The Role of the *Bourgmestres* during the Genocide against the Tutsi in Rwanda

*By Rafiki Ubald*

Year: 2018

Points: 45
Supervisor: Dr. Roland Kostic
Examiner: Dr. Stefan Ionescu
Hugo Valentin Centre, Uppsala University
Word Count: 29426
# Table of Contents

The Role of the **Bourgmestres** during the Genocide against the Tutsi in Rwanda ...............0

**Chapter 1: Introduction** ........................................................................................................... 5
  1.1 Overview of the Study ........................................................................................................... 6
  1.2 Statement of the Problem ...................................................................................................... 7
  1.3 Outline of Chapters ............................................................................................................... 7

**Chapter 2: Theory and Methods** ......................................................................................... 8
  2.1 The Bourgmestre: A Literature Overview ............................................................................ 8
  2.2 Theoretical Framework .................................................................................................... 11
    2.2.1 Genocide Theorizing: The Relevance for the Study of Bourgmestres ......................... 12
    2.2.2 Moral Disengagement and Dehumanization ............................................................. 13
    2.2.3 Altruism ....................................................................................................................... 15
    2.2.4 Ethno-nationalism ........................................................................................................ 16
  2.3 Research Question ............................................................................................................. 19
  2.4 Research Methodology ...................................................................................................... 20
    2.4.1 Methods and Research Design .................................................................................. 20
    2.4.2 Limitations of the Study .......................................................................................... 23
    2.4.3 The Cases ................................................................................................................... 24
    2.4.4 Connecting Sources .................................................................................................... 25

**Chapter 3: Empirical Analysis** ............................................................................................ 27
  3.1 A Historical Background of the Genocide Against the Tutsi .............................................. 28
    3.1.a. International Complicity and Disengagement .......................................................... 28
    3.1.b. The Course of the Genocide ..................................................................................... 30
  3.2 The Empirical Analysis: From Altruism to Ethno-Nationalism ......................................... 33
    3.2.1 The Altruist-Bourgmestres ....................................................................................... 33
      3.2.1.a. Jean Mpambara, Bourgmestre of Rukara Commune ......................................... 33
      3.2.1.b. Mporanzi Jean-Marie Vianney, Bourgmestre of Rutobwe Commune............... 37
      3.2.1.c. Ndagijimana Callixte, Bourgmestre of Mugina Commune ................................ 39
    3.2.2 Objector-Perpetrator Bourgmestres ......................................................................... 41
3.2.2 a. Jean Paul Akayesu, Bourgmestre of Taba Commune .................................................. 41
3.2.2 b. Bisengimana Paul, Bourgmestre of Gikoro Commune .............................................. 47
3.2.2 c. Ndahimana Grégoire, the Bourgmestre of Kivumu Commune .................................... 50
3.2.3 The Perpetrator-Bourgmestres ....................................................................................... 51
3.2.3 a. Juvenal Kajelijeli, Bourgmestre of Mukingo Commune ............................................. 52
3.2.3 b. Kanyabashi Joseph, Bourgmestre of Ngoma Commune ............................................. 56
3.2.3 c. Ndayambaje Elie, Bourgmestre of Muganza Commune ............................................. 58
3.2.3 d. Gacumbitsi Sylvestre, Bourgmestre of Rusumo Commune ........................................ 60
3.2.3 e. Rugambararana Juvenal, Bourgmestre of Bicumbi Commune .................................... 62
3.3 From Altruism to Ethno-Nationalism: Comparative Observations ......................................... 63
3.3.a Comparisons from within the Categories ......................................................................... 64
3.3.b Comparisons across the Categories .................................................................................. 68
3.4. Synthesis and Theoretical Reflections ................................................................................ 69
3.4.1 The Bourgmestres in a Larger Context .......................................................................... 69
3.4.2 The Bourgmestres and the Genocide: Different Responses, Same Outcome .................. 71
3.4.3 The Bourgmestres, the State, and Genocide: Brief Theoretical Reflections ....................... 73

Chapter 4: Conclusion ............................................................................................................. 75

5. Bibliography ....................................................................................................................... 76
Names and Acronyms

AU: African Union
BBC: British Broadcasting Corporation
ESM: Ecole Supérieure Militaire
HVC: Hugo Valentin Center
Ibuka (Remember): The umbrella organization for the Associations of Genocide Survivors in Rwanda
ICTR: International Criminal Tribunal for Rwanda
Interahamwe (Those who act together): A paramilitary organization that took part in the genocide of 1994 in Rwanda
MDR: Mouvement Démocrate Républicain
MICT: Mechanism for International Criminal Tribunals
MRND: Mouvement Révolutionnaire National pour le Développement
Nyumbakumi (ten houses): Lowest administrative entity in Rwanda territorial administration
OAU: Organization of African Unity
RPF: Rwandese Patriotic Front
PSD: Parti Social Démocrate
RTLMC: Radio Television Libre des Mille Collines
UNAMIR: United Nations Assistance Mission to Rwanda
UN: United Nations
UNCG: United Nations Convention on Genocide
UNSC: United Nations Security Council
Abstract

In this thesis I use qualitative comparative methods to analyze The International Criminal Tribunal for Rwanda (ICTR) court transcripts related to bourgmestres who were in office at the time of the genocide against the Tutsi in 1994. I argue that a few bourgmestres resisted the genocide, others engaged in the genocide after a short-lived resistance, while a larger number totally engaged in the genocide. I propose that moral disengagement and dehumanization, altruistic dispositions, or deep-seated ethno-nationalist convictions help account for the different actions and attitudes of the bourgmestres in the genocide. Finally, I found that the Rwandan government implemented genocide regardless of the opposition, the direct and/or indirect involvement of the concerned bourgmestres.

Key words: genocide, bourgmestre, Rwanda, ICTR, commune, actions, attitudes.
Acknowledgement

I would like to thank all my teachers at Hugo Valentin Center, Uppsala University, for the knowledge I have acquired there, and for the stimulating discussions inside and outside the classroom. I thank Dr. Ivana Macek, Dr. Tanja Schult, Dr. Paul Levine, Dr. Dr. Anne Kubai for all the good memories. I specifically thank Dr. Roland Kostic who supervised this thesis.

I would like to express my deepest gratitude to all my friends, including Dr. Samuel Totten, Professor Emeritus at the University of Arkansas-Fayetteville, USA, and Dr. Musa Wakhungu Olaka at Kansas African Studies Center, University of Kansas, USA, for encouraging me and taking interest in my studies and this thesis work. Above everything else, they remain true friends.

In Sweden, Rémy Kamali, and indescribable source of inspiration and resilience, insisted that I must analyze all the bourgmestre cases available in the ICTR transcripts. Eugene Bushayija kept calling to remind me that I must finish this thesis. Fellow journalist Christopher Holmbäck is always there for me. In Denmark, Dr. Martin Mennecke has been supportive in all possible ways.

Particularly, I would like to thank Sister Antoinette Gasibirege, Society of Helper, In Rwanda, and Dr. Helen Hintjens, Assistant Professor in Development and Social Justice at the International Institute of Social Studies in The Hague. Without Dr. Hintjens practical support in all aspects of this thesis, a life would have been simply delayed further! I am truly indebted to her. Sister Gasibirege’s support in everyday life of my family in Rwanda and Sweden is much appreciated.

My family has been patient and supportive during my studies, without their understanding and encouragement, I would not have been able to reach this point. I thank them deeply.

However, the content of this thesis remain my own responsibility
Chapter 1: Introduction

1.1 Overview of the Study

Since the independence of Rwanda in 1962, and until the genocide of 1994, the bourgmestre acted as the President’s man in the hills. In practice, the bourgmestre was the coordinator and overall administrator of various services such as healthcare infrastructure, and various regional and local government agencies, including those directly falling under the Ministry of Interior, such as the police. These duties and responsibilities were placed under The Ministry of Interior which was the legal custodian of all Rwanda’s one hundred forty-five communes. In short, the Rwandan bourgmestre was the head of an administrative entity known as the commune.

Also, the importance of the bourgmestre’s powers in implementing central government policies at the local level is visible in the work of the International Criminal Tribunal for Rwanda (ICTR), an ad hoc tribunal created by the United Nations (UN) to try cases related to the genocide committed in Rwanda in 1994. Fifteen out of the ninety-three cases of Rwandans prosecuted by the ICTR between 1995 and 2015, were bourgmestres of different communes at different periods between 1990 and 1994. While it is argued that Hutu hardliners including “military officers, government officials, political party leaders and journalists [...] trained militias, circulated weapons, developed assassinations plans, and funded racist propaganda” for the perpetration of genocide, a gap remains to provide an understanding of the actual implementation of the crime. One way to mediate the situation is to pay closer attention to the actions and attitudes of the bourgmestres during the genocide.

In this thesis, I will propose that an altruistic personality model theory explains why a few bourgmestres rescued Tutsi; that moral disengagement and dehumanization accounts for the actions of bourgmestres who engaged in the killings after a short-live resistance; and ethno-nationalistic convictions motivated those bourgmestres who joined the killings from the beginning of the genocide. However, I also found that the government relied on parallel structure to implement genocide in the communes.
1.2 Statement of the Problem

The ICTR refers to Rwanda’s legislation of the bourgmestres’ duties that they “exercise de jure and de facto authority over administrative personnel at the level of the Commune and the police. [The Bourgmestre], also exercised de facto authority over conseillers de secteur, responsables de cellule, nyumbakumi, gendarmerie, and Interahamwe militia […].”

However, the ICTR court transcripts in the cases involving the different bourgmestres and other Rwandan officials in office at the time of the genocide show that some bourgmestres implemented the genocide in their respective communes and beyond, others resisted the genocide in the beginning but decided to implement it at a later stage, while a few of them took dangerous risks and used their powers to resist genocide.

Therefore, it becomes crucial to account for these differences in order to generate a contextualized knowledge about the attitudes and actions of the bourgmestres during the genocide.

1.3 Outline of Chapters

I will use chapter 2 to discuss the theory and the methods used in this thesis. First, I will provide a literature overview on the bourgmestres and the genocide in Rwanda, and a brief discussion of the relevance of studying the Rwandan bourgmestres during the genocide. Second, I will present a theoretical framework for the study. Third, I formulate the research question and present the methods used in the thesis.

In chapter 3 I will present the empirical analysis where I will first discuss the historical background of the Genocide against the Tutsi in Rwanda and move on to the analysis the cases chosen for this thesis. I will then present a synthesis and some brief theoretical reflections about the bourgmestres and the genocide of 1994 in Rwanda.

In Chapter 4 I will present a summary of the major findings of the thesis as a conclusion. A detailed bibliography of the literature used in this thesis will be presented at the end.
Chapter 2: Theory and Methods

In this chapter I will discuss the relevance of studying the bourgmestres actions and attitudes from a social psychology perspective applied to the field of genocide studies. Furthermore, I will provide a literature review on the research previously done on the subject. I will then outline the theoretical framework of this study, while discussing altruism, dehumanization and moral disengagement, and ethno-nationalism. These approaches will be discussed from the larger dispositional and situational models that social psychologists have tried put forward, particularly in the aftermaths of the Holocaust, to help explain why people ignore good behaviors to become evil. Finally, I will present the research question and the methodological approaches used in this thesis.

2.1 The Bourgmestre: A Literature Overview

It is often argued that the genocide in Rwanda functioned in a top-down process whereby the ruling elites planned the genocide and the ordinary Rwandans executed it. However, one assumes there had to be a middle person who facilitated the ordinary people in executing the elites’ plans. The missing link remains to be established, namely to find the identity of those who played the role of a middle person linking planning and execution. It is then to say that the ultimate goal of this thesis will be an attempt to understand the implementation of the genocide through a basic appreciation of the relationship between the structural powers entrusted to a bourgmestre and the actual agency of the person holding that office at the time of the genocide in 1994 in Rwanda.

At the time of the genocide, the Rwandan state had highly structured levels of public administration. These included the national government, the prefecture, the sous-prefecture, the communes, the sectors, the cellules, and the nyumbakumi (the coinage is borrowed from the Kiswahili language: Nyumba means house and kumi means the number ten. Nyumbakumi is the lowest unit of administration in Rwanda as it was then restricted to the life of ten households out many households in each cellule.) At the time of the genocide Rwanda was divided into eleven prefectures, and one hundred forty-five communes.
According to Jean Paul Kimonyo, a Rwandan political scientist who investigated the role of the bourgmestre in the genocide in two different communes from Butare and Kibuye Préfecture, when Rwanda gained independence from Belgium in 1962, the bourgmestre was directly elected the population of each commune. This system changed in 1971 when the population mandated a college of sector counselors to elect the bourgmestre among counselors they had elected. The bourgmestre then presided over the municipality council, and since many of the counselors were members of the political party Parmehutu, the bourgmestre’s role was to implement the ideological program of the party, and to oversee the daily administration of the commune, the work of teachers, the technical advisors in agriculture and animal husbandry, and the health workers to name some of the very few existing infrastructures at the local level during the years following Rwanda’s independence.8

After the coup d’etat in 1973, the powers and duties of the bourgmestre expanded; and most importantly, instead of being locally elected, the bourgmestre was directly appointed by the president. Starting with the creation of the Mouvement Révolutionnaire National pour le Développement (MRND) in 1975, the mayor doubled as the highest state authority and the highest party authority in the municipality. The bourgmestre was then entrusted with the duties of presiding over the municipality council, an organ that included all the sector counselors, and the council for the development of the municipality, that included the sector counselors and other state administration agents, and experts in the municipality with the mission to devise strategic plans and actions towards the development of the municipality.9 Ephrem Rugiririza, a Rwandan journalist who reported about many of the trials against bourgmestres at the ICTR, quotes a September 26, 1974 decree that describes the bourgmestres “as a representative of the central government in charge of the economic, social and cultural development, as well as seeing that all laws and regulations are followed in his commune.”10 Furthermore, Rugiririza informs that the decree specifies that the bourgmestre was also empowered with the right to police and enforce the law, the power to incarcerate for not more than one week and to levy fines not exceeding 200 francs, the power to imprison someone causing a breach of peace for not longer than 48 hours, the right to fire communal policemen under his command, the right to solve land disputes among the locals, and finally the duty to execute judgments passed by the courts.11 And western scholars who, such as
Gabrielle Kirk MacDonald, a legal scholar and former judge at the ICTR, have taken their time to investigate the role of the bourgmestre in the genocide, have also echoed the findings of Kimonyo and Rugiririza. They paint a picture of a Rwandan constitution that granted the bourgmestre overwhelming powers over the local population. One is then compelled to observe that the control of the physical infrastructures, the bureaucracy, and the human resources in the commune facilitated a solid legal and political base to Rwandan bourgmestre in the pre-genocide administration.

However, a slight change to the above structure of the bourgmestre’s powers took place due to the multiparty system in Rwanda in 1991. Not only the one-party system gave way to more political party, but also members of opposition parties joined the government. Furthermore, with the appointment of an Prime Minister from an opposition party, the President lost the powers to directly appoint bourgmestres, and one Préfet and twenty-four non-MRND bourgmestres were appointed in 1993.

But the introduction of a multiparty system did not radically change the nature of the relationship between the bourgmestres and the higher authorities. In her study of the genocide in Nyakizu commune in the south of Rwanda, anthropologist Michele Wagner noticed that the bourgmestre’s way of governing followed “an informal and covert, but highly powerful, parallel structure that was personally dominated by the very man who headed the formal administrative system.” Wagner elaborates that the bourgmestre’s governing style mirrored President Habyarimana’s own parallel and informal MRND structure through which he exercised real and effective influence from the top of government to the local population. In this way, he exerted direct control that went from the highest level of the government down to the grassroots, unimpeded by the checks and balances or intermediate levels.

Wagner observed that Habyarimana publicly appeared to take one position, “while quietly setting his network in motion to do the contrary. In this way, he could afford to make statements human rights and negotiating with the RPF while quietly ensuring that his party’s youth wing, or Interahamwe, intimidated human rights activists and massacred Tutsi communities in selected regions of the country.” In this complicated and complex style of governing, the bourgmestre, Wagner concludes, gave a “modern face- the self-confident smile of a rural fonctionnaire (official), projecting himself as an intellectual among non-literate farmers and striving
to become a local patron in the politics linking his rural center to Kigali [the capital of Rwanda]."\(^{17}\)

Yet, André Guichaoua, a French scholar who studied the bourgmestre and the genocide in the southern préfecture of Butare, informs that the appointment of the bourgmestre went through a complex process. The bourgmestre was elected by the local leaders at the commune level, the prefectoral authorities supervised the process, the name of candidate who emerged from the process was put forward to the Ministry of Interior—which was responsible for the national administration—and then the Minister of Interior took the candidate’s name to the cabinet of ministers for the final approval and nomination of the bourgmestre.\(^{18}\) This process was already happening in a context of multiparty system. The opposition parties made strong inroads in the different organs of national administration, including communes. However, and resembling Wagner’s observations, Guichaoua also notices that this democratic development was hampered by parallel structures such as the military, the militia, and other pressure groups, which brought the bourgmesters into the dilemma of “following received orders and addressing local realities.”\(^{19}\)

The above review of the literature on the bourgmestre in Rwanda is largely informative on the dynamics of the local governance of Rwanda from independence to the genocide. However, and to the best of my knowledge, this thesis is the first comprehensive work on the subject to look at cases of bourgmestre and the genocide in the different prefectures of Rwanda. Furthermore, this is the first time the ICTR transcripts on bourgmesters’ own testimonies and other statements related to their actions and attitudes during the genocide are analyzed. My contribution to the existing literature is then to provide a more comprehensive picture of the bourgmesters’ response to the genocide by looking at their actions and attitudes from a social psychological perspective.

### 2.2 Theoretical Framework

In this section, I first discuss the relevance of studying the bourgmestres from a social psychological perspective. I then present three elements of the theoretical framework used in this thesis: (1) the problem of moral disengagement and dehumanization; (2) the challenges of the concept of altruism; and (3) the debate on ethno-nationalism.
2.2.1 Genocide Theorizing: The Relevance for the Study of Bourgmestres

In the literature review below, I will show that, and to the best of my knowledge, most of the studies on the bourgmestres during the genocide in Rwanda are from fields of political sciences, law and anthropology, and recently perpetrator studies.20 These studies have generated a knowledge on the political and legal implications of local and national bureaucracies in the planning and execution of genocide in Rwanda in 1994. However, and to the best of my knowledge, the study of bourgmestres during the genocide of 1994 has not examined their actions and attitudes from a situational and dispositional social psychology perspectives.

Discussing the situational model Philip Zimbardo, one of the authoritative proponents of this approach, argues that good people engage in evil actions when good behaviors are knocked out in a way that “suspends conscience, self-awareness, sense of personal responsibility, obligation, commitment, liability, morality, and analyses in terms of costs-benefits of given actions.”21 Other reasons behind people’s change of heart in such situations can be factors such as economic interests, fear, or egoism, to name but a few, as the reasons behind the change from good to evil.22

That said, the above situational approach provides an explanation for the bourgmestres who engaged in the genocide after a long or short resistance. These cognitive controls were eventually destroyed after peer pressure, when the effects of war reaching their respective communes. The reasons behind the destruction of these cognitive controls can be many. But what could be the explanation for the behavior of those who faced violence, pressure, and threats but decided to sacrifice their lives in order to save the victims of extreme violence? Similarly, what could be the explanation for those who excelled in the killings from the beginning of the violence until the end and did not show remorse in the aftermaths?

