of those particular cases.

Turning to what might be regarded as international best practice when it comes to dealing with the past. The organisation that I mostly work with the International Centre for Transitional Justice often speaks of something called the integrative approach. In other words it's not just one effort you don't just bring criminal trials and do nothing else, you don't compensate people and do nothing else, so we support an integrated approach that looks at a range of measures to deal with the past and only one of these measures deals with criminal justice or retributive justice certainly truth seeking is perhaps as important as criminal justice accountability because without coherent truth seeking or fact finding it's very difficult to do all the other things that you might want to do to redress the past and build the future. Also, through truth seeking a platform is given to those who suffered to share their pain with the nation and to relate their stories. We often speak of reparations redressing the wrongs that have been suffered by victims. Finally there is something called institutional reform,

learning the lessons from the past and changing formally abusive and repressive institutions so that they work and serve the people going forward in a way that promotes tolerance and a respect for the rights of others.

So let's turn to Rwanda and see whether how Rwanda has fared when it comes to dealing with the past in terms of the integrated approach. And I don't want to speak for too long because time is limited and as Shirley has implored upon us, we want to engage in debate and discussion but since I have the floor I'm going to abuse it a little by carrying out a quick assessment. From what we've heard today, I think Rwanda can only check one of those boxes and even that particular box can't be checked in such a confident manor. It can only really check the box dealing with retributive justice, pursuing cases through the criminal courts at those different levels that we have described. But from what we heard today, that is not justice in its fullest and most comprehensive sense, it's skewed justice, it might be described as victor's justice. We've heard that with the exception of the military courts only one side of the conflict has been pursued in all the other courts. And even in the military courts, from what I can pick up, it only being a handful of cases, and the kind of penalties that have been issued have been quite light by comparison. I've also heard that many of those convictions have also been overturned on appeal and we have to ask why some of these cases have gone through the military courts and other cases through an international tribunal or national tribunal or gacaca courts. Why is there this discrimination? What does this say about the application of the Rule of Law in Rwanda?

And for those of you who have been following the pursuit of international criminal justice around the world, I think the international community has to hang its head in eternal shame that at the level of the international criminal tribunal applying international criminal law according to international standards of fairness that that court, for reasons that we can debate, maybe strategic reasons, maybe pragmatic reasons, took a view or a decision that they would not pursue justice in its fullest sense. They were confining cases to one side of the conflict; we heard that there were some brave people who attempted to change things in that court. We heard of the South African prosecutor who resigned, we also heard of the chief prosecutor at one time made efforts in that regard, Carla del Ponte, she was effectively fired. I would say that in terms of the conduct of the international community that of course you might refer to as the second eternal shame, the first one of course is their failed attempt to intervene in the first place when they could have to prevent the genocide to happen in the first

place.

Secondly, what kind of narrative or truth did the pursuit of prosecutions in those different courts, what kind of narrative, what kind of legacy has been left for Rwanda and its people? Is there a narrative or narratives that all the people of Rwanda can relate to and subscribe to? I think from what we've heard today that that is clearly not the case, the narrative has been a skewed one. Aside from the banks and the pursuit of criminal justice, lawyers around the table particularly those who have been involved in criminal proceedings, might agree with me when I say courts are not the best place to pursue truth in its wider, in its fuller sense. Why do I say that, when a prosecutor has to pursue charges whether at the domestic or at the international level, the prosecutor is required to prove and demonstrate elements of offense that have been committed. The prosecutor is not required to investigate and interrogate the context and the causes. I know it's arguable that, when it comes to crimes against humanity, at least some of that context needs to be put before the court. Nonetheless, as somebody who has been involved in both commissions and courts, I wouldn't want to leave the pursuit of the full truth to the court process. Now, over the years, I have from time-to-time asked colleagues why it is that in Rwanda they've pursued the criminal justice process almost at the exclusion of everything else. I understand the National Reconciliation Commission, the experts around the table must tell me if I'm right or wrong, did not have a truth-seeking mandate, it was not required to engage in coherent fact finding, its primary mission was to pursue healing, closure, and reconciliation, to conduct the kind of events we saw in that movie. As important as those events might be, they are less meaningful without coherent truth-seeking, without putting facts on the table. And it seems to me that that is sorely lacking in Rwanda. It has been said by Rwandan officials that the reason why they haven't engaged in some national truth-seeking exercise, they distinguish Rwanda from South Africa, we of course are famous for our Truth and Reconciliation Commission, as problematic as that exercise was in some respects. It has been said that the Rwandan context is totally different to what happened in South Africa, and yes indeed it was totally different, in terms of the magnitude, in terms of the scale, and other characteristics, they really cannot be compared. The question I want to put on the table is: Because the contexts are so dramatically different in so many respects, does that contrast justify a decision not to engage in meaningful truth seeking? And I would say it does not justify it in the least. If one looks at conflict situations around the world, virtually every conflict differs in some form or another from other situations, and to suggest that because

those differences there's no need for coherent truth seeking, fact finding across the board to hear the stories from all involved, seems to me a very weak rationale and I suspect there must be some other rationale to justify the failure to engage in a national truth seeking exercise in Rwanda.

