

I

The Capture of Power and the Path to Hegemony

SEEKING HEGEMONY

When taking power, the RPF inherited a country it hardly knew. Being an “outsider” coming from abroad, it had a poor understanding of the social and political relations, and it was probably genuinely disappointed by the lukewarm way in which it was welcomed by most Rwandans. The years in exile and the guerrilla experience pushed it toward self-reliance and distrust toward anything outside its known environment, and therefore toward a strong degree of isolationism. Establishing control and only counting on those who can be trusted (i.e., the core of the movement) was a logical, even essential course of action, and this is what the RPF set out to do from day one. The war between the Forces armées rwandaises (FAR) and the Rwanda Patriotic Army (RPA), the military wing of the RPF, which had resumed on April 7, 1994, ended with the fall of Gisenyi (northwest) on July 18. The RPA controlled the country’s territory, with the temporary exception of the “safe humanitarian zone” created in the southwest by the French operation *Turquoise*. On the next day, a new government was inaugurated in Kigali. Although its composition appeared at first sight to obey the spirit if not the letter of the Arusha peace accord signed in August 1993, the departures were considerable, and they all aimed at establishing hegemony.

According to Article 2 of the Declaration of the RPF Concerning the Putting into Place of the Institutions made on July 17, from being purely ceremonial, the presidency became executive and even dominant. It provided that the president was to be consulted on and to approve the composition of the government. More important, if the government was

2 *The Capture of Power and the Path to Hegemony*

unable to reach a decision, “the President of the Republic decides in a sovereign way.” The RPF took three of the five cabinet seats previously allotted to the former ruling party MRNDD, thus ensuring a blocking minority of one-third plus one. Indeed, the fundamental law provided that cabinet decisions needed a two-thirds majority. So the RPF, with eight portfolios out of a total of twenty-one, was in a position to prevent decisions from being taken, which allowed the president to “decide in a sovereign way.” Both the president, Pasteur Bizimungu,¹ and the incumbent of the newly created post of vice-president, General Paul Kagame, were from the RPF. Introduced by the RPF declaration, the function of vice-president was not defined, and one would be tempted to consider it as honorific, were it not for its incumbent, who was the real power holder.² Other important modifications concerned the legislative branch. Although the parliamentary seats originally reserved for the MRNDD and other parties excluded from participation in power were redistributed among all the parties represented in the Transitional National Assembly (TNA), the RPF Declaration introduced an important correction by reserving six seats for the RPA, which had become the national army. Thanks to the military MPs, the RPF and allied parties secured a majority in Parliament.

The constitutional setup was consolidated in a bizarre “Fundamental Law” adopted by the TNA in May 1995, which entered into force retroactively on July 17, 1994. This brief text of only three articles contained no provision of substantive law and limited itself to the enumeration of the documents enjoying constitutional status and the determination of their hierarchy. The four texts were the constitution of 1991 and the Arusha Accord, which together formed the fundamental law under the terms of the accord, as well as the RPF declaration of July 17 and a protocol of agreement signed on November 24, 1994, by the RPF and seven political parties in view of the installation of the TNA. The hierarchy between these was as follows, from bottom to top: the 1991 constitution, the Arusha Accord, the RPF declaration, and the protocol of agreement. However, this was just the hierarchy at first sight. Indeed, article 1 of the protocol stated that “[t]he signatories adhere to the ‘Declaration of the RPF concerning the putting into place of the institutions’ of 17 July 1994.” As it was

¹ Appointed “by consensus in the Political Bureau of the RPF” (article 9, RPF Declaration).

² Thanks to his being vice-president, Kagame was able to formally succeed President Bizimungu after he was forced to resign in 2000 (see the following discussion). For Kagame, who in 1994 “claim[ed] no interest in a postwar political career” (D. Lorch, “Rwanda Rebels: Army of Exiles Fights for a Home,” *The New York Times*, 9 June 1994), this later simply confirmed a political reality.

incorporated in the protocol, it was therefore the RPF Declaration that was at the apex of the constitutional hierarchy. In other words, the RPF unilaterally imposed its constitutional order.