The dispositional model attempts to provide an answer by arguing that there are internal factors inherited since childhood that predisposes a person to commit violence of unimaginable evil. Broadly put, such factors as cultural backgrounds imbued with violence, extreme ideological standpoints, to name a few examples, were advanced by Holocaust scholarship as an attempt “to make sense of the Holocaust and the broad appeal of fascism and Hitler.”23 These discussions surfaced in Africa towards the end of the 20th century when these scholarly models were applied to the
Rwandan case of genocide. At the ICTR for example, the were cases where the prosecutor proceeded by arguing that what the accused did in 1994 was not new because they had done it decades earlier during previous anti-Tutsi violence, thus arguing for existing pre-dispositions towards committing violence.24 Particularly, Western researchers-such as Ervin Staub, and African alike-such as Mahmood Mamdani, have long argued that Rwandan Hutus participated in genocide en masse because they are obedient to authority.25

However, the situation of the bourgmestres is much more complex and not as straight forward as some aspects of these model would suggest. Some bourgmestres went back and forth between killing and saving lives, while others risked their lives to save the Tutsi targeted for violence, while others engaged in the killings from the beginning to the end, and yet others started by saving lives before joining the killings, to regret it during their trials at the ICTR. While the situational and dispositional models will guide the overall theoretical discussions, the specific approaches of altruism, moral disengagement and dehumanization, and ethno-nationalism will be the determinants of the categorization of cases in the analysis in this thesis.

2.2.2 Moral Disengagement and Dehumanization

Psychologist Albert Bandura has argued that “intensive psychological training in moral disengagement is needed to create the capacity to kill innocent human beings.”26 In such a scenario, and to paraphrase Bandura, moral disengagement can use a sanitized language or avoid comparison with what is socially regarded as normal as a way to present harmful action as morally justified. Responsibilities for the wrongs caused or done can be diffused and distributed in order to minimize the role of the perpetrators. Furthermore, the victims can be blamed for having provoked the suffering that befell them.27

Bandura adds that the diffusion and distribution of responsibility away from the perpetrators relies on the ability of the higher authority to effectively command the use of coercive powers in their hands, thus earning them the following and the trust of the common people.28 Furthermore, Bandura continues, the bureaucratic routines involved in the perpetration of systematic violence diffuses the responsibility of the perpetrators because “no single individual feels responsible for policies arrived
at collectively. Where everyone is responsible, no one really feels responsible.” This allows institutions and social groups to provide anonymity to individual perpetrators since “any harm done by a group can always be attributed in large part to the behavior of other members [thus allowing] people [to] act more cruelly under group responsibility than when they hold themselves personally accountable for their actions.” To this discussion, Zimbardo adds that “there is no authority figure present urging the subject to obey. Rather the situation is created in such a way that subjects act in accordance to paths made available to them, without thinking through the meaning or consequences of those actions.”

Elsewhere, Bandura links moral disengagement to dehumanization when he suggests that moral disengagement prevents perpetrators from seeing their victims as humans with feelings, hopes and concerns, thus protecting the perpetrators from “feelings of guilt over injurious conduct.” Psychologist Manuel Eisner thinks that Bandura’s argument is crucial in the sense that moral disengagement as a justification of horrible acts facilitates their repetition and thus make it easier to be “transmitted through the family, schools, army officials, or ideologists” as people realize the minimal cost of “the subjective costs of harm doing” and the maximization of “the subjective “benefits.” Furthermore, psychologist Herbert Kelman had argued the same long before Bandura and Eisner when he noticed that “those who participate in the massacre directly - in the field, as it were, - are reinforced in their perception of the victims as less than human by observing their very victimization. The only way they can justify what is being done "is by coming to believe that the victims are sub-humans and deserve to be rooted out.”

Psychologist James Waller’s discussion on the dehumanization of future victims suggests that the social construction of cruelty allows the perpetrator to “initiate, sustain, and cope with […] extraordinary evil.” Waller’s elements of the social construction of cruelty- that is “professional socialization, group identification, and binding factors of the group” - can also help understand “how ordinary people commit genocide and mass killings.” For example, the concept of “foot-in-the-door phenomenon,” which means that “agreement with an initial request breeds compliance with a larger request,” can provide a general understanding of how people could start with looting, for example, and end participating in large-scale killings.”
Waller says that in the case of genocide and mass killings, “the dehumanization of victims involves categorizing a group as inhuman either by using categories of non-human creatures (that is, animals) or by using categories of negatively evaluated subhuman creatures (such as demons and monsters).” Dehumanization is then to occur most likely when the target group “can be readily identified as a separate category of people belonging to a distant racial, ethnic, religious, social, or political group that the perpetrators regard as inferior or threatening. These isolated subgroups are stigmatized as alien, and memories of their past misdeeds, real or imaginary, are activated by the dominant group” to deprive them from identity and community, thus excluding them from the moral universe of obligation. The isolated groups are then viewed as meaningless or simply waste to be removed from society, and the dehumanizing language becomes the vehicle for aggressive or even annihilationist messages and/or actions.

The approaches of dehumanization and moral disengagement will help identify the bourgmestres’ passage from resistance to the complete engagement in the perpetration of genocide. This framework has then the merit to help identify the triggers points that allowed the passage from the morally permissible to evil doing.

### 2.2.3 Altruism

The question of determining whether or not, and to what extent, a rescue action is altruistic, or not, is a complicated one. Similarly, complicated is the question of knowing if altruism is something that can be learnt? An important discussion about whether altruism should only be confined to the realm of morality, or whether it can be acquired through socialization is important to consider if the cases studied here are not going to look like unique phenomena that one can only be informed about but cannot learn anything from. Ervin Staub has argued that altruism can be acquired through socialization, when parents trying to respond “to their infants’ needs and their continuing nurturance, warmth, affection […],” are instilling the best of good behaviors in their children.

Apart from the altruistic characteristics that can be acquired at a very young age, Ervin Staub’s studies of people who become caring after deep trauma in post-mass violence contexts show characteristics of altruism born of suffering. Staub argues that while in the aftermaths of violence some people can become violent and
or aggressive, others become highly caring and altruistic willing to help fellow humans in dire need. Broadly said, while altruism can be rooted in beliefs and in principles as well, it can also be motivated by the expectation of reciprocity, or the simple need to maintain one’s own good mood or alleviate own’s own distress through helping others.43

Without engaging in further lengthy discussion about the actual nature of what an altruistic attitude and action is or should be, I will borrow psychologists Samuel Oliner and Pearl Oliner’s conceptual and pragmatic definition of altruism that an altruistic behavior is objective and measurable when “(1) it is directed towards helping another, (2) it involves a high risk or sacrifice to the actor, (3) it is accompanied by no external reward, and (4) it is voluntary.”44

2.2.4 Ethno-nationalism

Ethno-nationalism, one of the forms of nationalism, “may be viewed either as an embedded loyalty tying individual identity to the organic community; as a political resource used to mobilize individuals for the rational pursuit of common interests, or as an ideological myth appealing to confuse individuals who seek simple formulas for the diagnosis of complex situation.”45 However, in this thesis the concept of ethno-nationalism will be heavily informed by Mamdani’s proposition that Hutu and Tutsi identities were colonial constructs that the successive post-colonial governments in Rwanda tried to naturalize.46

This successful naturalization of colonial constructs frames the Rwandan identities in primordialist terms. Umut Özkirimli argues that primordialism is “an umbrella term to describe the belief that nationality is a ´natural´ part of human beings […]”47 He goes on to specify that this approach comprises four different versions, which are nationalism, sociobiological, culturalist and perennialist.48 For the purpose of this thesis, I retain the sociobiological and the cultural versions of primordialism since, and I am subsequently substantiating the choice, they are related to the subject of the study. In defining the sociobiological version of ethnic primordialism, Özkirimli refers to Pierre van den Berge’s approach to say that there is a presence of “an external basis to the existence of such group’ without denying that these groups are also socially constructed and changeable,” which means that “the sociobiological view of these groups is that they are fundamentally defined by common descent and
maintained by endogamy.” As for the culturalist approach of primordialism, Özkirimli refers to Virginia Tilley’s critical contribution on Clifford Geertz cultural primordialism as “sense of “first in series”…in order to highlight the ways in which foundations concepts provide the basis for other ideas, values, customs or ideologies held by the individual.”

Put in simpler terms, the primordialist element puts forward a form of favoritism binding those who share a same “irrational belief that, descending from common ancestors,” they are related and thus are entitled to the privileges coming with such an entitlement.” Ethnicity here is considered in its subjective form whereby perceptions, rather than factual elements of culture, are the key to the determination of ethnic belonging. This primordialist element will be amply discussed in the historical background to the genocide, where it is shown that the transition from colonialism to independence saw Rwandan elites doing the best possible to claim different biological and cultural origins, and later tying the qualities of those origins to the glory of what Rwanda had become. The Hutu claimed to have tilted the land and made Rwanda prosperous, while the Tutsi claimed to have brought the cow and most importantly governed and expanded Rwanda.

The years following the independence saw this sociobiological primordialism dominant, until the second republic when President Juvenal Habyarimana introduced revolisiyo mvugururamuco (cultural revolution), with ideas that aimed at developing the Hutu nation. Philip Verwimp, a Belgian scholar who analyzed the rule of President Habyarimana through his speeches over the years, has suggested that Habyarimana’s policies deepened ethnic tensions and defined Rwanda as a country of Hutu peasantry, something the Tutsi, traditionally considered as cattle-herders, could not have been able to become. Verwimp argues that Habyarima’s speeches implied that only the Hutu were real peasants but also true Rwandans because only those who tilted the land -meaning the Hutu- were true Rwandans. One of the speeches that highlights Verwimp’s observations is Habyarimana’s 1973 speech during the opening of the academic year at the National University of Rwanda when he declared the following: “The coup d’état we did, was above all a moral coup d’état. And what we want, and we would consider our action as failed if we do not reach this goal, what we want, is to ban once and for all, the spirit of intrigue and feudal mentality. What we want is to give back labor and individual yield its real value. Because, we say again, the one who refuses to work is harmful to society.”
Verwimp suggests that by moral coup d'état Habyarimana meant “something of higher, divine order,” something that was meant to an “once and for all, the spirit of intrigue and feudal mentality,” thus alluding to the already established anti-Tutsi rhetoric that regarded them as dishonest and “feudalists, the former masters of the Hutu-peasants.” Thus, this ideological element helps explain to a certain extent why some bourgmestres were bent on exterminating the Tutsi, even at the start of the October 1990 war. It seems they believed that the Tutsi rebel attacks posed a mortal threat to the Hutu nation, which they strongly believed they belonged to. Habyarimana’s moral and cultural revolution, in which the individual holding the office of the bourgmestre served the idea of the hutu nation was only slightly affected by the democratization that Rwanda underwent in the early 1990ies.

In 1993 a restructuring of the local government administrative structures took away the constitutional power allowing the President to directly appoint the bourgmestre. But ethno-nationalism turned to its multifaceted side when the pro-democracy forces claimed social and political changes. Thus, ethno-nationalism became constructivist as the progressive forces in the country started to view ethnic identities as constantly changing and confronted with new realities requiring indefinite accommodations. In that sense, and as historian Adrian Guelke observes, “the requirement that people with different ethnic identities should be able to get along in the same locality, as they by and large do, is not going to disappear.”

However, and beyond lengthy discussions on competing definitions and nuances of ethno-nationalism, I will borrow from historian David Brown’s practical conceptualization of ethno-nationalism as “the subjective experience of self-awareness of a people as a cultural group and a political entity on a given territory.” And since this bond has to be legitimate, the people who are in charge of state institutions belong to the same ethnic group as the people they govern. It goes without saying that questioning, threatening, or openly attacking the legitimacy of the group’s way of life can lead to mass violence such as the genocide of 1994 in Rwanda. It is therefore to suggest that the bourgmestres who joined the killings wholeheartedly were eventually strongly grounded in this vision of a world view where Rwanda belonged only to the Hutus and the Tutsi constituted an alien invading force that should be fought and defeated by all means.
2.3 Research Question

In this thesis I will present an analysis that aims at answering the following main questions: 1) *what are the explanations for the differences in the outcome of the actions and attitudes of the bourgmestres during the implementation of the genocide against the Tutsi in Rwanda?*

In order to achieve a contextualized knowledge about the two questions above, I will ask a few more questions that will help an organized collection and interpretation of information out of the court transcripts. These additional questions will be related to specific themes identified during the assessment of the court transcripts:

1) the individual backgrounds of the *bourgmestres* such as their ethnic background and social relations prior to the genocide, their age, their level of education, their professional occupation prior to assuming the function of a *bourgmestre*, and their political affiliation;

2) the geographical locations of the different communes vis-à-vis the war with the RPF, and the *bourgmestres* own positions vis-à-vis the war of 1990-1994 will inform about the structural context in which the *bourgmestres’* actions and attitudes took place. This is a crucial point to consider since the *bourgmestres* are not operating in times of peace whereby a low level of coercion and/or violent consequences that may have shaped or determined the *bourgmestres’* conduct during the genocide;

3) the *bourgmestres’* own role in the genocide such as individual participation and/or not participation in the genocide.

These aspects combined with the *bourgmestres’* own recollections of court testimonies, their conduct before the court including their responses towards indictments and respective sentences, the guilt or non-guilty pleas, the acquittals and/or the statements of remorse will provide a wealth of information to determine the difference between the *bourgmestres’* attitudes and actions during the genocide. Out of these themes, I formulate the following three sub-questions that will help operationalize the case studies:
1) In light of the ICTR court transcripts, what are the personal backgrounds of the bourgemestres and what is the contribution of such biographies to the understanding of the difference in the actions and attitudes of the bourgmestres during the genocide of 1994?

2) In light of analysis of the bourgmestres’ actions and attitudes, what are the similarities and differences among the cases, and what is the explanation for the difference in the outcome of their actions?

2.4 Research Methodology

In this section, I will present the methods and the research design of the analysis. I will present the limitations of the study, introduce the cases and describe the sources used in this thesis.

2.4.1 Methods and Research Design

Both the methods and the research design used in this thesis are primarily dictated by the ICTR court transcripts at the heart of the analysis. Consequently, I will first present a descriptive analysis following the tradition in genocide studies that consists in “making observations at the individual level,” which are derived “from a compilation of biographies […] through court documents.” Among the most important observations from these biographies is undoubtedly the fact that all these individuals were bourgmestres at the time of the court’s mandate, they were all educated men, they all belonged to one or other political party, and all enjoyed the same powers the constitution granted the bourgmestre. Furthermore, most of them were born before the independence of Rwanda, thus having an informed view about the history of Rwanda since the independence.

Looking at the aspects of age, levels of formal education, or levels of professional experience, the extent of social and political connections is crucial in this context because it can help appreciate the extent to which individuals feel they “can have an impact on the political process.” Put differently, such an analysis helps
appreciate the level of independence the bourgmestres enjoyed, or did not enjoy to “shape, amplify, and inhibit agency and victimization” during the genocide.

At the same time, I will propose a categorization that highlights the different ways the bourgmestres responded to the genocide, thus generating meaningful observations out of the cases. These categories are 1) the group of altruist-bourgmestres who resisted the implementation of genocide and tried to rescue the Tutsi; 2) the group of objector-perpetrator-bourgmestres who started by resisting the implementation of genocide but ended up joining the killings both on an official and individual level; 3) and finally the group of perpetrator-bourgmestres who were bend on the implementation of the genocide and participated in the killings from the beginning until the end of the genocide.

Second, after this descriptive analysis and categorization of the cases, I will conduct a comparative analysis from within and across the categories in order to clearly map out the most significant similarities and/or differences. As I outlined in the research question section, I will pay more attention to the indicators of attitudes and actions that travel comparatively across the cases. While it is a challenging task to mark a clear distinction between attitudes and their translation into practice (actions), in this thesis I will understand attitude as, and to quote psychologist J. Richard Eiser, “a subjective experience involving an evaluation of something or somebody. That something or somebody is represented within the experience but also has a public reference: public in the sense that, if we express our attitudes, another person should in principle, be able to identify the something or somebody to which our evaluation refers.” Eiser clarifies that this conceptualization of attitude allows us to picture how we perceive, interpret, and evaluate the world around us, and that through their public manifestation we can determine whether attitudes are “consistent or inconsistent, stable or changeable, normative or deviant […]” in relation to the contexts they are evolving in.

In the context of this thesis, the objector-perpetrator-bourgmestres is the best example of this conceptualization. This is particularly exhibited in the court transcripts when they are obliged to navigate the different periods of the extreme experiences from resisting the killings to joining the killings and finally confronting the question of pleading guilty or pleading not guilty to the crime of genocide. Such empirical aspects visible in the court transcripts will help highlight the similarities
and/or the differences between the bourgmestres’ responses to the implementation of genocide.

The same challenge applies when trying to make sense of what an action or in this context a social action is. Without delving into lengthy description of definitions and contradictory debates about the concept, I retain for this thesis the conceptualization of a social action as “a type of behavior involving the processes of: (1) calling attention to experiences (Act); (2) projecting as part of one’s own experiential world the completion of a given line of conduct (Action); and (3) using the gestures emitted by others as a basis for ‘reading their minds’ so that both one’s own projected behaviors as well as those of another are part of one’s experiential world (Interaction).”

This conceptualization is in line with what happened to bourgmestres in 1994 and helps this thesis navigate a messy case involving many actors and complex events. Let’s take the example of the bourgmestre received an order from his superiors, and he voiced right away his protest against the received order, he acted; when he went on to put in practice his opposition to the order, he went into action; and as a result of his action he was killed defending his convictions, his death was a result of an interaction with those he opposed. It means that called social action is here the unit of all the three elements of act, action and interaction.

In regard to the size of and scale of the cases, this study is taking place in the context of small number of cases, which implies that the selection of cases is made “precisely because the cases belong to a particular classification category.” Also, I will use the most similar research design, which proceeds as follows: “the more circumstances the selected cases have in common, the easier it is to locate the variables that do defer, and which may thus be considered as the first candidates for investigation as causal or explanatory variables. The selection of cases is not a random one. However, it is a meaningful, purposeful selection since it provides a wealth of details that allow an analysis of the bourgmestres’ conduct during the genocide. In spite of the limitations of small N cases analysis, this comparative approach will allow the possibility to generate a contextualized knowledge about the bourgmestres’ responses to the genocide, and an explanation to why genocide was implemented in their respective communes in spite of the difference in their responses.
Ultimately, the goal of this thesis is to problematize the ICTR Prosecution’s core reasoning that the bourgmestres had control over their local subordinates, most of whom executed the genocide. Instead of taking the prosecutor’s core argument for a fact, I use the methods of qualitative comparative analysis to achieve a contextualized knowledge that is more in line with the nuanced picture of the implementation of genocide in each commune. This nuanced picture transpires in the court transcripts, in which different witnesses were examined and cross-examined, and different documents of historical importance are displayed and discussed. In short, the presentation and analysis of the cases will be “making-within comparisons”\textsuperscript{68} to highlight the different actions and attitudes the bourgmestres adopted during the genocide, thus not looking at the bourgmestres as a static group of actors engaged in genocide by way of the office and powers they held.

That said, and in order to answer the research question I am interested in an understanding of 1) the individual background of bourgmestres presented in as biographical compilations in order to understand (2) the bourgmestre’s role in genocide. While examining the court transcripts and compiling the biographies, I will keep in mind that previous literature stipulates the importance of parallel structures of genocide implementation, the proximity to center of power, the implications of for geographic location of prefectures and communes vis-a-vis the war, and other informal power structures that informed the bourgmestres’ actions and attitudes during the genocide.