In terms of reparations, I'm not aware of a coherent national programme of reparations in Rwanda. I have heard from discussions today, that there was a fund, but it was a fund for Tutsis, so it appears that there might have been some form of compensation offered, but it was done in a discriminatory way. Of course when things are done in a discriminatory way, it certainly does sow the seeds for dissent and for resentment.

Turning finally to the question of institutional reform, again I'm not an expert on Rwanda, from what I've heard today and from what I've read about and studied in the past, this is an area of great concern, it would appear that political dissent in Rwanda has been crushed in the last 20 years. It would appear that elections are heavily one-sided, we've heard of the 93%. Outspoken individuals in the opposition are either in exile, in jail, dead, or disappeared. Those stark facts seem to suggest that while there has certainly been economic development in Rwanda, in terms of institutional development, there is cause for concern. I was reading a paper on the plane coming down to Cape Town, and since I practice Constitutional Law in South Africa, I was interested to read that having certain constitutional reforms in both in Rwanda and Burundi, dealing with the question of representivity and the question of ethnicity, which we've certainly discussed in depth today, and I see that there has been an effort in the Rwandan constitution to do away with characterisation of ethnicity. I hope today that for all intensive purposes, at least at the official level, ethnicity no longer exists in Rwanda, they're only Rwandans, and of course we heard of this term, 'Ndi Umunyarwanda', I might not have the pronunciation right, but might be translated as I am Rwandan. Now certainly on the face of it, it may appear to be a progressive and positive development, some of the speakers have expressed some support for the fact that if you do away with these kinds of distinctions it might promote some form of reconciliation. Well I think we have to look at the underlying rationale and the effect of it and I'll come back to that shortly I just want to tell you what's happened in recent reforms in Burundi.

By contrast, the Burundian constitution hasn't attempted to do away with ethnicity, it seems what they've tried to do is recognise that there are differences; groups do exist within Burundian society.

In fact they have required that there be fair representation amongst society at different levels, within government. Of course that anticipates that there has to be some recognition of the differences between groups in Burundi. Why is there a potential problem with this notion that there are no differences at least at the official level in Rwanda, and probably is that it allows and perhaps authorizes exclusion. So if one looks at the composition of institutions at the public level in Rwanda, I'm told and this is what I've read but the experts on the table must bring us up to speed, that the vast majority who hold important positions of power, influence, and prestige, in Rwandan society today do belong to the Tutsi group. Except, however, these groups no longer exist anymore so therefore there can be no discrimination, so what appears to be happening, at the level of the law at least, is that discrimination is happening at the day-facto and practical level, but in terms of the public or legal level it simply isn't happening at all. While on the one hand, one doesn't want to encourage division, one doesn't want to encourage ethnicity one certainly would like to promote a patriotic fervour in which people see themselves as all belonging to one country and one nation; this kind of device is in fact, deepening divisions, if, in fact, people from all groups in society were invited to occupy these positions in a fair manner, that would be a different thing all together. So the order that is being maintained in Rwanda today, at least from the outside, appears to be maintained with an iron fist. So after twenty years, one has to look back, and it is something of an indictment that that order, that very impressive economic development, is being held together through a great deal of oppression. What hasn't happened in Rwanda, and what has happened in other post-conflict countries, such as South Africa, Sierra Leon, East Timor, Peru, Argentina, Chile, the list goes on, at least in all of these countries, there has been at least an endeavour, and in some examples a very serious endeavour, to interrogate the causes of conflict, to interrogate and understand the fault lines in society, to look honestly at the history, going back to colonial times, going back to personal dependence days, to look at the real issues that have sparked conflict, to examine the conditions that make conflict inevitable, and to do so in an inclusive manor. And that is where I would like to pause and to suggest that the lessons have not only not been learnt, but we simply do not know what these lessons are because Rwanda has yet to go through a coherent and inclusive and participatory truth-seeking exercise in which all are invited to come to the table and to speak and debate. Thank you."

Shirley Gunn: Final wrap up

Let me just try and wrap up with some final words of how we go

forward. Jean-Marie will circulate Etienne's paper to everybody. Jean-Marie has got some assignments to do for UNISA but as soon as he's cracked those assignments he's going to work on the report. We've got the transcripts, we've got it verbatim, so that is the next thing you can expect from us. We will try and give an abridged summary report by the end of this week, to everybody.