The Fundamental Law was a piece of subtle and smart constitutional engineering that attempted to hide the monolithic nature of the exercise of power. Under the labels of “power-sharing” and “national unity,” needed for international consumption, it allowed the RPF to pull the strings while avoiding creating an image of unfettered control.³ The restructuring of the (vice-)presidential institution through the extension of its powers and its predominance within the executive branch, as well as through its control of Parliament, allowed the RPF to exercise a political monopoly while avoiding to create an image of unfettered power. This was just the constitutional side of a hegemonic project. Political and physical ways of establishing and maintaining control will be discussed later.

The prime minister of the government put in place on July 19, 1994 (and completed the next day), was Faustin Twagiramungu of the Mouvement Démocratique Républicain (MDR), in line with the Arusha Accord. Four other ministers were from the MDR, three from the Parti libéral (PL), three from the Parti social démocrate (PSD), and one from the Parti démocrate chrétien (PDC), in addition to the eight RPF members and one independent. Twelve ministers were Hutu; nine were Tutsi. In the TNA put in place on November 25, 1994, thirty-five MPs were Tutsi and twenty-nine were Hutu, whereas the ethnic identity of six MPs was unknown.⁴ In a context where security concerns were genuine and trade-offs needed to be made between freedom and control, the RPF seemed to waver between, on one hand, political openness and inclusiveness (witness the setting up of a government of national union and the return to Rwanda of a number of non-RPF civilian and military officials) and, on the other hand, a violent and exclusionary mode of management, as is detailed later. After all, the RPF was the military victor, and it could have kept power for itself. A strong feeling prevailed in the international community that some latitude needed to be given to a regime facing the colossal task of reconstructing the country. When the first indications of a worrying drift appeared soon after the RPF seized power, most thought it premature to question the good faith and political will of the new regime.

³ For more details, see F. Reyntjens, “Constitution-Making in Situations of Extreme Crisis: The Case of Rwanda and Burundi,” *Journal of African Law* 40:2 (1996), pp. 236–239.

⁴ These statistics are based on A. Guichaoua (Ed.), *Les crises politiques au Burundi et au Rwanda (1993–1994)*, Paris, Karthala, 1995, pp. 762–764.

Already during the second half of 1994, however, early warnings came from several quarters. In August and early September, a team led by UNHCR consultant Robert Gersony observed “systematic and sustained killing and persecution of civilian Hutu populations by the RPA.”⁵ Human rights organizations voiced similar concerns.⁶ The RPF’s human rights record is discussed in Chapter 4. In September, Laurien Ntezimana, a well-known lay pastoral worker recognized for his opposition to the genocide, had the courage to issue a document under the title “From Charybdis to Scylla.” He denounced the climate of terror caused by the RPA killings, the massive arrests on mere denunciation (*gutunga agatoki*, meaning “pointing fingers”), the pillaging and raping, and the triumphalism displayed by the military victors and Tutsi returnees. He found striking similarities between the old and the new regimes.⁷ In November, despite it being present in the government and even holding the portfolio of prime minister, the main opposition party MDR published a document critical of the new regime. Some problems it outlined included the lack of respect for the Fundamental Law and the Arusha peace accord, the blocking of party political activities, the increasing insecurity, the delayed formation of a new national army, the obstacles to national reconciliation and unity, and the chaotic return of old caseload refugees.⁸ In fact, the MDR denounced practices that were at the core of the RPF’s hegemonic project: the control of the army dominated by Tutsi, the concentration of power in the (vice-)president’s office, the elimination of the opposition, the reign of terror exercised by killings and by massive arrests often based on mere denunciation. The issue of insecurity and killings by the RPA became an increasing bone of contention between Prime Minister Twagiramungu and

⁵ Summary of UNHCR presentation before Commission of Experts 10 October 1994: “Prospects for early repatriation of Rwandan refugees currently in Burundi, Tanzania and Zaire”.

⁶ Amnesty International, *Reports of Killings and Abductions by the Rwandese Patriotic Front, April-August 1994*, London, October 1994; Human Rights Watch, *The Aftermath of Genocide in Rwanda*, New York, September 1994; Human Rights Watch, *Rwanda: A New Catastrophe?*, New York, December 1994. In the same period after a field trip in October, I expressed concern in a November 1994 memo (“Sujets d’inquiétude au Rwanda, October 1994”, *Dialogue*, 179 [November–December 1994], pp. 3–14, translated and summarized in English in “Subjects of Concern: Rwanda, October 1994”, *Issue*, 23:2 [1995], pp. 39–43).