\subsection*{2.4.2 Limitations of the Study}

In the court proceedings, some defense arguments implicitly framed the October 19990-1994 war as the main cause of the genocide and one of the main factors that shaped the bourgmestres’ responses the genocide. If regarded as a cause and not one among many factors, the war of the 1990s would not allow each case to respond to processes that are primarily internal to each commune. For example, bourgmestre Joseph Kanyabashi argued in front of the court that he could not be held responsible for a chaotic situation where the local and national institutions had collapsed because of the war.\textsuperscript{69} And bourgmestre Juvenal Kajelijeli viewed the anti-Tutsi violence and the genocide from the perspective of the war.\textsuperscript{70} This situation means that the bourgmestres reacted to the war as an external occurrence their
commune had to endure. This dilemma is known as the Galton’s problem that “occurs when the expectation is not met that political outcomes are due to processes internal to each case […]” 71 In this thesis, the war is regarded as an external factor, because neither Bourgmestres did start it nor contributed directly to its conduct. In some cases, the Bourgmestres had little or almost no means to affect the outcome of the war; thus, the Galton’s problem. However, and even though the Bourgmestres did not affect the beginning or the outcome of the war, it still dominates the context in which the Bourgmestres’ actions and attitudes are taking place. Thus, this structural element plays a role to consider while reflecting on why the genocide took place in all the communes regardless of the different actions of the individual Bourgmestres.

2.4.3 The Cases

The ICTR’s mandate was to prosecute “prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and neighboring States, between 1 January 1994 and 31 December 1994” [...] and “contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region.” 72 The reading of the ICTR court transcripts show that the court did contribute to reconciliation by delivering sentences, listening and recording testimonies that went well beyond the trials to include detailed testimonies and cross examinations where key actors and/or privileged witnesses in the genocide were listened to or talked about extensively. The choice of the cases in this thesis go beyond the situation of individuals who were sentenced by the court to reflect the reality of the court transcripts.

Out of the fifteen cases of the Bourgmestres indicted by the ICTR, this thesis will only consider nine cases. This is due to the fact that the court dismissed the one case against Ignace Bagilishema, former Bourgmestre of Mabanza Commune in Kibuye Prefecture. The Prosecution had failed to produce substantial evidence against the accused. 73 In a different instance, the case of Ntaganzwa Ladislas, the former Bourgmestre of Muganza, was transferred to Rwanda’s national jurisdiction since the accused was arrested after the ICTR’s closure. In two other instances, the accused are still at large. 74 However, out of these eleven cases, I will particularly deal with the nine cases of Bourgmestres who were in office from April 6, 1994, and July 4, 1994, the dates that are widely regarded as the beginning and the end of the genocide.
Additionally, and most importantly, I will deal with two cases of bourgmestres who were neither, accused nor tried, but who were amply discussed in testimonies at the ICTR. Those are Mporanzi Jean Marie Vianney, the bourgmestre of Rutobwe Commune, and Ndagijima Callixte, the former bourgmestre of Mugina commune, in Gitarama Prefecture. These two bourgmestres were featured in large sections of the court transcripts particularly because of the circumstances and decision-making that led to their resistance against the genocide. The inclusion of these two cases is a crucial contribution to the analysis of this thesis. It is to say that in this thesis, I will analyze nine cases of bourgmestres who were indicted and sentenced by the ICTR, and two cases of bourgmestres who were never subject of an ICTR indictment, but who were extensively discussed and/or testified during court proceedings at the ICTR.

2.4.4 Connecting Sources

The primary sources used in this thesis are the actual court transcripts resulting from the different trials at the ICTR. These are the different testimonies by eye-witnesses such as genocide survivors, former perpetrators, leaders at the time of the genocide, and expert witnesses such as journalists who covered the genocide for different media houses especially in Western countries, but also scholars who have studied the genocide in Rwanda, and those who had worked or lived in Rwanda prior and/or during the genocide. I accessed these court transcripts through the database of the Hugo Valentine Center (HVC) at Uppsala University. They include transcripts in the ICTR database first gathered at the beginning of June 2012 and ending in August 2012 and were updated again between November 2012 and ending in December 2012.

All of the transcripts were catalogued according to the status of the ICTR suspects, some were still under the status of: (1) On trial for those whose trials were still going one; (2) Accused at large for those who were indicted but still at large in different countries of the world; (3) Sentenced for those with completed trial and still serving their sentences; and (4) Released after completing sentence for those who had completed their sentenced and released afterwards. A set of additional transcripts for additional cases were gathered in March 2013 and placed in a separate folder. These were related to cases where the prosecution dropped indictments, or the accused died before judgment, updates on cases in the appeal, and cases transferred to national jurisdictions in the context of ICTR completion strategies. For every case in each
category, transcripts were downloaded according to the case number, and only transcripts in English (not French) were present in the judicial records database. If the cases were ongoing when the transcripts were downloaded, it is possible that some of them are missing supplementary transcripts from later dates.

In particular, some aspects of the court transcripts attract more attention than others. First, the majority of the defense and prosecution teams, the judges, the registrar, and expert witnesses at ICTR are non-Rwandans. In specific instances, one notices the breath of testimonies by non-Rwandans who have an intimate association with the genocide because they were in Rwanda at the time of the crimes. These include international peacekeepers, such as the Roméo Dallaire, the Canadian General who headed The United Nations Mission for Rwanda (UNAMIR), or the BBC’s journalist Fergal Keane, who recounted the horrors he witnesses and recorded while reporting about the genocide as it happened.

On the contrary, almost all the rest of witnesses are Rwandans. These include genocide survivors, genocide perpetrators who confessed and were serving prison sentences in Rwanda at the time of their appearance before the international court in Arusha, family members and relatives of the victims and/or the perpetrators, and former and/or current Rwandan officials who held responsibilities in the different capacities at the time of the genocide. All these witnesses were called by the court to testify in genocide trial at the ICTR in Arusha about their personal experiences during the genocide, their academic and/or scientific expertise on Rwanda.

The second aspect is the geography of the indictments. All the ICTR arrests took place outside Rwanda. Most of the arrests took place in African countries, mostly in West Africa, others in Europe and North America. Some of the indicted suspects who are still at-large live outside Rwanda. This situation is partly the justification of the creation of the tribunal. It was argued that Rwanda would not be able to indict and apprehend all the fugitives because they left the country as the interim government responsible for the genocide went to exile as it as the genocide ended in July 1994.

There is also a limited number of sources that comprise correspondences and phone conversations with one eye-witness of the genocide but a non-witness of the court proceedings. These correspondences took place in 2016 and the interviewee allowed the use of his comments only if he could remain anonymous. The secondary sources are the other documents produced by the different branches of the ICTR such
as the prosecution, and the registrar’s office. There are also different tertiary sources such as reports and publications available both online and in print.

In general terms, all these documents give a picture of the history of the genocide and the history of the ICTR. Furthermore, considerable amounts of information related to the family background, education, and the political affiliation of the accused prior and during the genocide, their social relations and networks prior and during the genocide is provided. Aspects of the geographical location of communes where the accused committed crimes, their political influence prior and during the genocide, and the actual responsibility in the genocide are available in the documents.

Overall, this research will rely on a relatively small number of primary and secondary sources. The primary sources were collected for the period up to the end of March 2013, when staff at HVC stopped receiving court transcripts. The actual work of the court concluded officially in December 2015. For complementary sources about the rest of this period, I was obliged to rely on secondary sources. These include court summaries of events before and during the genocide, court summaries of proceedings, detailed background information about the accused, their arrests and sentences. These documents are now available in the online repository of the Mechanism for International Tribunals (The Mechanism or MICT). All are accessible to the general public, therefore. Additional secondary sources included both print and digital newspaper articles, academic journal articles, book chapters and online reports and publications related to the genocide of 1994 in Rwanda.

**Chapter 3: Empirical Analysis**

This chapter will first present a general historical background to the genocide against the Tutsi in Rwanda in 1994. Next will be a detailed descriptive analysis of the bourgmestres personal backgrounds and their responses to the genocide. In doing so, and as mentioned earlier, I will pay attention to the statements made by the bourgmestres themselves, but also by the testimonies by both the defense and prosecutor’s witnesses. The study of the bourgmestres will be categorized into three groups of altruist-bourgmestres, objector-perpetrator bourgmestres, and perpetrator-bourgmestres. Each category ends with a summary of key aspects visible
across the group. Furthermore, I will present a note of comparative observations in the
guise of a comprehensive and analytical overview of the cases. In doing so, I will first
discuss the observations from within categories, highlighting differences and/or
similarities between the cases in each category. Second, I will look at patterns across
the categories to establish elements that travel across the cases. This chapter will
serve as a prelude to an explanatory analysis aimed at clarifying why the differences
in the attitudes and actions of the bourgmestres did not affect the implementation of
genocide in the concerned communes.

3.1 A Historical Background of the Genocide Against the Tutsi

The years leading to the genocide coincided with the end of the Cold War, which
meant that Western governments ceased their support to client dictatorships in Africa.
Both Belgium and France who maintained a strong relationship with the
Habyarimana’s administration in Rwandan demanded an introduction of a multiparty
system and a transition to democracy. These changes happened at a time when the
Rwandan economy was in collapse, and Rwandan demography was increasingly
galloping. The Habyarimana’s administration was one of the most corrupt in sub-
Saharan Africa. Military expenditures made Rwanda “one of the poorest countries in
the world the third largest importer of weapons in Africa.”

3.1.a. International Complicity and Disengagement

International Organizations including the UN, the Organization of African Unity
(OAU), and Non-Governmental Organizations (NGO) were actively involved in
finding a lasting solution to the Rwandan crisis. They participated and encouraged
negotiations between the Rwandan government and the Tutsi rebels. They
documented human rights violations inside Rwanda, assisted internally displaced
people, and initiated or supported civil society initiatives to bring peace. Both the UN
and the OAU participated or sent troops to maintain peace in the framework of the
implementation of the peace accords. The United Nations Assistance Mission for
Rwanda (UNAMIR) was sent to Rwanda in October 1993 and led by Romeo Dallaire
a Canadian General. Belgium, the former colonial power, contributed the largest and
best equipped contingent of the whole mission.
The level of involvement of individual countries depended on previous relations they had or had not established with Rwanda before the genocide. Countries such as Germany, Belgium and France had a particular relationship with Rwanda. Germany had colonized Rwanda before her defeat in World War One. After taking over from Germany, Belgium shaped the colonial and post-colonial Rwandan state. And since in 1970s Rwanda had signed military cooperation accords with France, French politicians and military officials were particularly involved in Rwanda. The state of the Vatican was also concerned considering that Rwanda was one of the most Christianized countries in Africa. The Catholic Church had heavily invested in education and health systems since the colonial times. There are also countries that were partly involved because the Tutsi exiles have established contact with different opinion-makers and decision-makers while in exile. These are mainly Uganda, The United States of America, Canada, and The United Kingdom. These countries forced the Rwandan government to negotiate with the Rwandese Patriotic Front (RPF). However, when the genocide started most of these countries evacuated their nationals. The Rwandan government army assassinated ten Belgian peacekeepers, which led to the withdrawal of all Belgian peacekeepers.

Not only the international Community, though the UN helped reach the peace agreement, many Hutu and Tutsi intellectuals brought together by the multiparty system in Rwanda at the beginning of 1990 pressed the Rwandan government to reach a settlement and allow political changes in Rwanda. Realizing that Rwanda could not become, and to quote Mann, “a mono-ethnic nation-state,” Hutu and Tutsi in the political opposition to the Habyarimana administration worked to bring back peace and an implementation of the peace agreement. They were finally allowed to join a transitional government in 1992. Extremist Hutu parties were also formed and sought to enter government at the same time but in vain. Further, in 1993, the government and the Tutsi rebels finally reached an agreement to share power and allow the Tutsi exiles to return in the country. The peace accords seemed to put Hutu extremists in a weaker position than they were ready to stomach. The democratic multiparty system that was introduced in Rwanda did not translate into the ethnic majority rule. They lost economic and political power; a Hutu army lost ground to Tutsi rebels, purely Hutu parties lost influence as the political landscape was fragmented. The ethnic Hutu did not translate into the Rwandan demos anymore. Thus, and to borrow from Mann,
this regime newly embarking upon democratization was more likely to commit mass murder, which it did.\textsuperscript{82}

\textbf{3.1.b. The Course of the Genocide}

While many Western scholars discovered Rwanda because of the genocide, there is a few of them who had already conducted researched or followed events in the region long time before the genocide. They go back in the colonial history of the country to trace the distant cause of the genocide. They argue that acute tensions between the Hutu and the Tutsi in Rwanda can be explained by the Belgian administration and the Catholic Church to favor the Tutsi to whom they attributed the alleged natural qualities to command. Mamdani suggests that no matter how imperfect it was, the pre-colonial power setting provided some sense of participation in a political administration to both groups, while the Belgian colonial reform of 1926-1936 removed almost all Hutus who served in the administration and installed Tutsi instead.\textsuperscript{83} Further, the colonial education, largely supervised by Catholic missionaries, excluded Hutu from schools as the policy was to educate the Tutsi who will in return help civilize the rest.\textsuperscript{84}

To make matters worse, local elites, both Hutu and Tutsi, started to embrace racial theories according to which they were different people, of different race, and of different origin. The Hutu Revolution started in 1959 and resulted in the independence of Rwanda from Belgium in 1962, the abolition of the monarchy and a general sense of blaming the Tutsi for the chaos in the country. The Tutsi elite, in their \textit{Letter from The Monarch’s Subjects}, described how the Tutsi have always governed Rwanda and were destined to govern Rwanda, stressing that they have nothing in common with the Hutu. In reply, the \textit{Bahutu Manifesto} recalled how the Hutu race was the majority in the country, which they have been dominated, humiliated and robbed the country by foreign Tutsi. A Catholic bishop, in league with a young generation of missionaries who were passionate about the church’s teachings on social justice, supported the \textit{Bahutu Manifesto’s} view and denounced a crying injustice against the Hutu majority.\textsuperscript{85}

At the time of independence, violence had already become the political language of worrying parties, and many Tutsi had seen their houses burnt, relatives killed, and others forced into exile. Since independence, Rwanda was governed on the
principle of ethnic Hutu majority that tolerated the ethnic Tutsi minority, the Twa being a too insignificant minority to be considered in the political equation of power sharing. And at different occasions between 1963 and 1966, the Tutsi in exile formed armed groups that attacked Rwanda but in vain. The Hutu government of the time always retaliated by killings targeting the Tutsi that had stayed inside the country. In 1964, Grégoire Kayibanada, the first President of independent Rwanda, warned Tutsi rebels that attacking Rwanda in the future would mean the annihilation of the Tutsi of inside.86

But the seeds of racism did not target the Tutsi alone. President Kayibanda and his administration excluded the Hutu from the North of Rwanda on the argument that they were only fit for military service, leaving the entire civil administration to the Hutu of the center and south of the country. They were deposed in a coup d’état in 1973, because, it was argued, their government had not kept an eye on the representational quotas between Hutu and the Tutsi especially in schools and public administration. During this coup d’état, Tutsi professionals lost their jobs, Tutsi teachers and students alike were expelled from schools, a few were killed, and a considerable number went to exile. The new Hutu President, Habyarimana, vowed to safeguard the revolution, redress social imbalances and restore harmony. According to scholars such as Mamdani, Chrétien, and others, the Tutsi had become a scapegoat explanation and sacrifices for political change in Rwanda even when it meant that worrying parties were all Hutu. The new President, Habyarimana, now excluded both the Tutsi and the Hutu from the center and the South of the country, favoring his kin from the north of the country.87

Years later, in October 1990, when the RPF attacked Rwanda, an anti-Tutsi campaign followed immediately. For example, in December 1990, Kangura, a local newspaper known for its anti-Tutsi publications, published *The Ten Hutu Commandments*. Among other things, it condemned the intermarriage between Hutu and Tutsi, claimed that all Tutsi women were Tutsi agents and that Hutu should have “unity and solidarity against their “common Tutsi enemy,” not just the RPF, but the Tutsi in general.88 In 1992, Léon Mugesera, a Hutu intellectual, and a member of Habyarimana’s Hutu party pronounced a public speech calling for the extermination of the Tutsi, and such killings took place in different parts of the country. The radicalized Hutu extremists had a name now, and it was the *Hutu Power*, and it could count on a militia force called the Interahamwe.89
In the evening of April 6, 1994, four years after the start of the war, President Habyarimana was killed as his plane was shot down while landing in Kigali. The genocide intensified immediately after. The genocide lasted until July 1994 when the RPF defeated the interim government and the génocidaires taking refuge in Congo, the then Zaire. Churches, schools, hospitals became primary killing sites, and in a short time of 100 days, the Tutsi in Rwanda were the target of a systematic extermination and thousands of pro-democracy Hutu perished alongside. Young people were the primary target of the killings and more men were killed than women. A large number of the victims were rural dwellers and secondary school students mostly killed with machetes and clubs. Children and newly born babies were crashed against walls until death. It transformed a large number of ordinary Hutu into killers, accomplices or bystanders to the killings.90

Radio Television Libre des Mille Collines (RTLMC), commonly referred to as RTLM, informed the population about locations of Interahamwe intervention forces in case their help to kill was needed. Radio RTLM started programs that aimed at identifying by name Tutsi to kill and their place of hiding. The radio encouraged listeners to call and denounce inyenzi (cockroaches) and their accomplices. And to make the killings more efficient by influencing the “Hutu public opinion”, the radio launched propaganda programs to demonize by explaining how the Tutsi were the source of chaos and the war in the country.91

In the wake of the 1994 genocide in Rwanda, The Security Council of The United Nations (UNSC) established The International Criminal Tribunal for Rwanda (ICTR). And between the inception of the court in 1995 and its official closure in 2015 it had indicted ninety-three individuals, sentenced sixty-one among them, referred ten cases to national jurisdictions for trial, referred three cases to MICT, withdrew two indictments before trial, while three individuals died before or during the trial. The remaining work and the management of its vast archive are now entrusted to The Mechanism for International Tribunals (Mechanism or MICT).92

This historical background is particularly relevant to this thesis since the first Rwandan governmental office to be tried and sentenced at the ICTR was Jean Paul Akayesu the former bourgmestre of Taba in the former Gitarama Prefecture, in the center of Rwanda. This case attracted a considerable number of attention both in Rwanda and outside Rwanda, as it was the first time since the Nuremberg Trials a government official was tried and sentenced for genocide. The ICTR spent a
considerable amount of time on the Akayesu case and a vast material was generated at
the end of the trial. In fact, “the judgment, which is […] available in French and
English, the two official languages of the Tribunal, is a voluminous document of
almost three hundred pages.”

3.2 The Empirical Analysis: From Altruism to Ethno-Nationalism

In this section I will present the three different categories of the altruist-bourgmestres,
the objector-perpetrator-bourgmestres, and the perpetrator-bourgmestres. Before
presenting each case, I provide a brief introduction of the category. I then proceed to
the presentation of each case by providing a compiled biography of each bourgmestre,
before engaging with the actual transcripts of the court. In almost all the cases, the
biographies are compiled from the court transcripts in combination with other
secondary and tertiary sources.

3.2.1 The Altruist-Bourgmestres

In this category, I will present the personal backgrounds of three bourgmestres,
namely Jean Mpambara, former bourgmestre of Rukara in the former Préfecture of
Kibungo; Jean Marie Vianney Mporanzi, former bourgmestre of Rutobwe Commune
in the former Préfecture of Gitarama; and Callixte Ndagijimana, former bourgmestre
of Mugina Commune, also in the former Préfecture of Gitarama.

Mpambara was arrested and stood a trial in which the ICTR found him not
guilty of genocide. Mporanzi testified in the different trials and for both the
prosecution and defense teams. His pro-Tutsi actions, which took place in a context of
an intense anti-Tutsi campaign by the representatives of the central government, were
subject to lengthy discussions during different hearings and testimonies.