I think some very challenging questions have come up: listening out of the box, where do we go from here, was this constructive enough to continue for us to say we should continue this type of process going forward, and who do we include next time around? So those are the questions I'd like to leave with everybody, because this is in all of our hands. This is not in my hands or Jean-Marie's hands or Howard's or anyone else's, it's in our collective hands. If there was some progress and benefit coming from today, maybe we should think of the next baby step forward from here. We don't have the time to really think about that but we can connect via emails and we can even create one collective email so we speak to each other through the email, we can do that as well, so it's not direct one-on-one to Jean-Marie or me, we try and open up the circle. This has been very constructive, I feel, I do get a really strong sense that it's a beginning. I'm not too sure how our energy, how to harness all our energy, to take the next progressive steps forward. Rwandans, you are the leaders here, you must guide us. That's a challenge here. There is a film to be made with the other stories with the other stories, I don't know how we would ever get a budget for that but that's a good idea, maybe we should try and really find other films that bring a broad voice, more than this particular film today. This is the best one that is in circulation that we can get our hands on, but there are other films. We must maybe have a film library, and we must get a film club to show them, and we must get South Africans and Rwandans because this is not about refugees and non-refugees, this is about Rwandans and South Africans trying to find solutions to problems. So I think there are lots of things, very practical things, that we can do going forward. Let's see what we can generate collectively,"

Patrick: "I just wanted to introduce my colleague who joined us this afternoon. She's our Regional Protection Officer from UNHCR excited to hear about solutions. She's definitely behind the 'go and see, come and tell' programme, it would be good for us, Shirley, for her to say something about solutions..."

Olivia—UNHCR representative: "Thank you I will keep this very short because of time. I'm sure you have discussed this in the morning session I was only here for the afternoon session and I got

to hear some of the comments. I just want to repeat some of what you've already said, but in terms of durable solutions, UNHCR has recommended a system of status for Rwandan refugees who fled the country prior to '98, and I'm sure all of you have heard about that and you're aware of this. However, we are moving cautiously with this process, we do have an operative solution strategy in place, which articulates that there are solutions to benefit the Rwandans who fled before '98 and an exemption procedure for those who think that they are not able to go back, or who continued being supported by international protection. So I'm sure all of you are in the know for what procedures are for an operative solution strategy, legible solutions, exemption procedures. However, the government of South Africa has not invoked this decision. It has not started selling this process, so it is not something we can really discuss because the process has not begun. But just to say apart from this decision of this status for Rwandan refugees, we do continue with the durable solutions, for all refugees including Rwandan refugees. And those who wish to go back, we do have what you describe as the 'go and see, come and tell' visits and it is a UNHCR process, it has nothing to do with the government, there's no government protection for those who wish to go and see because the presumption is that it is safe, it is secure, so when a UNHCR encourages to go and see for themselves, it has nothing to do with getting protection because if you're getting protection it is to say it is not secure for you to go back. So it is a UNHCR process. We do encourage it, and those ones who come forward you say that they're only spies or the government and all these things, but we do encourage everybody who wish to go and see for themselves to come forward. There's nothing stopping any of you to come forward to UNHCR and for you to be able to go and see for yourself and clarify issues for yourself. If you feel like this is happening, you can go and see if this is happening or if your family is giving you a different story you can go for yourself and clarify it for yourself and you can come back and tell your neighbours and your friends and other refugees what your experience has been.

We also do the other global solutions local integration and resettlement. Resettlement, generally speaking, is for very few numbers of refugees. There is criterion developed by the host governments and UNHCR's quota that is given, it's a very limited quota; so not every refugee will be able to benefit from this solution.

We always encourage people to be able to make informed choices, on 'what is the best choice for me at this time' noting that resettlement and local integration are dependent on the

government and **[unclear word]** repatriation that you yourself can be able to determine at what point in time refugee centres you wish to go back with the assistance of UNHCR so not to say too much because I'm sure all of this has been discussed since I was not here during the morning session sadly, but maybe if you have any questions regarding solutions or this session, maybe lets open the floor to questions."

Shirley Gunn—final remarks

"Thank you very much for coming. Thank you very much for coming Patrick. Eddie, you missed the introduction in the beginning. Eddie is the secretary to the Portfolio Committee of Home Affairs in parliament. Eddie was fantastic to facilitate our conversation with the parliamentarians, you can agree on that. Eddie, we're going to have a new administration very soon, so its very important that we work hand-in-hand with you again in 2015 - thank you very much for coming, I hope you benefited from this. I wish we had Maggie and the whole bang lot of them in this room. Because you know what was said, 'all the refugees are sleeping on the maize bags and selling it the next day,' all sorts of ignorant things from the parliamentarians, we've got a lot of work to do. And lastly thank you to people who made a big effort, thank you to Karam, who had to pack his wife and children off to Durban to get here, thank you so much. And Howard, thank you for also jetting in when you're jetlagged, missing your plane, thank you to Haroon for picking Howard up but thank you for coming and sharing, I think your closing remarks were incredibly helpful. Thank you for your wisdom and being with us. As we go forward we will include you in the conversations so that you become more immersed in the detail of Rwanda. And then I think the last real congratulations goes to Jean-Marie, he's not a woman, he wears the pants, Jean-Marie it's been very nice working with you. You've got the report outstanding when you've got your assignments done. Everyone's waiting for it now, so the pressure is on."