⁷ L. Ntezimana, “De Charybde en Scylla? Point de vue d’un ‘Rwandais positif’ sur les événements en cours au Rwanda,” Butare, 15 September 1994.

⁸ “Position du M.D.R. sur les grands problèmes actuels du Rwanda,” Kigali, 6 November 1994; also see “Le MDR face à la déception,” *Le Messenger-Intumwa*, 24 November 1994, pp. 7–9.

Vice-President Kagame, so much so that in early January 1995, they had a public debate, during which the former denounced the insecurity and the latter defended the honour of the army.⁹

Despite these worrying signs, US\$634 million were pledged in bilateral and multilateral aid at a donors' roundtable in Geneva in January 1995. The failure to tie these pledges to improvements in a rapidly deteriorating human rights and political situation may well have persuaded the regime that it could act without restraint and that impunity was assured. We shall see later that this line was to be continued up to the present day. The RPF was squarely supported by the "Friends of the New Rwanda," in particular the United States, the United Kingdom, and the Netherlands. These countries were not burdened by much knowledge of Rwanda and the region,¹⁰ and driven by an acute guilt syndrome after the genocide, they reasoned in terms of "good guys" and "bad guys," the RPF naturally being the "good guys."

While they faked inclusion, behind the curtains, the "good guys" were busy taking full control and cordoning off political space.¹¹ Internal reports of the Intelligence and Security Department of the National Gendarmerie between January and March 1995 are very revealing.¹² Thus, a monthly report on "Enemy internal activity" produced in early January labeled non-RPF and particularly MDR politicians, civil servants, and diplomats as "subversive" and "enemy agents." Whenever they met, the meetings were considered "clandestine." In addition, "[m]any of NGOs operating in Rwanda are subversive." A January 19 Intrep addressed to Kagame by Colonel Kayumba Nyamwasa noted "lack of contentment among opposition politicians especially those from MDR and naturally from other extremists who have taken hiding in other political parties (. . .) [T]hese MDR politicians are, like always, making it a tribal issue and are holding secret consultations." Like the previous report, it singled out wings in the MDR as being pro- and anti-RPF. It also expressed concern that the MDR's increasing strength at grassroots level "will affect

⁹ G. Prunier, *Africa's World War. Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*, Oxford, Oxford University Press, 2009, p. 9.

¹⁰ Up to then, the United Kingdom and the Netherlands had been minor donors and did not have an embassy or even a professional consulate in Kigali.

¹¹ The RPF was present on the ground well before its victory, and it possessed a great deal of intelligence and infiltration capacity. According to Reed, by the time of the signing of the Arusha peace accord in August 1993, the RPF had 146 cells operating in Kigali alone (W.C. Reed, "Exile, Reform, and the Rise of the Rwandan Patriotic Front", *Journal of Modern African Studies*, 34:3 [1996], p. 496).

¹² All the documents quoted in this paragraph are on file with the author.

RPF's hold on the local population." Ministers, including Hutu from the RPF (Seth Sendashonga and Alexis Kanyarengwe), were said to organize meetings with the aim of "finding a way of fighting for the rights of the (Hutu) majority." On February 21, another Intrep noted that six parliamentarians were holding "secret meetings (. . .) at Hotel Kiyovu in room 21" and accused foreigners of showing "negative tendencies" and "working with the enemy." One member of the Belgian Red Cross was said to have been dismissed "because he was pro our government." A "joint security meeting to review lawyers for the appointments in the judiciary" held on March 11 vetted potential candidates for the higher courts and the general prosecutor's office. Although the government of national union was in place for international consumption, the security apparatus was monitoring "opponents," including in the government, and interfering in the functioning of the apparatus of the state. Invisible at the time, a "securocracy"¹³ was rapidly being put in place.