Ndagijimana was involved in defending the Tutsi and he was killed in April
1994 as a result of his resistance against the killings in his commune. His rescue
actions and his subsequent assassination were discussed during diverse trials at the
ICTR. In post-genocide Rwanda he is remembered among the politicians who risked
their lives in 1994 and opposed the genocide.

3.2.1 a. Jean Mpambara, Bourgmestre of Rukara Commune
Jean Mpambara, an ethnic Hutu, was born 1954 in Rukara Commune in Kibungo Préfecture. Kibungo is located in Eastern Rwanda and shares the border with Karagwe, the western region of Tanzania. Mpambara graduated from the National University of Rwanda and became Bourgmestre of the same commune in late June 1989. He was appointed by a presidential decree as were all bourgmestres during the Second Republic. Until 1991, when the multiparty system was introduced in Rwanda, Mpambara served as a de facto President of the MRND in Rukara Commune. He remained bourgmestre until mid-April 1994 when he fled to Tanzania. He was later arrested in Tanzania in 2001 where he had taken refuge.94

The ICTR indictment states that between April 7 and April 9, 1994, Jean Mpambara toured his commune and encouraged the Tutsi to take shelter at Rakara church complex. Mpambara used his vehicle to help some Tutsi families reach the parish and assured all who would reach the Parish that they would feel safe there. The indictment suggested, “[…] approximately 5000 Tutsi civilians and Hutus married to Tutsi or politically opposed to the Interim Government took refuge in the various buildings on the Rukara Parish compound.”95 These people were later attacked, killed, women were raped and the ICTR indictment alleged that Jean Mpambara was the one to have “ordered, planned, instigated, facilitated or otherwise aided and abetted” these attacks.96 The indictment implied that Jean Mpambara helped the Tutsi gather at Rukara parish complex with an intention to lure them in one place so that the killings can take place effectively and efficiently. The indictment also suggested that in case he would not be directly liable for the killings at Rukara Parish, he knew about the killings, did not intervene to prevent them or denounce them. However, after a lengthy trial, Mpambara was acquitted of all charges on September 11, 2006.97

During his time as bourgmestre of Rukara commune, Mpambara led a community that had access to solid social and economic infrastructure. There was the Hospital of Gahini, one of the best in Rwanda at the time; and there was the vibrant trading center of Akabeza, which facilitated cross-border economic activity with their Tanzanian neighbors. There was also the Catholic Church and its vast social infrastructures. These included the parish houses, a cinema hall, one the very few in the country at the time, a primary school, a training hall, a healthcare center, and modern residences for both nuns and priest in charge of the church infrastructures. Also, Rukara commune had a number of intellectuals and influential personalities at the national level. These included Justin Mugenzi, a wealthy businessman and the
founder of Rwanda’s *Parti Libéral* (Liberal Party), and Colonel Pierre Celestin Rwagafilita, an influential senior military officer.  

At the ICTR, a couple of key points emerged in Mpambara’s defense. The first is that Mpambara sympathized with the plight and fate of the victims of the genocide. Instead of denying the killings, or minimizing the magnitude of the genocide, he regretted what happened to his people, and showed empathy towards the victims. Furthermore, and even though he felt helpless during the genocide, Mpambara did not stay a bystander. He used the powers left in his hands and issued “Hutu” marked travel documents to Tutsi families. These ID cards were false documents that allowed the Tutsi to cross road-blocks as Hutus, thus escaping the killers. Mpambara told the court the following:

“What I would like to tell the Judges in this Chamber is that what happened in Rukara commune is something very regrettable. The people I was supposed to rule over suffered killings. While I witnessed the killings, I was helpless; I had no power to defend those people. Among the many people who died, I had many friends. [...] As the false IDs, I gave— I issued these in order to defend people who might be killed at the roadblocks. People might be killed because they don't have their IDs, and if these people are afraid that- - such people might be killed because they were Tutsis, I would say that these people are Hutus to spare them problems at roadblocks. Although I was the bourgmestre, I did not have the power to defend those people, and I still feel sorry about that. But that's what happened, and I still regret the fact that people died and yet I lacked the power to defend them.”

One week after the start of the genocide, Rukara Commune became a war zone, and everyone including the bourgmestre fled. This situation, coupled with the geographical proximity with the Tanzanian border, prevented Mpambara from engaging in the killings. Instead, the possibility of crossing the border provided Mpambara with an opportunity to deliver IDs that allowed the Tutsi to cross the border unharmed.

Another point explaining Mpambara’s reluctance to engage in the systematic extermination of the Tutsi is his social relations with the victims of the killings. His brothers-in-laws were Tutsi. The killings directly affected his families:

“I have told you that in Rukara commune, Tutsis and Hutus enjoyed— we enjoyed a good relationship. I told you that my sisters had been married to— by Tutsis. There was no conflict between us and Tutsis. In those killings that took place in Rukara commune, my mother died, my brothers died, many people died. I regret what happened. I am sad about it. I did not have a role to play in those killings […]”
The argument could be that Mpambara’s actions were not altruistic since he was rescuing people he was related with, thus having an interest in what he was doing. However, and as it will appear in the subsequent cases, other bourgmestres engaged in the genocide in spite of having similar relations. In that perspective, Mpambara’s actions did not follow the diktats of the immediate prevailing trends but a different set of moral principles.

Furthermore, and most importantly, Mpambara showed the court that he understood and respected laws governing the position of bourgmestre and particularly those governing the relationship between the bourgmestre and the national and local police. At the local level these forces were under the authority of the bourgmestre. But during the genocide these forces did not necessarily follow the orders of the bourgmestre. In this case, Mpambara preferred to distance those gendarmes and police that engaged in the killings and stayed close to those who were willing to save lives as he was doing. He told the court that this behavior was based on his reading of the law:

“[…] Every leader -- personally I tried to follow the law. I could not act without basing myself on such-- or such act of law. The document on the national gendarmerie, as I told you, I started working with the gendarme since 1990. I had read this law, and I knew the laws governing the relationship between the bourgmestre and the gendarmerie.”

But it was not just the letter of the law Mpambara reasoned with. He went beyond to invoke his political and religious reading of the situation. He told judges that the war and the politics related to it should not have resulted in the killings of people who were neither combatants, nor politicians:

“[…] People lost their lives, people, who were not involved in politics. You see, I used to tell people that if President Habyarimana has died, if there are some political issues and if there is fighting between the Rwanda government and the RPF, why kill the young kid, why kill the old woman, what is their political involvement? Did these people create themselves as Tutsis? God created people, some black, some white, some Hutus, some Tutsis, but these should not be innocently victimized. But people were out of their senses, and there was incitement from some people, and matters were out of hand. I wanted to explain that I was unable to defend the people, and I did not have the courage to die with them. Maybe that might have solved some issues. Your Honours, this is what I wanted to say to you, finally.”
When Mpambara regretted his failure to sacrifice his life in defense of his people, one sees that his attitude towards leadership was characteristic of a higher interest in human life than the political and material interests coming with the position he occupied. Showing remorse for events he explained he could not completely influence shows he valued the lives that were lost.

### 3.2.1 b. Mporanzi Jean-Marie Vianney, Bourgmestre of Rutobwe Commune

Jean-Marie Vianney Mporanzi, an ethnic Hutu, was born in 1956 in Cyubi Secteur in Rutobwe Commune. He was married and father of three children. Mporanzi who had a university degree in education worked as a language teacher at different secondary schools in Gitarama, before becoming Bourgmestre of Rutobwe at the beginning of 1994. He was a devoted member of the Catholic and much of his teaching career took place in Catholic schools. At the time of multiparty system in Rwanda at the beginning of the 1990ies, he joined MDR, an opposition party to the ruling MRND. When the genocide started, Mporanzi resisted killings both on a personal level and as the leader of the commune. When the Hutu extremists in the commune started to destroy houses and to confiscate the property of the Tutsi, Mporanzi organized meetings to sensitize the local population against violence and involved the local police in preventing and punishing anti-Tutsi violence.\textsuperscript{103}

According to a testimony of the Préfet of Gitarama Prefecture at the time, Mporanzi arrested Interahamwe in Rutobwe because they had burnt down houses but Callixte Nzabonimana, then Minister of Youth in the Rwandan government, freed these wrongdoers. Minister Nzabonimana

\begin{quote}
“[…] came with a large number of gendarmes to release those persons, he met them at the commune office and asked him to give him the key-- or, rather, he asked him to open the communal lock-up, and he slapped him on one jaw and the other, that is, on both cheeks. And he called him a dog and said he shouldn't arrest Hutus. […] After receiving that report from Mporanzi, I went to Rutobwe before the meeting of the 18th. I met him in the office, holding his head in his hands, and he was sad. And I asked him, "Why are you alone? Aren't there any policemen here any longer?" He said, "There are no police here. They have left. Callixte dishonored me in front of the people. I can no longer speak. Even my commune vehicle was seized by the Interahamwe." And it is true that there were neither vehicles nor drivers at the commune office.”\textsuperscript{104}
\end{quote}
When the ICTR contacted Mporanzi after the genocide, he downplayed having been beaten up by the minister but acknowledged he was under heavy and constant pressure from the same minister. The first reason for this pressure is that the minister and the bourgmestre knew each other on a personal level. Mporanzi had been a teacher at a school in Nyabikenke, also in Gitarama Prefecture, the home commune the minister. The minister served as the schools’ legal representative, a position of importance that gave him access to the school’s personnel whenever he wanted. Mporanzi confessed to having been in situations where he had to meet the minister at this time. It was clearly a hierarchical relationship between an employer and his employee.105

Furthermore, Nyabikenke Commune is located in the northern part of Gitarama and the main roads to and from both Gitarama town and the Capital Kigali to Nyabikenke commune go through Rutobwe Commune. This means that at the time of the genocide, both the minister who was going back and forth to his home Commune had to go through some contacts with Rutobwe and its leaders. In April 1994, when the Tutsi from Nyabikenke started to leave their homes running away from the violence they converged towards Gitarama town, thus going through Rutobwe commune. The bourgmestre and the local police granted safe passage, and this angered Minister Nzabonimana. Furthermore, the minister who traveled frequently in the area to incite violence against the Tutsi could not succeed, because the bourgmestre of Rutobwe sensitized the people not to hinder the movement of the Tutsi leaving the area to seek shelter somewhere else.106

In short, the bourgmestre and the Minister who knew each other for a long time were now in open conflict at a critical time when the bourgmestre belong to an opposition party and resisted the genocide, while the minister belonged to the ruling party MRND and was in charge of implementing genocide in his native prefecture.

On April 18, Mporanzi and other bourgmestres attended a meeting with the interim government, and it became clear that the government was not interested in ensuring security for the local Tutsi civilians. During this meeting, Mporanzi and other bourgmestres described the situation they were facing and the increasing inability to stop the violence, thus requesting the intervention of the government. Jean Kambanda, the Prime Minister and other ministers gave speeches that made the Gitarama bourgmestres and their Préfet realize that they could not count on higher authorities in preventing violence.107
According to a former teacher and a local leader in Rutobwe at the time, Mporanzi went back to his commune after the April 18 meeting, and he sent messages by word of mouth to encourage the Tutsi to leave the area. In this process, Mporanzi relied on both church leaders, the local politicians mostly from his MDR party whose leader in the Commune was not necessarily bent on harming the Tutsi. Also, the relationship between the Hutu and the Tutsi in Rutobwe commune was characterized by strong social relations, intermarriages, in addition to a dominant opposition to the ruling party MRND that was regarded as not having done a lot to develop the commune. Many Tutsi families left Rutobwe and survived thanks to Mporanzi action. His success was due to the trust he commended within a large network of friends among Tutsi school teachers. Furthermore, Mporanzi’s profile of someone who spent his adult life teaching at different secondary schools overshadowed his action of a newly appointed bourgmestre, thus making his rescue action go unnoticed until the many Tutsi families had left the area.

3.2.1 c. Ndagijimana Callixte, Bourgmestre of Mugina Commune

Callixte Ndagijimana, an ethnic Hutu, was born in 1965 in Bibungo, Mugina Commune in Gitarama Prefecture. He lost his father when he was two years old, and a single mother raised him since then. The family belonged to the Presbyterian Church and was practicing Christians. Mugina Commune was a vibrant economic hub especially due to its fertile land that fed its population and the neighboring regions including Kigali, the capital of the country, which was located a few miles away to the eastern part of Mugina. This commune was also known for its strong business community, in both agricultural sectors but also in the domains of construction, and transport. It had a strong presence of Christian churches, with the Catholic Church having strong infrastructures in the domain of health and education. Among the influential people in and/or from Mugina were important Tutsi families that had made solid inroads in the construction business among other thriving businesses and/or professions where Tutsi excelled. Ndagijimana studied at Groupe Scolaire Officiel de Butare, one of the oldest secondary school in the country. He later joined the prestigious Rwandan Military Academy, the Ecole Superieure Militaire-or ESM, under its French Acronym-, in 1988. Ndagijimana left the school after one year and went back to his native Gitarama to take a job as a primary school teacher in the
commune of Musambira. In 1992, Ndagijimana joined the opposition party MDR and was appointed the bourgmestre of Mugina, his native Commune. He got married in 1993, and when the genocide started in April 1994, his first-born was only eight months old.109

Following the assassination of Rwanda’s president in the evening of April 6, 1994, and the subsequent anti-Tutsi violence, Ndagijimana traveled across his commune sensitizing the population to stay calm and organizing against the anti-Tutsi violence that he feared could spill from the neighboring communes. Mugina Commune started to receive many Tutsi feeling violence in neighboring communes as news had spread that the bourgmestre there had a military background and was using all the necessary forces to fend off the violence against the Tutsi. Ndagijimana used his powers and rescued the Tutsi in his commune. Even though he was a Protestant, he cooperated with the Catholic Church in Mugina to use the church’s vast infrastructure and shelter those who were fleeing violence from other communes. Ndagijimana provided food the displaced Tutsi and he prevented Interahamwe from attacking them,110

According to the testimony of the former Préfet of Gitarama, during the meeting of April 18, 1994, the interim government asked the bourgmestres to draw lists of RPF accomplices to be dealt with. Ndagijimana refused to do so and argued that if any list, it would be drawn after thorough investigations. He also complained openly that there was no possibility for any bourgmestre to ensure security at a time government had decommissioned security forces in the communes. He went back home after the meeting and continued to fight against the violence targeting the Tutsi. A couple of days after the April 18 meeting with the Interim government, Ndagijimana was ambushed in by the Interahamwe and killed as a result of his refusal to implement the government policies. Uwizeye Fidele, the Préfet of Gitarama during the genocide told the court the following:

[...] Ndagijimana Callixte, Mugina commune, publicly resisted the Interahamwe and was killed for his pains. In fact, he was trying to protect the Tutsi who sought refuge with him, and he was killed, and after his funeral, they attacked the refugees who had sought refuge for them, about 600 people, and we buried them in April. After they had been killed, I intervened. I had the corpses buried and those who were wounded, I took to the hospital, but later they were, in a dignified way, re-interred.111
Fidele Uwizeye went on to blame the interim government for the killing of Ndagijimana and the subsequent killings of other officials including the Conseillers de Secteur in different parts of Gitarama and the subsequent killings of the Tutsi who had sought refuge in different parts of Gitarama town and its surroundings:

“[…] As a result of what Nzabonimana and the other Ministers said at the meeting on 18 April 1994, some people were massacred. On 21 April 1994, Callixte Ndagijimana, the bourgmestre of Mugina commune, was ambushed and killed in Ntongwe commune because he was rumored to be an Inkotanyi accomplice. […] A few days later, the Conseiller of Ruli secteur, Bernard Twagiramukiza, and virtually his entire family were killed for not supporting the killing of Tutsis and because Twagiramukiza hid Tutsis in his home. The conseiller of Musambira, Wallace Gasigwa, and his entire family were also killed. The killings extended as far as the refugee camp at Kabgayi and were a result of the lessons learned at the Murambi meeting on 18 April 1994, because normally these people would not have dared kill their officials. These killings occurred as a way to discourage officials from assisting the Tutsis […].”

This testimony shows the government was determined to do what it could for lower ranking officials to effectively join the killings or supervised them. The more leaders killed for opposing government policy, the more leaders were ready to execute orders immediately or were prompt to contemplate the options of joining the killings. Under such circumstances, those who resist the killings and are ready to pay the price for their choices do so because of altruistic standpoints.

### 3.2.2 Objector-Perpetrator Bourgmestres

This category comprises three cases of bourgmestres. First, there are two cases of those who resisted the violence at the beginning of the genocide but joined the killings later when the central government pressured them to do so or when local interests and dynamics pushed them into the camp of the killers. First there is the case of Jean-Paul Akayesu, the former bourgmestre of Taba Commune in Gitarama Prefecture. Akayesu was the first government official to be sentenced for genocide since the Nuremberg trials. There is also the case of Paul Bisengimana, the former bourgmestre of Gikoro Commune in Kigali-Rural Préfecture. There is also the case of Grégoire Ndahimana of Kivumu Commune, in Kibuye Préfecture, who carried out the killings and the rescues of the Tutsi in parallel.

### 3.2.2 a. Jean Paul Akayesu, Bourgmestre of Taba Commune
Born in 1953 in Taba Commune, Akayesu obtained a secondary school diploma in education and started his professional life as a schoolteacher. Later, he worked as a school inspector in Taba Commune before he was elected bourgmestre in April 1993. Akayesu is married and father of five children. Akayesu was politically active in Taba Commune, acting as the chairman of MDR, one of the main opposition parties to the ruling MRND. Akayesu had the support of influential people in the commune, a support he relied on until June 1994 when he fled Rwanda. Akayesu was arrested in Zambia in 1995. He was the first Rwandan official to be arrested and tried by the ICTR. In addition to his refusal to use his powers as bourgmestre to save lives, the indictment against Akayesu placed him at specific meetings where he rallied the local people to join the killings. It also implicated him in instigating and directly participating in specific killings of Tutsi in Taba Commune. Akayesu was given a life sentence by the court in 1998.

Akayesu was not only politically active. He also led a commune that was of geostrategic importance vis-à-vis the capital of the country. In his words, Akayesu described Taba commune as not being:

“[..] far from Kigali city. At night, from Taba, you could see the lights of Kigali. You can even--you could even see buildings or even the sound of traffic. So as the -- crosswise, the distance between the Taba commune and Kigali city is 15 kilometres […]”

In addition to being located at the southern entrance of the capital of Rwanda, Taba Commune enjoyed an advanced social and economic infrastructure that included the General Hospital of Rukoma, one of the best hospital in the country. Taba commune had more than one secondary schools, including the school of nursing that was nationally respected. The commune enjoyed local and regional projects of development with a strong international presence. Finally, there was the modern and vibrant market of Gacurabwenge.

The population of Taba Commune embraced Akayesu as a force of local change in the tumultuous move towards democracy Rwanda embraced at the beginning of the 1990s. When Akayesu assumed his responsibilities of bourgmestre, he was committed to maintaining order and security in the commune. In doing so, he relied on his vast network of local influential individuals and groups. At the same
time, he paid attention to the orders from his immediate superior, the Préfet of Gitarama Prefecture, among others. Akayesu told the court that:

“[…] in Taba commune, I contacted businessmen who had vehicles and I gave them fuel throughout the day, whenever possible, at night-- also whenever possible. So I would have businessmen with a pickup truck, and I would have communal policemen. And they moved about. And whenever they found anything, which threatened security, they would inform me of it. […] At the level of the prefecture, the prefect would convene us to meetings from time to time, and we, from the various communes, would brief him on the situation in our various communes. And together, we examined measures to be taken to restore law and order. That is what I was personally able to do as the bourgmestre of Taba commune.”

Even though the ICTR court transcripts do not tie Akayesu to powerful personality at the national level, it shows he nevertheless ensured to know what was happening by keeping close relationships with technocrats who were close to ministers Akayesu was interested in. This way, Akayesu knew in advance what type of behavior and what type of action would be positively viewed in higher instances. For example, Akayesu was interested in knowing more about Edouard Karemera, the Minister of Interior and a high-ranking official in MRND, Akayesu’s superior at the time of the genocide. Akayesu explained to the court that he knew Karemera long time before he became Minister of Interior:

“I knew Edouard Karemera because when he was a minister of governmental institutions, I think he was in charge of coordination of state institutions. In his ministry, there was a friend. He does not know it, but I'm talking about Barnabe Nkezabera. He's someone I had known for a long time. He was at the ministry. I would go to see him and speak with him. He was a director, not just any worker. And sometimes Edouard Karemera would pass by, and Barnabe would say, "This is our minister. He's very demanding. He demands that we make well drawn-up reports." I'm not saying that we knew one another. I'm saying that I knew him. I used to see him.”

Akayesu kept an eye on the activities of someone who later became his superior. This comes with a competitive advantage. Akayesu understood that Karemera was powerful and, by keeping a closer eye on him, he anticipated the future. When Edouard Karemera became Minister of Interior, Akayesu already knew who the Minister was. He only needed to learn more about a national commission that discussed the future of Rwanda’s political institutions, a commission that Karemera headed. This was Akayesu’s way to position himself in the future of the country’s
politics. His own political future as more important that the allegiance to his opposition party:

“He [Edouard Karemera] was an authority. He was highly esteemed. He was held in high esteem. And I also had a friend who was a member of that commission, and I knew what Edouard Karemera was doing. I'm not saying that I was present and I used to see him when he was working there. But I followed what was happening, and I did not lose of sight-- I do not lose sight of him for a long-- for long periods of time.”

Akayesu relied on the proximity of Taba Commune to Kigali to stay informed about the politics in the central government circles. He traveled there often, and this proximity helped him expand his network in the capital as a mean to stay appraised of important decisions taken there. Akayesu told the court:

“But I told you earlier on that Taba commune is not far from Kigali. At five in the afternoon, one could leave work and go to Kigali, have a beer and come back at night. On Sundays, on public holidays, one could just go to Kigali. So there were many occasions on which we could see those dignitaries who were based there. [...] Actually, Taba commune was almost a suburb of Kigali. So I just wanted to tell you that I knew Edouard Karemera. Did he know me? Well, it's up to him to answer that.”

Akayesu’s interventions in front of the court give an insight as to how he operated to secure his political standing. It seems he was willing to gather as much information as possible and use it to his advantage. In such circumstances moral principles are not necessarily the guiding light. Instead the maximization of profit out of the information gathered dictates the course of action.

This description of Akayesu does not intend to suggest Akayesu’s shrewd attitude in politics was necessarily characteristic of his person. When Akayesu was appointed bourgmestre, Rwanda was already in its third year of war with the RPF and the Interahamwe militias were already active. Anti-Tutsi hatred and killings had also started in some parts of the country. For example, Taba commune had received a large number of Tutsi families from northern Rwanda, also known as Bagogwe, a name that derives from the region inhabited by these pastoralists Tutsi from another Rwanda. Akayesu was confronted with the situation of protecting these people, as Interahamwe militias and Hutu extremists constantly attached them from Kigali Rural Prefecture. Already then, Akayesu had to deal with many complex situations.

According to testimonies at the ICTR:
And later, when the genocide started in 1994, the authorities in Gitarama Prefecture tried to resist the killings and meetings were held by the then Préfet of Gitarama to maintain order and ensure security. Akayesu kept protecting the Tutsi. He was determined to resist the killings in his commune in spite of the growing presence of Interahamwe from Kigali. Now the proximity with Kigali was not as advantageous as the wished but he decided to take a distance from the Interahamwe. Instead, he monitored their movements to counter their action:

“The number of the Interahamwe in our commune, we followed them very, very closely. We knew them. We knew their number. We knew their homes. On the 7th and the 8th, they became agitated, but on the 8th some of them started going to Kigali. In fact, Taba is not very far from Kigali. They started going to Kigali to find out about the situation. Their leader was dead. Habyarimana was the leader and president of the Interahamwe. And Silas Kubwimana of our commune had become the honorary president of the Interahamwe. So they went to a place called Gitikinyoni to see what the others were doing, and when they returned, we knew they were boasting. And we were following this up. They started agitating, so much so, that when we were patrolling, they never participated in the patrols that we carried out.”

The above show that at the beginning of the genocide, Akayesu did not approve of the Interahamwe. But when the war intensified, and the government of Rwanda was forced to abandon the capital and moved to Gitarama in the small village of Murambi, Akayesu’s situation changed dramatically.

On April 18, the Prime Minister of the interim government convoked a meeting with all the officials available and able to attend the meeting. These included all bourgmestres in Gitarama, where the movement of people was still in the hands of the government. This meeting extended to individual civilians who were deemed influential opinion makers, and church leaders, including bishops from both the Catholic and Protestant churches. Akayesu remembers that nineteen ministers were also at the meeting. These ministers included his own direct superior, the Minister of Interior, Edouard Karemera, and the Minister of Youth who was a native of Gitarama. Akayesu complained to the Prime Minister about the insecurity in his Commune of Taba commune, under Akayesu, was the subject of attacks under 1993. Yes, in January/February 1993, the Batutsi Bagogwes were massacred. We had refugees who came to the Gitarama préfecture. The movement escalated in the north of the country. The Interahamwe of Shyorongi led by Kibishamuzira (phonetic) attacked Taba commune. Akayesu stabilized the situation.”
Taba and requested additional numbers of gendarmes and communal police. And all the sixteen *bourgmestres* who were present at the meeting asked the government

“[…] to stop the massacres or to help them to stop the massacres of Tutsi that were going on [Instead of responding favorably, the Prime Minister and other government officials present at the meeting] praise the Interahamwe when there were complaints about the Interahamwe made by the préfet and by the *bourgmestres.*”

The Prime Minister and other ministers spoke and “praised the MRND and the Interahamwe as being good soldiers and were fighting for the cause of the country,” and Justin Mugenzi of PL, the Liberal Party, intervened to suggest that *bourgmestres* who were not willing to abide by government policies should be relieved from their duties. After that meeting, Akayesu’s attitudes and actions changed. Instead of preventing the killings or keep distancing himself from the Interahamwe, he went back home and incited the Interahamwe to intensify the killings, and he did so starting on April 19, barely day after the meeting with the government:

“[…] Akayesu, addressed the Interahamwe who were committing the rapes and said that "never ask me again what a Tutsi woman tastes like" "Ntihazagire umbaza uko umututsikazi yari amezo, ngo kandi mumenye ko ejo ngo nibabica nta kintu muzambaza." In the opinion of the Chamber, this constitutes a tacit encouragement to the rapes that were being committed. […] it is established that in the early hours of 19 April 1994, Akayesu joined a gathering in Gishyeshye and took this opportunity to address the public; he led the meeting and conducted the proceedings. He then called on the population to unite to eliminate what he referred to as the sole enemy: the accomplices of the Inkotanyi; and the population understood that he was thus urging them to kill the Tutsi. […] Akayesu admitted before the Chamber that during the period in question, that to publicly label someone as an accomplice of the RPF would put such a person in danger. The statements thus made by Akayesu at that gathering immediately led to widespread killings of Tutsi in Taba.”

It is important to notice that Akayesu’s change in action and attitude is linked to the meeting with the government a day before his public and active engagement in the killings. He understood that the government was not going to tolerate *bourgmestres* who were not intent on saving the Tutsi. Opposition politics had weakened, the war was near Kigali, the government had moved from the capital and taken refuge in the Gitarama, the southern nearest town, very few options were left. As it were, it seems the immediate interest to save was Akayesu’s job. He did not
just incite the population to kill the Tutsi, he organized and participated in and supervised the killings:

“[…] Akayesu ordered the local people to kill intellectuals and to look for one Samuel, a professor who was then brought to the Bureau communal and killed with a machete blow to the neck. Teachers in Taba commune were killed later, on Akayesu's instructions. The victims included the following: Tharcisse Twizeyumuremye, Theogene, Phoebe Uwineze and her fiancé whose name is unknown. They were killed on the road in front of the Bureau communal by the local people and the Interahamwe with machetes and agricultural tools. Akayesu personally witnessed the killing of Tharcisse […]”

To sum up, Akayesu’s action went from protecting the Tutsi, and defending their cause to inciting others to kill them, and later to taking direct action in the killings. At the end of the Akayesu trial, the court concluded that:

“Based on the evidence submitted to the Chamber, it is clear that the massacres which occurred in Rwanda in 1994 had a specific objective, namely the extermination of the Tutsi, who were targeted especially because of their Tutsi origin and not because they were RPF fighters. In any case, the Tutsi children and pregnant women would, naturally, not have been among the fighters. The Chamber concludes that, alongside the conflict between the RAF and the RPF, genocide was committed in Rwanda in 1994 against the Tutsi as a group. The execution of this genocide was probably facilitated by the conflict, in the sense that the conflict with the RPF forces served as a pretext for the propaganda inciting genocide against the Tutsi, by branding RPF fighters and Tutsi civilians together through the notion widely disseminated, particularly by Radio Television Libre des Mille Collines (RTLM), to the effect that every Tutsi was allegedly an accomplice of the RPF soldiers or "Inkotanyi". However, the fact that the genocide occurred while the RAF were in conflict with the RPF, obviously, cannot serve as a mitigating circumstance for the genocide.”

In joining the killings, Akayesu convinced himself that there was an immediate danger compelling him to defend his interests. The RPF had just driven the government out of the capital and soon his commune was to fall into the hands of the enemy. Apart from going to the extreme of dehumanising the Tutsi when he exhorted the Interahamwe to rape Tutsi women, Akayesu’s political career was about positioning himself and preserving his interest. Earlier, he had collected information about his superiors and he forged useful alliances with influential people in the commune and elsewhere to strengthen his political posture. His action to join the killings is in this context. The major difference is that the government lost power and territory and Akayesu found himself in front of a judge a couple of years later.

3.2.2 b. Bisengimana Paul, Bourgmestre of Gikoro Commune
Paul Bisengimana, and ethnic Hutu, was born in 1948 in Duha secteur Gikoro Commune, in the former prefecture of Kigali Rural. He finished his teacher’s education in 1970 and started to work as a schoolteacher in his native Gikoro. In 1974 he served as a secondary school headmaster in Nyanza in the south of Rwanda. In 1978 he served as a presiding judge at the commune level court in Nyamata, eastern Rwanda. In 1981, he was appointed bourgmestre of his native commune of Gikoro and served until the end of April 1994 when the RPF took Gikoro. Bisengimana was a member of the ruling party MRND. Bisengimana went to exile towards the end of the genocide. Bisengimana was married twice and is the father of ten children. Bisengimana was arrested in Mali in 2001 and later was transferred to the ICTR detention facility in Arusha.¹²⁵

According to testimonies from witnesses who appeared in his defense, Bisengimana is described as an entrepreneurial person who embarked on modernizing the physical infrastructures in the commune as soon as he assumed his functions of bourgmestre. He expanded the commune’s facilities, he commissioned the construction of new and permanent bureaux de secteur (the permanent office of the next lowest administrative entity under the commune), he constructed new schools and renovated the existing ones. In these activities, Bisengimana worked with the local population and their leaders and treated them as active beneficiaries of their contributions.¹²⁶

Furthermore, witnesses in defense of Bisengimana argued that he was a man of a good relationship with both Hutu and Tutsi families and individuals. But he was also a politician who maintained a strong professional and political network. His friends included influential business people, prominent medical doctors, judges, and people close to President Habyarimana. Paul Bisengimana was wealthy enough to own a real estate property in a well sought-after suburb of Kigali, the capital of Rwanda. He also enjoyed good relationships outside Rwanda. He may be among the very few if not the only Rwandan bourgmestre who could afford holiday travels outside Rwanda. He was a very devoted member of the Catholic Church, following in the steps of his father who served had served as a catechist of the local catholic church since its inception in 1968.¹²⁷

When the war of October 1990 started, anti-Tutsi violence erupted in Gikoro, where Bisengimana was bourgmestre. And in the course of negotiations between the Rwandan government and the RPF to stop the war and share power, the RPF
demanded the demotion of bourgmestres it accused of orchestrating, aiding and/or abetting violence against Tutsi civilians in the country. Paul Bisengimana was on the lists that were drawn in this context. He was suspended in the beginning of 1993. However, Bisengimana distanced the violence and asked to be rehabilitated. He was rehabilitated by a commission set up by an opposition Prime Minister, while Bisengimana still belonged to the ruling party. Considering the animosity between the opposition and the ruling party, Bisengimana must have pleaded his case fiercely. He was later reinstated towards the end of that year of 1993.

When the genocide started in Gikoro commune, twelve people sought refuge at the home of Bisengimana. They stayed in his home until the RPF captured Gikoro. The Hutu extremists complained that Bisengimana and his family were accomplices of the RPF and this caused great distress to his family. However, while he hid some Tutsi, Bisengimana participated in the killings of other Tutsi. The ICTR accused him of “aiding and abetting the murder and extermination of Tutsi civilians at Musha Church and Ruhanga Protestant Church and School in Gikoro commune between 13 and 15 April 1994.” In one instance, a Tutsi man was killed in the presence of Bisengimana. On other occasions Bisengimana “instigated Hutu civilians to kill their Tutsi counterparts […], supervised the training of Interahamwe militiamen and the distribution of weapons in the region of Gikoro commune, for purposes of attacking Tutsi civilians, distributed weapons to militiamen and other attackers and facilitated the transportation of the said attackers to several locations where several Tutsi civilians were killed.” While Bisengimana had initially pleaded not guilty to all charges, on December 7, 2005, he pleaded guilty “of having aided and abetted the commission of murder and extermination as crimes against humanity,” and at the end of his trial Bisengimana declared:

“[…] I deliberately and willingly took the decision to plead guilty that I could not save the lives of people who were in danger of death. My guilty plea is the culmination of very long steps. I finally understood and admitted that I had a share of responsibility in the events of Gikoro in my capacity as bourgmestre of that commune. I thought, I reflected at length, and I decided, without any duress, to come before you and admit my share of responsibility in what happened in our commune in 1994. And I hope that in so doing I will contribute to the reconciliation of the people of Rwanda. Madam President, Your Honours, in 1994 I was responsible for a number of people, people amongst whom some were defenseless during the events that took place in our country. In the course of the 14 years I spent at the helm of Gikoro commune, I was able to live with the people of my commune. I lived with those people, whom I loved a lot. I had the opportunity to know them, to love them, and in
the course of all those 14 years, those people showed their love for me, totally supported me. And all ethnic groups, without distinction, supported me. And all of a sudden, I had to stand there and be passive when they were organizing, and the massacres in the Gikoro commune and the Musha parish was less than a kilometre from where I lived.”

Paul Bisengimana was sentenced to fifteen years of imprisonment. The court considered that Paul Bisengimana had pleaded guilty and that he was not known to be an extremist before the genocide of 1994. Bisengimana’s guilty plea enhanced the prosecution’s line of defense in many of the bourgmestres cases, the prosecution had consistently maintained that bourgmestres “believed that Tutsi civilians were enemies of the Government or accomplices of the RPF, and that destroying them would contribute to the implementation of the Government policy against enemies and the defeat of the RPF.” Bisengimana was further helpful to the prosecution in sharing his strong belief that the implementation of the genocide at the local level required the participation of the bourgmestre.

3.2.2 c. Ndahimana Grégoire, the Bourgmestre of Kivumu Commune

Gregoire Ndahimana was born on 1952 in Kivumu commune. In 1973, he graduated from the school of agriculture in Butare, the south of Rwanda. He is married and father of eleven children. During the introduction of the multiparty system in Rwanda in the 1990ies, Ndahimana joined the opposition MDR party. He became bourgmestre of Kivumu in June 1993 and assumed his position in October of the same year. He left Rwanda in July 1994 and fled to the former Zaire, now DRC. He was arrested in August 2009 and was transferred to the ICTR detention facilities in Arusha, Tanzania.

Like other bourgmestres arrested by the ICTR, Ndahimana was accused of using his powers as bourgmestre to organised the killings of the Tutsi in his commune and participate directly in the extermination of Tutsi. In one particular instance of the killings of more or less two thousand Tutsi at the Catholic Church of Nyange, Ndahimana was accused of participating in the killings of people he had promised security by encouraging them to seek shelter at the church complexes. A witness told the court:

“[…] at the time the Interahamwe were killing people, Ndahimana was shooting at the refugees. He shot at us, together with the policemen and gendarmes [...]”
In November, 2011, the ICTR declared Ndahimana guilty of genocide and extermination as crime against humanity and sentenced him to 15-year in prison arguing that “the presence of the accused at the scene of the crime had an encouraging effect on the principal perpetrators especially because the accused was in a position of authority as the mayor of the commune.” However, the court argued again the intent to harm the Tutsi because he had helped some of them during the same time, that he was a member of an opposition party with less influence than the ruling party, the MRND. Furthermore, the trial chamber argued that Ndahima acted in concert with diverse groups and people of influence such as Father Athanase Seromba, the parish priest of Nyange, and other influential people from Kibuye such as religious, communal and prefectural leaders. The court argued that Ndahimana’s participation might have been a result of pressure from diverse, powerful groups of extremists.

But in December 2013, the Appeals Chamber of the ICTR increased Grégoire Ndahimana’s jail term to 25 years for his role in the 1994 Genocide against the Tutsi, arguing that, and contrary to the Trial chamber’s findings, Ndahimana had a genocidal intention to exterminate the Tutsi.

It is important to notice that while all the previous bourgmestres had to flee the war once it reached their communes, large parts of Kibuye Prefecture, including Kivumu commune did not experience the immediate presence of war at the time the killings started there. It means the defense explanations that rely on the correlation between the war and the killings is less warranted in the case of Ndahimana and Kivumu Commune. The conviction that the Tutsi had killed the President and therefore retaliation was justified is rather fueled by pre-existing ideological dispositions than the pressure of the war.

3.2.3 The Perpetrator-Bourgmestres

This category comprises five cases of bourgmestres who implemented the genocide from the beginning of the genocide until the end. These are Juvenal Kajelijeli, bourgmestre of Mukingo Commune in Ruhengeri prefecture; Joseph Kanyabashi of Ngoma in Butare Prefecture; Elie Ndayambaje of Muganza in Butare Prefecture; Sylvestre Gacumbitsi of Rusumo in Kigungo Prefecture; and Juvenal Rugambarara of Bicumbi in Kigali-Rural Prefecture. The case of Kanyabashi was merged with the cases of his five co-accused and it came to be known as the Butare Six. This case
lasted for fourteen years. Since the court transcripts in this case are dense I will concentrate on the story of Kanyabashi’s arrest, and the major deliberations of the verdict against him.