Although claiming inclusiveness in a "government of national union," the RPF had no other choice but to establish full control and eliminate all possible political competition. This was clear well before it seized power. Although it claimed to wage a war of liberation, it considered those it "liberated" hostile and unreliable, in addition to being immature, and even plain stupid (see also the following discussion). During the war in the early 1990s, it considered having to manage populations as a hindrance, which is why it pushed people into the government-controlled area or to Uganda. The few who remained in RPF-held territory were regrouped and tightly controlled. This strategy was made clear by Kagame as early as in April or May 1992 at an RPF Central Committee meeting: "since there was no possibility of winning local support, the population was to be viewed as a security risk and so areas needed to be cleared."¹⁴ Guichaoua lists a number of violent incidents engineered by the RPF between 1991 and early 1993 aimed at creating tensions and provoking stalemate, including by political killings.¹⁵ Two experiences confirmed the RPF leadership's conviction that it could not allow an open electoral process to take place.

¹³ Term coined by E. Sidiropoulos, "Democratisation and Militarisation in Rwanda: Eight Years after the Genocide", *African Security Review*, 11:3 (2002), pp. 77–87.

¹⁴ B.M. Collins, *The Rwandan War 1990–1994: Interrogating the Dominant Narrative*, PhD thesis, London, University of London, SOAS, 2009, p. 115.

¹⁵ A. Guichaoua, *Rwanda: De la guerre au génocide. Les politiques criminelles au Rwanda (1990–1994)*, Paris, La Découverte, 2010, pp. 134–137. These attempts at violent destabilisation were described by a former member of the RPA: A.J. Ruzibiza, *Rwanda. L'histoire secrète*, Paris, Editions du Panama, 2005, pp. 143–145, 151, 184, 202, 224.

In September 1993, indirect mayoral elections were organized in the eight communes of the demilitarized zone in the north. Although this was a region that neither the FAR nor the MRNDD physically controlled, and although the RPF conducted an electoral campaign and fielded candidates, the MRNDD captured all the posts. The RPF realized then that it stood no chance in an open political contest.¹⁶ Similar inspiration was found in the elections that took place in Burundi in mid-1993. Despite the control exercised by the former single party Uprona, which was Tutsi dominated, its Hutu-dominated challenger Frodebu handsomely won the elections. For the RPF, the lesson was clear: not only was it unpopular, but the risk of ethnic voting at its expense was also real. As will be seen later, this remained an obsession, and an understandable one at that. RPF rule soon was based on a combination of “democratic centralism” dear to many pre-1990 guerrilla movements or vanguard parties, fear for democracy, and a pervasive focus on security and control.¹⁷ Even before taking power, the RPF reasoned in military terms and did not believe in the implementation of the Arusha Accord. An internal document stated that “our military strategists must tell us how the military striking force of the Front can survive the merger of the two armies. At any rate, it is extremely important to maintain this striking force.”¹⁸ It outlined four main scenarios in the short term, none of which included respecting the accord.¹⁹

¹⁶ Guichaoua notes that this experience was a turning point, “marking the profound disdain of the RPF’s military leadership for the ‘democrats’, as well as its rejection of the electoral process foreseen by the Arusha peace accords for the post-transition period” (A. Guichaoua, *Rwanda*, p. 135).

¹⁷ Prunier explained the RPF’s attitude on account of its “oddity”: “It was created outside the country where it intended to operate, its members were initially recruited among the armed forces of a foreign power, most of its combatants had never set foot in the land where they were going to fight, and they never managed to get any support from the masses of the population in whose name they were struggling. It nonetheless achieved power, but only after most of its civilian supporters had been annihilated in a perversely popular genocide by another segment of the population it later had to rule over” (G. Prunier, “The Rwandan Patriotic Front,” in C. Clapham [Ed.], *African Guerrillas*, Oxford, James Currey, 1998, p. 119).

¹⁸ FPR, “L’environnement actuel et à venir pour l’organisation,” p. 17, translated from French. This text is not dated, but it was probably made in February 1994. Although it is not signed, the style suggests that the author may well be Tito Rutaremara, a leading RPF ideologue belonging to the (small) progressive wing of the party. Rutaremara is currently Rwanda’s ombudsman.