3.2.3 a. Juvenal Kajelijeli, Bourgmestre of Mukingo Commune

Juvenal Kajelijeli, an ethnic Hutu, was born in 1953 in Mukingo Commune in Ruhengeri Prefecture. He went to primary school at a late age as he enrolled when he was twelve years old while other children in Rwanda started primary school at the age of seven. According to him, Kajelijeli started school late because the region where he hails from was disadvantaged. After primary school, he attended technical school in Gisenyi and graduated in 1972. He went on to work for the Catholic Church technical school in his region, but later changed career and became Sector Counselor of Rwinzove, his birthplace. In the meantime, he married his first wife in 1973. He married his second wife in 1978. Kajelijeli told the court that he took a second wife after his brother died in unclear circumstances and he had to abide by the traditions of the region and had to take care of his brother’s wife. They married according to the traditional customs of Rwanda in 1978, which means they were not legally married since Kajelijeli was already officially married to his first wife.137

Kajelijeli served as interim bourgmestre of Mukingo between 1974 and 1975. Later, he attended a special course in accountancy at the National Training Center, then based in Gitarama in the centre of the country and went on to serve as Commune Accountant in Nkuli Commune, a neighboring commune to Mukingo his Commune, his place of origin. At the same time, he worked in the government’s inter-communal commission that oversaw the finances of communes. In 1998, Kajelijeli was appointed bourgmestre of Mukingo Commune. He described his duties as follows:

“My responsibilities consisted of a long list. First of all, I had to coordinate the different organs and ensure harmonization with the people; to chair the commune meetings; to prepare the agenda for the communal meetings; to prepare and implement the budget for the commune; to ensure security in the commune; to chair the commune development council, to represent the commune; to be the legal representative of the commune, whether in legal matters or whether in courts of law; to advance -- to help develop the development projects in the commune within different sectors; and to chair the general meeting of the -- of the citizens in this commune; and many other
Furthermore, Kajelijeli was the first bourgmestre to enlighten the court about the appointment of bourgmestres in Rwanda under President Habyarimana, and the relationship that existed between the function of bourgmestre and that of President of MRND at the commune level:

“It was by presidential powers basing himself on the candidates who have been proposed by the minister in charge of communes and communal development -- internal affairs and communal development, basing himself on the reports made by the préfet, and also the préfet also had to base himself on what the candidates would have done in order to develop the commune. And it is in that framework that I was appointed as bourgmestre for Mukiango commune […]. After becoming a bourgmestre then automatically, I became an MRND leader at that time because that was the situation. We had a single party that was ruling. So the leader called the bourgmestre had to represent that party.”

In addition to this grasp of the political procedures to appoint bourgmestres, Kajelijeli’s long career in the local administration allowed him to entertain a complex network with powerful individuals in the history of Rwanda. When Kajelijeli started his career in the administration, it was with the important backing of Alexis Kanyarengwe, then Minister of Internal Affairs and Civil Service. Kanyarengwe is an important figure in the history of Rwanda. After nearly a decade in government, he fell out with Habyarimana and went into exile in 1980. Kajelijeli told the court that Kanyarengwe

“[…] had also been a Colonel in the National Army and those people who went to the military school had gone -- had been there in the early ‘60s and me I was still a child.”

When Kanyarengwe defected, Kajelijeli stayed in the administration and moved on in the hierarchy. But Kanyarengwe became important again when the RPF attacked in 1990 as he was Chairman of the rebel movement. Kanyarengwe reached out to his former protégé for cooperation but to no avail. Another connection that expanded Kajelijeli’s network was a former bourgmestre of the neighboring commune of Nkuli and about one his wives. It is in this commune of Nkuli that Joseph Nzirorera, another powerful connection of Kajelikeyi originated from. Joseph Nzirorera had been a close ally of President Habyarimana, served as a minister on numerous occasions, and later served as the national President of the MRND. Kajelijeli had a good
relationship with Zigiranyirazo Protais, a brother-in-law to the President, who also happened to be the Président of Ruhengeri during Kajelijeli’s time as bourgmestre of Mukingo.

Kajelijeli served as bourgmestre until 1993 when he was dismissed from his duties. While other bourgmestres, such as Paul Bisengimana place this dismissal in the context of the larger protest against certain bourgmestres participation in the anti-tutsi violence that went on in the early 1990s, Kajelijeli partly attributed his removal to the multiparty system that was introduced in the country at the time, and the personal conflict that had developed between him and the RPF:

“In 1993, during negotiations between the Rwandan government at the time and the Rwandan Patriotic Front, the RPF spoke to the prime minister at the time, Dr. Nsengiyaremye, I will spell that N-S-E-N-G-I-Y-A-R-E-M-Y-E and said that there was a certain number of bourgmestres who were harassing the population and who were not good leaders, so to say. Prime Minister Nsengiyaremye asked the RPF to draw up a list of those bourgmestres for him so that he could set up a commission of inquiry to see what exactly -- what they were being reproached with. So all the bourgmestres whose names appeared on that list were suspended while the commission of inquiry was doing its work […] I explained sufficiently that Radio Muhabura was persecuting me and there were lots of infiltrators, of RPF members, who were looking for administrators and responsible people and there exists a list of those people who were supposed to be eliminated. I think there is a copy in the Office of the Prosecutor. I think that list was given to the Trial Chamber No. III. Those people were supposed to be eliminated, so there was no doubt whatsoever when -- especially as that list was verified and had been signed by Kanyarengwe himself and many people on that list died in the mean-time.”

Kajelijeli’s successor was killed around April 9 and April 10, 1994 when bombs fell on the offices of Mukingo Commune. A caretaker was appointed immediately, but Kajelijeli was reappointed as Mukingo’s bourgmestre in June 1994. He served until July 1994 when he fled Rwanda upon the victory of the RPF.

Kajelijeli was arrested in Benin in 1988 at the home of his friend Joseph Nzirorera, the powerful leader of MRND with whom he had fled with. Kajelijeli was later transferred to the UN detention facilities in Arusha Tanzania.

During his trial, Kajelijeli denied having seen Tutsi being killed. Instead, he attributed the loss of all life to the war with the RPF:

“[…] it was RPF army even before -- if we were to go back to the war of the RPF, there was a time when about 440 persons were killed, especially the majority, the civil servants of the Ruhengeri préfecture, including persons from Mukingo commune. At that point in time, I saw these bodies because I sent
the vehicle of the commune to transport the dead bodies, which had been killed by the RPF to bury them in the Mukingo commune."\textsuperscript{142}

Kajelijeli has rightly and consistently placed his actions and attitudes in the context of the war with the RPF. This is a strong element in his defense since the very beginning of the October 1990 war started in the northern part of Rwanda including Mukingo Commune. And most importantly Kajelijeli had a long history with the leader of the rebels that were waging a war against the government he served. Worts, the rebel leaders called out Kajelijeli's name from the beginning of the war. However, witnesses, including both genocide survivors and genocide convicts, placed Kajelijeli at the heart of the organization and leadership of Interahamwe and the execution of genocide in Mukingo Commune and other parts of Ruhengeri Prefecture. For example:

"[...] Witness GDD was summoned to a meeting on the evening of 6 April following the death of the president at the canteen next to the Nkuli bureau communal. Those present at the meeting included Kajelijeli, President Shadrack Sendugu of the MRND, Senior Brigadier Sebazungu, Deputy Brigadier Boniface Ntambahesya, CDR President Iyakaremye, and you, Chief Warrant Officer Karorero. The Accused seized the leading role in the meeting" -- so that's Kajelijeli -- "and Kajelijeli addressed those persons present, who were all of Hutu ethnic origin. And Kajelijeli said to them, "You know very well-- you very well know that it was the Tutsi that killed -- that brought down the presidential plane. What are you waiting for to eliminate the enemy?" By "the enemy" Witness GDD understood the Accused to mean the Tutsi ethnic group. This is also the understanding and the finding of the Trial Chamber."\textsuperscript{143}

In other instances, a witness claimed that Kajelijeli:

"[...] told him and 33 other Interahamwe to follow him to his bar. When there, the Accused", Kajelijeli, "repeated the same message that he had given at the market, to quote, 'Kill and exterminate all those people in Rwankeri' and 'exterminate the Tutsis.'\textsuperscript{144}

And in a different but similar circumstance the same witness

"[...] saw the Accused addressing a group of Interahamwe at the market where he told them to 'go and dress up and start to work.' Accordingly, the Chamber finds" -- so this is their conclusion -- "that the Accused assembled members of the Interahamwe at Byangabo market on the morning of the 7th of April and instructed them to 'kill and exterminate all those people in Rwankeri' and to 'exterminate the Tutsis.' Kajelijeli also ordered them to dress up and to start to work."\textsuperscript{145}

In 2003, Kajelijeli was given a life sentence after having been found guilty of genocide, direct and public incitement to genocide, and extermination as a crime against humanity. But the Appeals Chamber reduced his sentence to 45 years’ imprisonment after finding out that his arrest in Benin in 1988 was arbitrary and thus violated his fundamental rights.\textsuperscript{146}
From the above testimonies, Kajelijeli was in charge of the commune forces and personnel under his leadership and unlike in previous cases where some individuals would follow the orders of their bourgmestres and others would dissent, it seems that Kajelijeli had a consistent following. A couple of factors can explain the situation. First, the pre-war prevailing anti-tutsi sentiment in the region can motivate the heightened hatred against the Tutsi once the war started. Second, the people in Mukingo were experiencing a war for almost four years, which means that pain and harsh living conditions dominated their outlook on the life. The situation was then exacerbated by the death of the Rwandan President. Also, considering that Kajelijeli was back in power, after his 1993 dismissal for his role in the anti-Tutsi violence, it is hard to contemplate the local leaders and population opposing such a political operator and survivor.

3.2.3 b. Kanyabashi Joseph, Bourgmestre of Ngoma Commune

Kanyabashi Joseph was born in 1937 in Huye Commune in Butare Prefecture. The wife of Kanyabashi was Tutsi. He became bourgmestre of Ngoma Commune in Butare Prefecture in 1974 and stayed in that position until he left Rwanda in July 1994. When the multiparty system started in Rwanda, Kanyabashi left the ruling party, and joined the Social Democratic Party (PSD). Kanyabashi was an influential leader because Ngoma Commune included Butare town, the second biggest in Rwanda, after the capital Kigali. Also, Ngoma served as the seat of the Offices of the Prefecture of Butare. Furthermore, the National University of Rwanda was located in the commune of Ngoma. The Groupe Scolaire Officiel de Butare, the oldest and most important secondary school in Rwanda, is in Ngoma Commune. There was also the National Scientific Research Centre, the National Museum, the Catholic bishopric complexes, the seat of a Protestant Church university, the only university hospital in Rwanda at the time, a school of military training for junior officers, and many other institutions of national or regional importance. At the time of the genocide, all these important institutions had spent 20 years in Ngoma under the leadership of Kanyabashi as the bourgmestre. When the Rwandan government lost the war in July 1994, Kanyabashi left Rwanda. His exile journey took him to Belgium where he was arrested in June 2005 and transferred to the ICTR detention facilities in Arusha.\textsuperscript{147}
In the indictment against Kanyabashi, The ICTR Prosecution alleged that in 1994, he held the various meeting with the local population and encouraged them to kill the Tutsi in his commune, he cooperated with the Army and other civilian officials to provide the military support to the local Hutu population of his commune of Ngoma. Furthermore, Kanyabashi replaced some conseillers de secteur in his commune that he viewed as unwilling to join the killings and replaced them with people he judged were willing to join the killings. He also ordered the local population, the military, and local leaders to join the killings at various places where the Tutsi were hiding, including the university hospital, different public and private clinics in Ngoma.  

In October 2005, the Trial Chamber II of the ICTR instructed that the trial of Kanyabashi be grouped with the trials of Nyiramasuhuko and Ntahobali, Nsabimana and Nteziryayo, and Ndayambaje Elie, the former bourgmestre of Muganza Commune in Butare. During the trial, Kanyabashi argued that “the authorities were not in control of their administration and staff, not in a position to stop the massacres, and not able to resign their positions” Furthermore, Kanyabashi “refused to enter a plea to any of the charges against him on the grounds that he lacked counsel of his choice. In default of any plea, the Trial Chamber entered pleas of not guilty to all five counts against him.” This made Kanyabashi the only ICTR accused to testify in his defense. Since this was the situation, it also became difficult to establish Kanyabashi’s identity beyond reasonable doubt, because Kanyabashi could not confirm or deny the available details of his identity.

The Prosecution case argued against the collapse of state institutions, stressing that the interim government tasked different ministers to oversee the implementation of government programs in different prefectures of Rwanda. In Butare Prefecture, where Kanyabashi’s Commune of Ngoma is located, it was Pauline Nyiramasuhuko, former minister of family and gender affairs, and a native of Butare Prefecture, who was responsible for the implementation of government directives. Pauline Nyiramasuhuko was also arrested by the ICTR and stood trial together with Kanyabashi. Most importantly, and probably the single most incriminating testimony against any bourgmestre, the prosecution witnesses placed Kanyabashi at the centre of the killing of one conseiller de secteur who had opposed to the killings.

However, the ICTR defense team on behalf of Kanyabashi centered its defense on refuting prosecution witnesses as having fabricated charges against
Kanyabashi. This allegation suggested that the fabrication of testimonies was engineered and helped by Ibuka association, an umbrella organization advocating for the interest of the survivors of the genocide in Rwanda. It was alleged that almost all the witnesses against Kanyabashi were members of Ibuka and they had been helped to put together testimonial stories against Kanyabashi. The court spent a considerable amount of time addressing the issue of credibility of witnesses. Finally, the appeal chamber gave its final verdict in December 2015, reducing Kanyabashi’s sentence to 20 years in prison and subsequently ordering his release in consideration to the time he had spent in jail.\(^\text{151}\)

According to the Prosecution indictment, three important factors contributed to the delay of the killings in Butare. One is the historically large community of Tutsi families in Butare and the south of Rwanda. Second, since the introduction of the multiparty system in Rwanda in 1991, the Parti Social Démocrate (PSD), an opposition party to the ruling MRND, played a bigger role in this region, which included resisting the anti-Tutsi violence and later the genocide. Third, the Préfet of Préfecture, the highest-ranking official in the Préfecture, who came from the opposition of PSD, tried his best to oppose the genocide in Butare. The situation changed on April 19, 1994, when Dr. Sindikubwabo Théodore, the interim President, “made an inflammatory speech, openly and explicitly calling on the people of Butare to follow the example of the other préfectures and begin the massacres.” Guichaoua A day earlier during the government meeting in Gitarama, the government had made it clear that any leaders opposed to the government action had to be removed. As discussed earlier in the cases of Mporanzi in Rutobwe, Ndagijimana in Mugina, and Akayesu in Taba, the meeting of April 18 in Gitarama marked a turning point in the behavior of many bourgmestres. The meeting of April 19, and the speech of the interim President led to Kanyabashi to intensify the killings. That Kanyabashi was married to a Tutsi did not favorably influence his attitudes towards the Tutsi.\(^\text{152}\)

3.2.3 c. Ndayambaje Elie, Bourgmestre of Muganza Commune

Ndayambaje was born in March 1958 in Kibayi Commune in Butare Prefecture. He finished his secondary school at Groupe Scolaire de Butare, the oldest secondary school in Rwanda. He studied at The National University of Rwanda where he obtained a bachelor’s degree in social and economic sciences and management in
1981 and went on to do further studies in Belgium. At different periods of his accountancy career, he worked in Rwanda’s public and private sectors until 1983 when he was appointed bourgmestre of Muganza. In 1992, Ndayambaje went back to University and graduated in 1994, when he was reappointed bourgmestre of Muganza Commune. Ndayambaje was an entrepreneurial man who got involved in various project ranging from starting secondary schools, to the management of a local bank and a healthcare center, to owning a rice husking center, to co-owning a printing press business in Butare town. Ndayambaje fled Rwanda with his family in July 1994. They went to Belgium via Bujumbura Burundi. He was arrested in Belgium in 1995 and was transferred to ICTR Detention facilities in Arusha in November 1996.153

The prosecution accused Ndayambaje of having committed crimes including genocide, and crimes against humanity, among others. He pleaded not guilty to all charges. In October 1999, Ndayambaje trial was grouped with the other so-called Butare Six, including the cases of Nyiramasuhuko, Ntahobali, Nsabimana, Nteziryayo, and Kanyabashi.154

The indictment against Ndayambaje alleged that “[…] Ndayambaje distributed weapons to the militiamen and certain carefully selected members of the civilian population with the intent to exterminate the Tutsi population and its accomplices. The Prosecution submits that Ndayambaje distributed weapons to Hutu attackers at Mugombwa Church in April 1994 to facilitate the massacre there.” And “on 22 April 1994, Elie Ndayambaje, accompanied by communal policemen, gendarmes, soldiers and civilians armed with traditional tools and weapons, attacked the Tutsi refugees who had gathered at Kabuye. Numerous Tutsis were killed or wounded. During the night, armed civilians surrounded the survivors and prevented them from escaping. On 23 and 24 April 1994, the attacks on the Tutsi refugees at Kabuye continued. Elie Ndayambaje transported the attackers to Kabuye and issued them weapons. Elie Ndayambaje threw grenades into the crowd of refugees. During these attacks, numerous Tutsi were killed or wounded.”155

Despite the crimes already alleged against him at the time when he was not acting in any official capacity, the interim government went on to reappoint Ndayambaje as bourgmestre of Muganza, a position he had left in 1992 to go back to University. Ndayambaje took office in June 1994 at a time he was already engaged in the killings. One of the witnesses against him testified that:
“[...] Ndayambaje return to the church by the road leading to Remera. Ndayambaje arrived in the same white vehicle that the witness had seen him in the previous day [...] Ndayambaje told the crowd outside the church that he saw they were concentrating on eating the Tutsis cows, asked what they were going to do when the cows would be exhausted, and what they would pay if the owners of the cows escaped. Seeing that some of the crowd had no weapons, Ndayambaje left again in the direction of Remera and returned at about 10.30 a.m. with machetes and small axes, which he distributed to the people. Ndayambaje left the church immediately after distributing these weapons.”156

In his own defense, Ndayambaje did not deny being a witness to the killings in different parts of Butare including the killings at the church of Mugombwa. However, he denied taking a direct and active part in the killings as the prosecution witnesses had alleged. In June 2011 the Trial Chamber “sentenced Ndayambaje to a single term of life imprisonment for his convictions for genocide, direct and public incitement to commit genocide, extermination and persecution as crimes against humanity, and violence to life, health, and physical or mental well-being of persons.”157 Ndayambaje appealed his sentence, and the Appeal Chamber reduced his sentence to forty-seven years in prison.158

3.2.3 d. Gacumbitsi Sylvestre, Bourgmestre of Rusumo Commune

Born in 1943, in Kigina *secteur* of the Rusumo commune in Kibungo Prefecture, Gacumbitsi worked as a schoolmaster in Kibungo Prefecture, before becoming President of the *Banque Populaire* of Rusumo. In 1983, Gacumbitsi was appointed *bourgmestre* of Rusumo, by presidential decree. And in the first nine years of his tenure, Gacumbitsi served as the President of MRND in his Commune. He served as Bourgmestre until July 1994 when he fled to Tanzania. On 21 June 2001, Gacumbitsi was arrested at the Mukugwa refugee camp in Kigoma in Tanzania was transferred to the ICTR detention facilities in Arusha, Tanzania. The Prosecution accused him of ordering the *conseillers de secteur* in Rusumo to organize meetings aimed at inciting the Hutus to massacre the Tutsi. He went on to take delivery of weapons from the Rwandan Armed Forces at the military camp in Kibungo. He delivered these weapons himself or had them delivered by his subordinates. He also participated in meetings at market places and shopping centers and at shopping centers such as that incited the population to blame the Tutsi for the attack of the RPF. He also pressured local
leaders in localities bordering Tanzania to prevent the Tutsi from crossing the Akagera river and take refuge in Tanzania.¹⁵⁹

Later, during the same month of April, Gacumbitsi participated in meetings to prepare the killings, and to organize the interahamwe, the gendarmerie and the local leaders and population for the killings. In mid-April, he led an attack against the parish of Nyarubuye, in Rusumo, where Tutsi refugees had taken shelter. In other instances, he publicly encouraged the killers to rape Tutsi women. Gacumbitsi pleaded not guilty to all charges arguing that the killings in his commune started when the RFP attacks reached his commune and the RPF started to kill the locals indiscriminately. One of the challenges to the defense of Gacumbitsi was the deposition of Patrick Fergal Keane, a BBC journalist who had interviewed him in the Camp in Tanzania before Gacumbitsi was arrested by the ICTR. Fergal Keane testified on behalf of the prosecutor and recollected that when he arrived at the church of Nyarubuye, in Rusumo, days after the massacres had occurred, the few survivors he encountered kept accusing a man called Gacumbitsi who was the Bourgmestre. Fergal Keane traced Gacumbitsi to the Camp of Benako in Tanzania and interviewed him. In this interview, Gacumbitsi made statements that were later used against him by the prosecution. For example, he portrayed the Interahamwe as good people who would not go about killing other people.¹⁶⁰

The other challenge Gacumbitsi faced was his own diary. Once a refugee in Tanzania, he kept a diary where he recollected the events that took place in his commune during the genocide and he chronicled the life he and other refugees were living in the camps. When the Tanzanian police arrested him and searched his home, the diary was taken from him and transmitted to the ICTR. Later during his trial, Gacumbitsi’s diary was used to confront him about ways his dairy recorded some events and did not record other events such as killings at different places in his commune. In one instance, for example, Gacumbitsi was confronted with questions about not recording or mentioning the report his communal Brigadier gave him about the killings of the Tutsi who had sought refuge at Nyarubuye Parish where an estimated eight hundred to thousands Tutsi refugees were massacred. Furthermore, Gacumbitsi did not record the event of the release of suspects who had been arrested in connection with these massacres. But he had recorded his recollection of events when the RPF reached Rusumo, the journey to exile, and the life in the camps in Tanzania.¹⁶¹
In June 2004, the Trial Chamber of the ICTR found Gacumbitsi guilty of genocide. He was sentenced to thirty years in prison. Both Gacumbitsi and the Prosecution appealed and in 2006 the Appeals Chamber ruled that Gacumbitsi is sentenced to life imprisonment after finding him guilty of charges previously not considered by the trial chamber.\textsuperscript{162} While Gacumbitsi did not deny the killings took place, he denied taking part in those killings but instead argued for his tireless work to prevent them. He also did not deny using his authority over his subordinate to address the situation. He argued that he was unable to stop the killings because of the war situation and could not control what he called bandits attacking civilians. He cited the pressure from refugees from the war zone who did not appreciate that he was trying to maintain security in his commune. He presented himself as a victim who was also in hiding as he tried to fulfill his duties as bourgmestre.

\textbf{3.2.3 e. Rugambarara Juvénal, Bourgmestre of Bicumbi Commune}

Juvenal Rugambarara was born in 1959, in Tare commune, Kigali-Rural Prefecture, but he lived in Bicumbi commune where he worked as a medical officer. Rugambarara is married and father of six children. By presidential decree, Rugambarara was appointed bourgmestre of Bicumbi commune, Kigali-Rural in August 1993. Rugambarara replaced Semanza Laurent who had served as bourgmestre of Bicumbi from 1973 until his dismissal in 1993. Semanza was dismissed because of his anti-Tutsi campaign and violence as soon as the war of the 1990ies started. Rugambarara served until April 1994, when he fled the advance of the rebel of the RPF fighters who took over his commune and ended up in exile in Zaire, now Democratic Republic of The Congo (DRC). In 1997, he moved to Uganda and became a tobacco farmer and lived under a false name. In August 2003, Rugambarara was arrested by Interpol on request of the ICTR and was transferred to the ICTR detention facilities in Arusha, Tanzania. He was accused of “genocide” or in the alternative “complicity in genocide”, “conspiracy to commit genocide”, “direct and public incitement to commit genocide”, “extermination as a crime against humanity”, “torture as a crime against humanity”, “rape as a crime against humanity”, and other war crimes.\textsuperscript{163}

During Rugambarara’s trial, the prosecution argued that under the supervision of Rugamabarara, communal policemen, the Interahamwe, and others transported and
distributed weapons to kill Tutsi. Some of these weapons were kept in a depot in the office of Rugambarara. Rugamabarara went on to make a request to Kanombe military camp in Kigali for more weapons such as Kalashnikovs and grenades, which were delivered and distributed to the Interahamwe leaders in the commune. These weapons were also used to attack and kill Tutsi refugees at various places in the commune. Rugambarara did not prevent, arrest or punish the perpetrators. On the contrary, he assisted in the killing of one Hutu person who was refusing to participate in the killings. Furthermore, Rugambarara facilitated the killings of specific individuals, committed crimes himself, or ordered his subordinate to commit killings.

During the trial, Juvenal Rugambarara pleaded guilty in these terms:

“Today, Friday, July 13th, 2007, full of contrition, and from the bottom of my heart, I pay sincere tribute to all the innocent victims of the shameful cowardice, and humbly now and plead for -- and let me emphasise this, humbly bow and plead for forgiveness from the bottom of my heart. I also plead you join me in condemning those acts committed during the genocide, the crimes, and massacres that were committed in April 1994. The widows and orphans of the Bicumbi commune, I do acknowledge the crimes that I committed against you, and I pray God that he welcomes your souls. I recognize and plead guilty to the fact that I wasn’t in a position to commission investigations so as to bring my subordinates before the courts -- my subordinates who had committed crimes. I plead guilty so that the truth can be brought to the fore and reconcile us all -- all the people of Rwanda. I plead guilty to the role that I played in the course of the genocide and the massacres against the people whom I had to lead. I also plead guilty so as to be able to work with you and to reconcile with our humanity [...].”

It is a daunting task to categorize Rugambarara among the ethno-nationalists because his guilty plea was willing and unconditional and Rugamabara. Yet, and like all the other ethno-nationalists in this category, during the genocide Rugambarara went to the extent of taking initiatives beyond the usual bourgmestre’s powers to ensure the implementation of genocide in his commune. But, and unlike all the other ethno-nationalists in this group, Rugambarara acknowledged his role in the genocide, atoned for it, and acknowledged his position as bourgmestre was used as such to implement genocide.

### 3.3 From Altruism to Ethno-Nationalism: Comparative Observations

In this section, I will first present comparative observations among the cases from within categories. I will highlight the major differences and similarities between the cases in each category and outline the reasons behind those similarities and
differences. Second, I will present similarities and differences across the categories and provide comments about the reasons behind the situation.

3.3.a Comparisons from within the Categories

The Altruists

The altruists shared the same male gender and marital status-married and family fathers-, the same ethnic identity, a solid post-secondary school education, a strong Christian religious attachment to their respective churches, and strong social and political following among their subordinates and the local population.

Furthermore, their own understanding of the powers of the bourgmestre went beyond the basic political and bureaucratic duties to include moral principles and an understanding that all were equal before the law. They also share the same view of the Tutsi civilians as the equal victims of war as the rest of the civilian populations. All these elements facilitated their altruistic actions.

However, the bourgmestres’ attitudes towards the Tutsi at a time the government was exterminating them are much more difficult to discern. That said, Mpambara invoked God in his cross-examination at the ICTR and he voiced the conviction that the victims were innocent children of God. Ndagijimana’s childhood predisposed him to side with the weakest in the society, given that he grew up an orphan who was raised by one parent, and that his church was a minority group compared to the Catholic church that dominated national religious life. Mporanzi had a long career in education, with the particularity of having mainly taught in schools belonging to the Catholic Church in a region particularly known to have discriminated against the Tutsi since independence of the country in 1960. It seems the only element that ties together the three rescuers is their strong Christian background. All three were practicing Christians, albeit Mpambara and Mporanzi belonging to the powerful and influential Catholic Church while Ndagijimana belonged to the small and less represented Presbyterian Church.

But the altruists did not share the same political convtions or affiliations. Mporanzi and Ndagijimana belonged to, MDR, the main national opposition party. In that sense, Mporanzi and Ndagijimana stayed loyal to their party ideals. But
Mpambara who was a long-term member of MRND, an ethno-nationalist party built on the idea of a Hutu nation went beyond the party’s line and rescued the Tutsi.

Additionally, Mpambara’s extended family relations of inter-ethnic marriages brings a difference on the social and family relations level. Mporanzi’s marginal profile in terms of networks of political influences allowed his actions to go unnoticed until he had rescued the Tutsi. And Ndagijimana’s adventurous attitude of going from attending the exclusive military school to becoming a teacher and an oppositionist party allowed him to take risks that cost him his life.

Finally, there is a difference in aspects of the time and space of the genocide the three altruists had to endure. In the case of Mpambara the proximity to the border with Tanzania facilitated his actions to rescue the Tutsi. Also, the proximity to the battle field between government soldiers and the rebels facilitated his actions since the rebels of the RPF occupied his commune in time to stop the massacre of the Tutsi. Mporanzi and Ndagijimana were in a closer proximity to the centre of the powers that were bend on committing genocide, which complicated their rescue actions.

**The Objector-Perpetrators**

The three cases in this category share the same male gender and marital status-married and family fathers-, the same Hutu ethnic identity, a solid post-secondary school education or an equivalent vast professional experience education, and a high sense of political networking.

Like the rescuers, these bourgmestres were aware of the legal, political powers, and bureaucratic significance of the bourgmestre’s function. Also, they share same pattern of behavior in responding to the genocide. Their actions changed and evolved along the course of events and changing situations, only to save their political position and personal interests. Their initial reaction towards the killings was to hide or protect the Tutsi families with whom they had old and strong friendships. But when the pressure to abide by government action increased and the they realized that in order to keep their positions and powers, they had to change their attitude, switch sides, and join the killings.

The three bourgmestres’s change of behavior follow the moral disengagement and dehumanization model as discussed earlier. Once they abandoned the Tutsi, they engaged in dehumanizing rhetoric, they mobilized the population against the Tutsi in ways responsibilities for the killings belonged to everyone, and
they justified the killings as a reaction to the war. First, they viewed the Tutsi civilians as the victims of war and they protected them, then when the situation demanded it, they viewed the Tutsi civilians as the cause of war, as the accomplices of the rebels, therefore also an enemy to fight.

Political affiliations did not matter. Akayesu and Ndahimana belonged to the opposition parties while Bisengimana belonged to the ruling party. Geography is also relatively relevant since only Bisengimana and Akayesu were in close proximity of the central government, and the immediate reality of the war. Ndahimana’s commune was far from the war zones, but the powerful local connection he belonged to pressured him to join the violence. Particularly, he carefully followed the orders of the Minister of Interior, which responsible for all bourgmestres in the country. The minister of Interior, who hailed from Kibuye Préfecture, was one of the key decision makers in the ruling party and was specifically appointed to supervise government policies in his Préfecture of origin.

One major difference between the cases is the attitudes in the aftermaths of the genocide, particularly in the bourgmestres conduct in front of the court. The three bourgmestres agreed with the court that genocide too place. However, only Bisengimana regretted his role in the genocide, he pleaded guilty and atoned for the harm he caused as a bourgmestre who was supposed to protect people. Akayesu and Ndahimana fought hard to blame the killings on the war situation, stressing they were incapable of preventing the killings.

The Perpetrators

Like the bourgmestres in the previous category, the perpetrators share the same male gender and marital status-married and family fathers, the same Hutu ethnic identity, a solid post-secondary school education or an equivalent vast professional experience education, and a high sense of political networking. The other strong element of similarity is their strong conviction that the Tutsi in general were the enemy and they had to die. This derives from the strong conviction that the country and the gains of the republic had to be defended at all costs. They attributed the entire chaos to the RPF and its Tutsi accomplices in general. They supported the government and its actions against the Tutsi. Unlike the previous two categories, the perpetrators agree with the Prosecutor’s characterization of the bourgmestre and his powers but insist that in the circumstances of 1994, the bourgmestre had become powerless because of
the war and could not save lives. Kanyabashi is a major extreme in this case because he simply argued that the state institutions had collapsed, thus no one could be held responsible for what happened.

For the rest, the share very little in common. Kanyabashi was for example married to a Tutsi. Furthermore, Kanyabashi belonged to PSD, the social democratic party that had attracted a strong following among Rwanda intellectuals and bureaucrats across the country. This party was particularly well represented in Butare Prefecture and was at the forefront of formulating and disseminating ideals of a new Rwanda and was actively seeking and receiving the attention and the support of similar parties across the world. All these assets did not serve Kanyabashi as he privileged his relationship with the President and Prime Minister and other Ministers in the Interim government who originated from Butare. Even though he refused to defend himself because he felt he was unjustly made responsible for a system that had collapsed, thus having no official responsibilities at the time of the genocide, he however used the bourgmestre’s powers to kill the Tutsi, going to the extent of removing the conseillers de secteur who refused to execute the genocide.

Rugambarara’s deep connections to influential high-ranking military played a considerable influence. In retrospect, and considering he showed remorse and pleaded guilty, it is possible to suggest that Rugambarara would have acted differently during the genocide had he been free from these personal relations with influential individuals in Kigali. The same might be said about Gacumbitsi and Ndayambaje. They also took influence from their personal connections that would ensure their political survival.

The case of Kajelijeli is slightly an extreme one. From the court transcripts, it transpires that Kajelijeli had been engaged in a deadly fight with specific individuals in the RPF since the start of the war. He complained that he was constantly denounced by Radio Muhabura, the main communication tool of the RPF during the war of 1990ies. Kanyarengwe Alexis the leader of the RPF constantly pressured Kajelijeli sometimes asking him to defect, some other times denouncing him. And when Kajelijeli was finally dismissed as bourgmestre in 1993 because of his anti-Tutsi violence, he took it personally and since he could not retaliate against the leadership of his enemies, he turned his anger towards the Tutsi he associated with the PRF. Kajelijeli was also very influential thanks to his solid family and political connections with highest leaders in Rwanda and in his native Ruhengeri. A man with
a strong respect for his region’s traditional family values Kajelijeli was not ready to embrace any change that would divert from his way of life.

But Ndayambaje and Kajelijeli’s cases are similar in a number of aspects. They were both reappointed bourgmestres of their respective communes after having already engaged in the killings. The two bourgmestres had a direct line to the central government, which suggest the government was eventually aware of their activities and would not have reappointed them unless it approved of their actions. The least to say is that the government did not discourage them from killing, on the contrary. This is a strong indication that the reappointment of these bourgmestres, the meetings of April 18 and April 19, and the appointment of ministers to supervise government action in their respective communes meant the bourgmestres who were opposed to the killings had little chance to succeed.

3.3.b Comparisons across the Categories

The first important point of similarity across the categories is the gender and family status of all the bourgmestres. They are all married men and family fathers. Second, all the bourgmestres had a high level of education or an equivalent professional experience. Third, all the bourgmestres share a same understanding of their powers, their functions and their importance but depending on their own conduct during the genocide attribute different levels of importance to the war a cause of failures to protect the Tutsi. Forth, all the bourgmestres shared a sense and practice of networking and connecting with different sections of the society, both at the local and the national level, albeit for different purposes.

However, when the time comes to practically respond to the war situation and the genocide itself, stark differences start to emerge. The first is that belonging to the ruling party that engineered the genocide does not translate into joining the killings. Mpambara belonged to the MRND but he opposed its genocidal agenda. Bisengimana, who also belonged to MRND, opposed the killings in the beginning and during his trial he denounced the genocide in a clear manner. Second, belonging to an opposition party that distanced the genocide did not translate in opposing the genocide all the way. For example, Akayesu and Kanyabashi belonged to strong opposition parties but they did not follow the moderate lines of their respective MDR and PSD. Third, being an ethnic Hutu did not result in automatically joining the
genocide. The altruists, and the objector-perpetrators at one time, are Hutus who did not join the violence.

Also having inter-ethnic relations with the Tutsi did not result in rescuing them. While Mpanbara rescued the Tutsi partly because he identified with them because his sisters had married Tutsi men, Kanyabashi did not spare the Tutsi in spite of being married to a Tutsi woman. Furthermore, belonging to Christian churches did not translate into practicing the Christian values of respecting human life and protecting the weak. While the Altruists relied on their religious beliefs and defended the Tutsi as innocent victims, the rest of the bourgmestres were also Christians who did not practice the same values. For an example, Ndagijimana in Kivumu Commune was under the influence of the local parish priest, Father Athanase Seromba, who was leading the killings to the point of bulldozing his own church of Nyange to exterminate the Tutsi who had taken refuge there.

3.4. Synthesis and Theoretical Reflections

In this section, I will present a synthesis aimed at placing the actions and attitudes of the bourgmestres in the structural context in which the genocide took place. I discuss the issue of patrilineality, Christianity, and social networks visible across the cases. I also address the geography of war and the geography of political decision-making vis-à-vis the actions of the bourgmestres. Furthermore I address the irrelevance of political parties in the bourgmestres’ decision-making, and I problematize the ethnic drive as an explanation for genocide. Furthermore, I will provide a theoretically oriented explanation to why genocide took place in all these communes while the bourgmestres responded to its implementation in different ways.

3.4.1 The Bourgmestres in a Larger Context

The shared profile among the bourgmestres are Hutu, Christian married men, and family fathers is a mirror of both traditional and modern Rwanda, where patrilinear society traditionally demands men in post of collective responsibility are at the same time responsible of households; a society where Christian values regulate both private and public life; and where social networks are a symbol of social accomplishment, power, and wisdom.166
The geography of war, and the geography of political networks are recurring aspects in the decision-making of the bourgmestres when the genocide started. While the prevailing war exacerbated the anti-Tutsi violence, the bourgmestres are however responding to it differently. The bourgmestres in northern and north-eastern Rwanda where the consequences of war were immediately felt from the end of 1990 have not all responded by attacking the Tutsi. The differences between Mpambara and Kajelijeli are an example. Also, and to mention the centre and the south west part of the country where the war was not physically felt, some bourgmestres engaged in anti-Tutsi. It is then to say that the proximity with the battlefield did not automatically translate into anti-Tutsi violence. And the distance from the war zone did not mean the Tutsi were immune from violence against them.

This observation may prove a controversial statement considering that there is a consensus among researchers that the advance of the war is correlated with the anti-Tutsi violence, thus the conclusion that the war fueled the killings as the RPF advanced and government lost control. Instead, I argue that existing political networks and other contacts of influence engaged in retaining total state power used the in anti-Tutsi violence as a dissuasion tool to prevent the RPF from advancing to take over the country. And the bourgmestres’ actions followed or opposed scapegoating the Tutsi for the purpose of retaining power. Ndahimana in Kibuye is a good example. His commune did not become a battlefield and he was willing to rescue the Tutsi. Yet he succumbed to the influence and pressure from powerful networks in the commune and beyond to join the killings while at the same time rescuing those Tutsi he could rescue.

In the case of Mpambara, the proximity to the war zone proved to be a blessing in disguise because it helped him assist more people than he could, would his commune be in the center of the country for example. It is then to propose that the war did not cause the genocide, but government made an educated decision to intensify the genocide once it realized it would not win a war. It was a last-minute attempt to send a message that the more advances the RPF would make, the more Tutsi deaths, hoping that such a course of action would deter the RPF.

Furthermore, the above interpretation applies in the context of political party affiliations and principles. Bourgmestres who belonged to pro-democracy parties killed the Tutsi while some bourgmestres belonging to the ruling party, which was the
main driver of the killings, rescued the Tutsi or at least expressed remorse and apologised for their crimes.

Similarly, the legal and constitutional aspects of the bourgmestre’s powers and function played very little role in deliberating the course of action. Most of the bourgmestres reached out to their networks in government and in local circles to achieve goals they decided to pursue. After all, and as discussed in the literature review, the majority of bourgmestres followed an existing practice of representing the forces that led to their appointments more than they served the letter of the law and rules governing their official function.