¹⁹ Rupture of the accord and its renegotiation in Habyarimana’s advantage; weakening of the broad-based transitional government (BBTG) in Habyarimana’s advantage; marginalization of Habyarimana’s Group; rupture of the accord through the fall of the BBTG and resumption of hostilities at the expense of Habyarimana (FPR, “L’environnement actuel”, pp. 6–8).

CLEANSING THE REGIME

During the first half of 1995, and particularly after the RPA killed thousands of civilian internally displaced persons (IDPs) in Kibeho at the end of April (see Chapter 4), there were major disagreements within the government, for instance about abuse committed by the army and over appointments in the judiciary and the local administration, but they were initially kept behind closed doors. Interior Minister Sendashonga wrote more than 400 memos to Kagame about the killings and insecurity, but Kagame was careful never to answer in writing; later he simply stopped reacting.²⁰ As killings and “disappearances” went on, Sendashonga decided to disband the Local Defence Forces that committed many of the abuses. However, they were controlled by the RPF’s local *abakada* (“cadres”), and they constituted a powerful means for RPF control at the local level. Kagame was furious, and a campaign of calumny started against Sendashonga.²¹ After resigning from his position of chief of staff (*directeur de cabinet*) of the prime minister’s office, Jean Damascène Ntakirutimana, a member of the political bureau of the MDR, explained his concerns in a letter with a memo sent to Twagiramungu from Nairobi on June 12, 1995. He denounced the “totalitarian drift” and “the summary executions, torture, arbitrary arrests, stalemate in the justice system, prohibition of political parties, double talk on the tricky problem of refugees, repression of the free press, hidden activities of extremist groups, etc.” The conclusion of his memo was ominous: “absent genuine national reconciliation, the emergence of extremists that can be observed risks leading the country to a new cycle of violence that always causes vengeance.”²²

The crisis came to a head at the end of August 1995. A cabinet meeting on August 25 was the scene of angry exchanges: personally challenged by Prime Minister Twagiramungu and Interior Minister Sendashonga, Vice-President and Defense Minister Kagame walked out of the session. The rupture between the RPF and the MDR was now complete. Wanting to outpace his adversaries, Prime Minister Twagiramungu offered his resignation on August 28, after which President Bizimungu summoned Parliament later that day. He asked the chamber to vote a motion of no confidence toward the prime

²⁰ G. Prunier, *Africa’s World War*, p. 18.

²¹ *Idem*, p. 45.

²² J.D. Ntakirutimana, Letter and memo “Le régime du FPR mène le Rwanda vers l’impasse”, Nairobi, 12 June 1995.

minister, which it did without debate. The MPs, told that “now we will see who are the enemies of the people,” did what was expected: only six among them did not vote the motion. The next day, Bizimungu revoked the ministers of Information, Justice, Home Affairs, and Transport and Communications. The latter, Immaculée Kayumba, a Tutsi from the RPF, was probably sacrificed in order to avoid the impression that these measures affected just Hutu Ministers. On August 31, the president appointed a new prime minister, Pierre-Célestin Rwigema, like his predecessor a Hutu from the MDR, and twenty ministers (five of whom were new, while three others changed portfolios). This episode, which was replete with unconstitutionalities,²³ confirmed the RPF’s stranglehold on the system and eliminated the critical voices in the government. Prime Minister Twagiramungu, Interior Minister Seth Sendashonga (RPF) and Information Minister Jean-Baptiste Nkuliyingoma (MDR) left the country, whereas Justice Minister Alphonse-Marie Nkubito (an independent) stayed inside the country, where he died in early 1997. Sendashonga was later assassinated in Nairobi by Rwandan security operatives (see the following discussion).

This was just the tip of the iceberg. Many politicians, civil servants, judges and military officers who had stayed on or who returned after the RPF’s victory were threatened or disillusioned, and they left the country in increasing numbers from early 1995 on. Over the years, at least a dozen government ministers fled the country, an impressive number in the absence of regime change. One way the RPF tightened its hold on power was through “accusatory practices” in which Hutu were branded “*génocidaires*.”²⁴ This made them extremely vulnerable, as they risked arrest or worse. Among those who went into exile during 1995 alone were the Kigali prosecutor (Nsanzuwera), leaders of human rights organizations (such as Matata, Nyirimbibi, and Katabarwa), the governor (Niyitegeka) and treasurer (Ruberangeyo) of the Central Bank, two superior officers (Rusatira and Lizinde), and several permanent secretaries and other high-ranking civil servants. As soon as they were out of the country, they made allegations of concentration and abuse of power, outrages by the army and intelligence services, massive violations of human rights, insecurity and

²³ See F. Reyntjens, “Un ordre constitutionnel dissimulé: la ‘loi fondamentale’ du 26 mai 1995”, *Dialogue*, 186, (October-November 1995), pp. 13–22 at pp. 21–22.

²⁴ L. Waldorf, “Revisiting Hotel Rwanda: Genocide Ideology, Reconciliation, and Rescuers”, *Journal of Genocide Research*, 11:1 (2009), p. 107.

intimidation, and discrimination against Hutu and even against Tutsi genocide survivors.²⁵ Many did not have the luck to escape. From early 1995 on, Hutu elites became the victims of harassment, imprisonment, and even physical elimination. Provincial governors (*préfets*), local mayors, head teachers, clerics, and judges were killed in increasing numbers. In most cases, the responsibility of the RPA was well documented.²⁶ Former RPA lieutenant Abdul Ruzibiza later offered examples of people killed during 1994 through 1996 in what he called “the period of massive imprisonment, arrests and killings, both public and discreet, of an unprecedented magnitude.”²⁷ In May 1996, former justice minister Nkubito cited thirty cases of judges and prosecutors that were arrested under all sorts of pretexts, in addition to those who were killed or who “disappeared.”²⁸

Suspected opponents were not just eliminated inside Rwanda, but even abroad. On October 6, 1996, Colonel Theoneste Lizinde was shot and killed in Nairobi. A former MP for the RPF, he defected and fled to Kinshasa first, and to Kenya later after falling out with Kagame, apparently over the killing of Hutu civilians. Although this was never proved, sources from within the RPF indicated that the assassination was committed by Rwandan external intelligence. The responsibility of Kigali was clearer when Seth Sendashonga was killed on May 16, 1998, in Nairobi too. Already in February 1996, he was the victim of an attempt against his life by François Mugabo, a diplomat at the Rwandan embassy. As Rwanda refused to lift his diplomatic immunity, Mugabo returned to Kigali unhindered. Alphonse Mbayire, an RPA officer who was working at the Rwandan embassy in Nairobi at the time of Sendashonga’s assassination,

²⁵ For a few early examples, see V. Ndikumana and J. Afrika, *Lettre ouverte au Conseil de sécurité de l’ONU sur la situation qui prévaut au Rwanda*, Nairobi, 14 November 1994; E. Ruberangero, *Mes inquiétudes sur la gestion actuelle rwandaise des fonds publics*, Brussels, 31 May 1995; S. Musangamfura, *J’accuse le FPR de crimes de génocide des populations d’ethnie hutu, de purification ethnique et appelle à une enquête internationale urgente*, Nairobi, 8 December 1995; F. Twagiramungu and S. Sendashonga, *F.R.D. Plate-forme politique*, Brussels, March 1996; T. Lizinde, *Rwanda: la tragédie*, Brussels (in fact: Kinshasa), 1 May 1996. In early 1995, Planning Minister Jean Birara wrote a text very critical of the RPF that he did not sign for obvious reasons (J. Birara, *Note sur la situation au Rwanda*, 2 January 1995).

²⁶ Early examples can be found in reports by Human Rights Watch, *Rwanda: The Crisis Continues*, New York, April 1995; *Local Rwandan Leaders Assassinated*, New York, August 1995; Human Rights Watch, *Fédération internationale des ligues des droits de l’homme, HRW and FIDH condemn new killings in Rwanda*, New York, July 1996.

²⁷ A.J. Ruzibiza, *Rwanda. L’histoire secrète*, pp. 415–420.

²⁸ A. Nkubito, *Le harcèlement, les tracasseries, les menaces, bref la persécution du personnel judiciaire*, Kigali, 10 May 1996. Fearing for his life, Nkubito did not sign this text with his name.