3.4.2 The Bourgmestres and the Genocide: Different Responses, Same Outcome

The genocide happened in all the communes in spite of the different actions and attitudes of the bourgmestres. This is because the central government had decided to involve all the instruments of state powers to exterminate the Tutsi. Those individual bourgmestres who opposed the genocide were either killed, such was the fate of bourgmestre Ndagijimana in Mugina, or they were prevented from posing large scale actions, such was the case of bourgmestre Mporanzi in Rutobwe. In the court transcripts, it is clear that the government meetings of April 18, 1994 in Gitarama, and April 19, 1994 in Butare determined the fate of those bourgmestres who would have acted differently if left alone to decide. But the government’s options to engage in genocide is not a late decision made in mid-April, 1994.

The reappointment of bourgmestres who had been dismissed in 1993 because they had committed violence against the Tutsi was a clear indication that government did not blame their action at the time. Most importantly, all the bourgmestres who were dismissed in 1993 lost office but did not lose power. For example, In Murambi Commune, Byumba Prefecture, bourgmestre Gatete Jean Baptiste, a staunch supporter of his political party MRND where he held important positions both in the commune and on the prefectural level, was dismissed in 1993. Starting with the war of October 1990, Gatete organized an operation he called “coup de poing” (punch) with an aim to search homes of civilian people in order to find weapons and the RPF accomplices. But instead of being entirely dismissed from public service he was appointed Director in the Ministry of Women and Family
Afairs. He was also reappointed leader of MRND in Murambi in June 1993, and at
the time of the genocide, Gatate enjoyed an influence that ensured he had control over
the executive powers in Murambi commune. His influence during the genocide went
beyond his commune of Murambi to include the prefectures of Byumba and Kibungo.
Most importantly, Gatete became an influential leader of Interahamwe militia, being
one of the few Rwandan former bourgmestres to hold formal positions in the official
structures of the militia.167

Another bourgmestre who had been dismissed in 1993 but retained practical
powers in his commune is Semanza Laurent, former Bourgmestre of Bicumbi
Commune, in Kigali-Rural Préfecture. Laurent Semanza was born in 1944 in Musasa
Commune, Kigali Rural Prefecture. Semanza served as bourgmestre of Bicumbi from
1973 until 1993 when he was dismissed and replaced by Juvenal Rugambarara.
Semanza was dismissed because of his anti-Tutsi campaign and violence. As soon as
the war of the 1990ies started, Semanza organized or participated in meetings to deal
with the Tutsi that he regarded as the enemies of the government. And in 1994
Semanza joined, ordered and incited people in his commune and other neighboring
communes to kill the Tutsi. After his dismissal Semanza was appointed as a MRND
representative to the National Assembly, a position he was going to assume after the
Arusha negotiations of 1993.168

Such individuals operated a parallel structure that enjoyed practical influences
and, in most cases, unofficially assuming the role and the authority of the bourgmestre
of communes where they were in charge before being dismissed. Ultimately, once the
leaders in central government and the military resorted to a systematic extermination
of the Tutsi the bourgmestre’s powers became an essential infrastructure for the
implementation of genocide, irrespective of the level of support, opposition, or lack of
support, from individual bourgmestres in office at the time.

In addition to this parallel infrastructure, there is the element of propaganda
that used radio such as RTLM. Straus has interviewed Rwandans who give different
views as to why they joined the killings. Some agree the RTLM encouraged them to
join the killings and they did; others did not. Some blame the radio for convincing
them that the Tutsi was the enemy. Some others affirm that they waited for the
authorities’ views, which the radio confirmed anyway. Some others were not
convinced by the radio because they simply did not have radios, but they joined for
several reasons ranging from trusting their authorities and their neighbors to being
coerced, among other reasons. However, almost all the respondents in Strauss study converged to say that both the radio and the leaders talked of the Tutsi as “the enemy” that had killed the president and that would kill the Hutu unless they defended themselves.169

3.4.3 The Bourgmestres, the State, and Genocide: Brief Theoretical Reflections

I would like to propose that looking at Mpambara, Mporanzi and Ndagijimana from the perspective of altruism brings an additional, if not new, approach to the study of the genocide in Rwanda. Studies and investigations to determine the righteous among the nations in Rwanda sees altruism as more of an aspect of morality than it is a social act. This has a fundamental implication of mostly limiting the understanding of the altruists from the only heroic actions they accomplished in 1994. The compilations of the biographies of these three bourgmestres help a more complex attempt of understanding of the socialization behind the state of mind that led them taking the dangerous risks they took. In this regard, Ervin Staub’s contribution to the study of altruism not just from the perspectives of moral theory, but also as a social psychological phenomenon, is crucial.170

Furthermore, the study of altruism from the above described standpoint allows a problematization of some sections of the dispositional model scholarship on Rwanda.171 It might remain the fact that Rwandans are obedient to authority, but the picture is not as straightforward as such. Additionally, and while the argument that genocide was implemented in the entire country regardless of the diverse responses from different sections of the society, the case of the altruist bourgmestres bring a major nuance. The variation in the outcome observed in the cases is made visible thanks to examples of Mpambara issuing ID cards and Mporanzi warnings prior to the killings made it possible for many to flee. Thus, one could argue, although genocide policies were implemented their communes as well, their actions made considerable differences compared to communes in other Prefectures.

The perspective of moral disengagement, and to a lesser extent dehumanization, was here applied to the actions of political actors whose conduct has been generally studied by political scientists. Genocide as a political phenomenon is regarded as occurring in the pursuit of interests “closely tied to the state, either
directly when national governments act as the chief instigator and the perpetrator of violence or indirectly when national governments enable local private actors or local official to commit genocide.”

This does not always allow the realization of social psychological dimensions of decision-making when for example people decide to join killings they had resisted before. In this sense, few researchers have appreciated the importance of the April 18, 1994 in Gitarama, when government threatened the bourgmestres who were not engaging in the killings, have advanced aspects of the shifts in the balance of power without meaningfully noticing that Akayesu joined the killings while Ndagijimana and Mporanzi resisted. Similarly the argument that Joseph Kanyabashi in Butare was already engaged in the killings fails to consider that after the meeting of April 19, 1994 when the President openly called for the intensification of killings, the bourgmestre’s zeal increased. But looking at these cases from the perspective of moral disengagement helps identify indicators of the steps that these people went through going from good to evil.

That said, and all the above considered, the only remaining overreaching explanation for the implementation of genocide is the central government’s determination to commit the crime. The Rwandan state of 1994 was led by a government that had struggled over the years to deal with its colonial legacy, too weak to defend itself and its population in the face of a war. While the immediate causes of this schizophrenic tension are associated with the war of the 1990ies, its roots are placed in the 1959 “national trauma associated with the collapse of colonialism which led to five further years of revolution […] in which efforts by the Tutsi to hold onto the new state, and failing to foment their revolutionary seizure of it, were defeated.”

That is to say, ever since Rwanda’s Hutu revolution of 1959, any threat to Rwanda was then a Tutsi threat.

This recurring threat resurfaced in 1990 and the regime found itself in the incapacity to negotiate, if not to impose its vision of the world. The failure to achieve intended goals can lead to catastrophic outcomes. In the case of Rwanda, it means the architects of the genocide could not have succeeded without the confluence of historic and systemic circumstances that rallied the population behind the genocidal enterprise of 1994. As Levene has observed, genocide occurs “when a regime encounters, or perceives itself to encounter, serious obstacles which seem to threaten not only the achievement of this agenda but also the integrity of the state itself.” In such scenarios, “untried, politically inexperienced, but nevertheless ‘revolutionary’ elites
“seize’ the apparatus of the residual state with a view to the implementation of ideologically-driven agendas intended both to reassert state power and resolve its societal crisis.” This ideological element was anchored in a context where people have dehumanized others and each other for too long without being exposed to alternative views.

The dehumanizing culture resulted in a widespread use of derogatory language such as “cancer” and other terms such as “snakes,” “cockroaches”, which relieved perpetrators from feelings of empathy towards the victims’ need for mercy. In these circumstances, the war of the 1990s then becomes a credible alibi that “[…] legitimized the logic of killing, […], created a sense of acute uncertainty and fear, […], authorities and elites […] promulgated violence the institutional means to gain citizen compliance quickly. [At the end] the logic of genocide was at base an equation between “enemy” and ‘Tutsi’.” It is in the above context the use of the bourgmestre’s powers and the forces under his authority were used regardless of the bourgmestre’s own agency. Altruism had no place to flourish and the few who saved lives did so at their own risks.

Chapter 4: Conclusion

In this thesis, I analyzed the ICTR court transcripts to understand the differences in the outcome of the actions and attitudes of eleven bourgmestres during the genocide of 1994 in Rwanda. In order to answer these questions, I first provided a historical background to the genocide of 1994 in Rwanda, a literature review of the function of the bourgmestre in Rwanda at the time of the genocide. I also presented a theoretical framework for the study, which consisted in discussing altruism, dehumanization and moral disengagement, and ethno-nationalism.

Then, I presented a categorization of the cases in groups of altruist-bourgmestres, who are characterized by a high level of moral convictions, or a moderate standing in terms of social and/or political influence, and/or a high level of risk-taking attitudes. The objector-perpetrator bourgmestres started by resisting the killings but later changed their minds and engaged in the genocide, ignoring the humanness of their victims. And perpetrator-bourgmestres were perpetrators who were deeply convinced that Tutsi were a threat against the Hutu nation, and did not
delay or resist in implementing orders to kill. I proceeded with a within the cases and across the categories comparative analysis, and I found that there are no consistent similarities between the actions and attitudes of the bourgmestres across the categories.

Overall, I found that the bourgmestres own understanding of the role of their office, their interpretation of the causes of the war, the state of ethnic and social relations within their constituencies, and their relationship with other informal networks, played a role in influencing how they behaved during the genocide. Furthermore, I observe that genocide took place in spite in the country because the central government intended to commit genocide regardless of the bourgmestres’ participation in the genocide.

5. Bibliography

ICTR Court Transcripts and Documents

The Prosecution vs. Akayesu, Jean Paul, ICTR-96-4-

The Prosecutor against Juvenal Kajelijei, Amended Indictment pursuant to the Tribunal Order dated January 25, 2001

The Prosecutor v. Bagilishema, Ignace, ICTR-95-1A

The Prosecutor v. Ntaganzwa, Ladislas, ICTR-96-9


Testimony of Martin Ndamage in The International Criminal Tribunal for Rwanda, case No.: ICTR-98-44-T, The Prosecutor Chamber II of the Tribunal v. Edouard Karemera, Mathieu Ndirumpatse, Tuesday, September

The International Criminal Tribunal for Rwanda case no.: ICTR-01-70-T, the Prosecutor Chamber II of the Tribunal v. Emmanuel Rukundo, Friday, 5 October, 2007

The Prosecution vs. Jean, Mpambara, ICTR-2001-65-I


The Prosecution vs. Jean, Mpambara, ICTR-2001-65-I, pp.1-3


The Prosecutor v. Paul Bisengimana, Case No. ICTR-00-60-T, Judgment and Sentence, April 13, 2006


The International Criminal Tribunal for Rwanda, Case No: ICTR-01-66-T, Chamber III of the Tribunal, The Prosecutor v. Athanase Seromba

Prosecution vs. Juvenal, Kajelijeli, ICTR-98-44A-T

Prosecutor v. Kajelijeli, Judgment and Sentence, para. 468

Prosecutor v Kajelijeli, Judgement and Sentence, para. 688

Juvenal Kajelijeli v. The Prosecutor, Case no. ICTR-98-44A-A, Judgement, May 23, 2005

The Prosecutor v. Joseph Kanyabashi, Case No. ICTR-96-15-T

Prosecutor v. Nyiramasuhuko, Ntabali, Nsabimana, Nteziryayo, Kanyabashi, and Ndayambje, Case No. ICTR-98-42-T
The Prosecution vs. Nyiramasuhuko et al., ICTR-98-42


The Prosecutor against Sylvestre Gacumbitsi, indictment, June 20, 2001, Case no. ICTR-2001-64, 9p

The Prosecutor vs. Juvendal Rugambarara, Amendend Indictment, Case No. ICTR-2000-59-I

The Prosecutor against Jean-Baptiste Gatete, ICTR-2000-61-I.

The Prosecutor against Laurent Semanza, ICTR-97-20-T

Phone conversation with X who was a primary school teacher and an opposition party (MDR) local leader at the time, May 2016

**Books**


Burnham, Peter; Gilland, Karin; Grant Wyn, and Layton-henry Zig (2004). Research Methods in Politics Palgrave Macmillan


Kimonyo, Jean Paul (2008). Rwanda, un génocide populaire, Karthala


Linden, Ian (avec Jane Linden) (1999). Christianisme et Pouvoir au Rwanda (1900–1900), Karthala.


**Book Chapters**


**Journal Articles**


Internet sources


Un homme qui résiste à l’injustice jusqu’à son dernier souffle,
https://uclouvain.be/en/node/49575
https://trialinternational.org/latest-post/jean-mpambara/
http://www.internationalcrimesdatabase.org/Case/157

https://trialinternational.org/latest-post/sylvestre-gacumbitsi/
ICTR in Brief http://unmict.org/ictr-remembers/

About the ICTR: General Information,

http://www.haguejusticeportal.net/?id=2
http://www.internationalcrimesdatabase.org/Home

https://trialinternational.org/

End Notes

1 For an up to date discussion on the current official denomination of the genocide in Rwanda see, https://www.un.org/press/en/2018/ga12000.doc.htm, last accessed April 7, 2018


5 See for example The Prosecution vs. Jean Paul, Akayesu, ICTR-96-4

6 For a non-exhaustive list of examples of authoritative scholarship on why people become evil, see Bandura, A., C. Barbanelli, G. V. Caprara, and C. Pastorelli (1996). Mechanisms of Moral

7 Straus, Scott (2006). ibid. pg. 203


9 ibid. pg. 246

10 Rugiririza, Ephrem, ibid.

11 ibid.

12 MacDonald, et al. (2000) ibid. pg. 1579


14 Wagner (1998). ibid. 34

15 ibid.

16 ibid.

17 ibid. pg. 30


19 ibid. 266

20 One of the most recent works in growing field is Anderson, Kjell (2017). 'Who was I to stop the Killing? ': Moral Neutralization among Rwandan Genocide Perpetrators, Journal of Perpetrator research 1.1, pp. 39-63


24 It was argued for example in the case of Father Emmanuel Rukundo that his participation in the killings of 1994 was not surprising given his anti-Tutsi hatred going as far back as in 1973. See The International Criminal Tribunal for Rwanda case no.: ICTR-01-70-T, the Prosecutor Chamber II of the Tribunal v. Emmanuel Rukundo, Friday, 5 October, 2007

25 For discussions on the obedience of Rwandan people see for example Staub, Ervin (2013). Overcoming Evil: Genocide, Violent Conflict, and terrorism, Oxford University Press, pg.223; See also Mamdani, Mahmood (2002). ibid. pg.199

26 Bandura, Albert (2004). pg.124

27 ibid.pp. 122,133
28 bid. pp.130-131
29 ibid.
30 ibid.
31 Zimbardo, Philip (2004). ibid. pg. 33
32 Bandura et al., (1996) pg. 206, 366
35 Waller, James (2007). ibid. pg. 231
36 ibid. pg. 231
37 ibid. pg. 232
38 ibid. pg. 207
39 ibid.
40 ibid.
42 ibid. pg. 34
43 ibid. pp. 33-35
46 Mamdani, Mahmood (2002). pg. 101
48 ibid. pg. 50
49 ibid. pg. 53
50 ibid. pg. 58
51 Daniele Conversi (2004). Ethnonationalism in the Contemporary world: Walker Connor and the Study of Nationalism, Routledge, pg. 2
52 ibid. pg. 4
54 cited in Verwimp ibid. pg. 22

55 ibid. pg. 22

56 See among others Guichaoua, André, ibid. pp. 69-109


58 Brown, ibid. pg. 3

59 ibid. pg. 7


62 Finkel, Evgeny; Straus, Scott (2012). ibid. pg.50


64 ibid. pg. 19


66 Burnham, Peter; Gilland, Karin; Grant Wyn, and Layton-henry Zig (2004). Research Methods in Politics Palgrave Macmillan, pg. 77

67 ibid. 63

68 Straus, Scott (2006). ibid. pg.169

69 See The Prosecution vs. Nyiramasuhuko et al., ICTR-98-42.

70 See The Prosecutor against Juvenal Kajelijeli, Amended Indictment pursuant to the Tribunal Order dated January 25, 2001, pg. 4

71 Burnhum et al. ibid. pg. 74


73 See Bagilishema, Ignace, ICTR-95-1A

74 See Ntaganzwa, Ladislas, ICTR-96-9

75 See for example ICTR, Mporanzi Jean Marie Vianney, Witness Statement, August 25, 1998

76 See for example the testimony of Martin Ndamage in The International Criminal Tribunal for Rwanda, case No.: ICTR-98-44-T, The Prosecutor Chamber II of the Tribunal v. Edouard Karemera, Mathieu Ndirumpatse, Tuesday September 7, 2010. 1140H


ibid. pg. 244


ibid. pg. 4

Mamdani, Mahmood (2002). ibid. pg. 34

ibid. pg. 89

ibid. pp.116-119


Jones, Adam (2006). ibid. pg. 237

Mann, Michael (2005). ibid. pg. 444

Melvern, Linda (2004). ibid. pg. 253

Jones, Adam (2006). ibid. pg. 237

ibid. pg. 3


See for Prosecution vs. Jean Paul, Akayesu, ICTR-96-4-T


ibid. pg.3

ibid. pg. 3


The Prosecution vs. Jean, Mpambara, ICTR-2001-65-I, pp.1-3

100 ibid.

101 ibid.

102 Ibid.


104 See the cross-examination of Fidele Uwizeye in the International Criminal Tribunal for Rwanda, Case No: ICTR-98-44-T, The Prosecutor Chamber III of the Tribunal v. Edouard Karemera, Mathieu Ngorumpatse, Joseph Nzirorera, Thursday, July 26, 2007, 1414H

105 See Mporanzi Witness Statements, ibid.

106 ibid.

107 Phone conversation with X who was a primary school teacher and an opposition party (MDR) local leader at the time, May 2016

108 ibid.

109 Un homme qui résiste à l’injustice jusqu’à son dernier souffle, 
https://uclouvain.be/en/node/49575 last accessed May 23, 2018

110 In discussions related to the fate of Callixte Ndagijimana at the ICTR, the Prosecution relied on testimonies from both Fidele Uwizeye, the former Prefet of Gitarama at the time, Witness GKJ, and expert witness Alison des Forges. See Meeting in Gitarama, 18 April 1994, in The Prosecutor v. Casimir Bizimungu et al., Case No. ICTR-99-50-T, Judgement and Sentence, September 30, 2011, 1107H


112 See the cross-examination of Fidele Uwizeye in the International Criminal Tribunal for Rwanda, Case No: ICTR-98-44-T, The Prosecutor Chamber III of the Tribunal v. Edouard Karemera, Mathieu Ngorumpatse, Joseph Nzirorera, Thursday, July 26, 2007, 1414H

113 See The Prosecution vs. Akayesu, Jean Paul, ICTR-96-4-


115 ibid.

116 ibid.

117 ibid.

118 ibid.
119 ibid. 1530H
120 ibid. 1230H
121 ibid.

122 See Judgement, The Prosecutor v. Jean Paul Akayesu, ICTR-96-4-T, September 2, 1998
123 ibid.
124 ibid.

125 The Prosecutor v. Paul Bisengimana, Case No. ICTR-00-60-T, Judgment and Sentence, April 13, 2006, pg. 8
126 ibid. pg. 26
127 ibid.
128 ibid.
129 Ibid.

130 The Prosecutor v. Paul Bisengimana, Case No. ICTR 00-60-T, Thursday January 19, 2006, 1625H
131 Ibid.

134 ICTR-01-68-T, Judgement and Sentence, December 30, 2011, ibid
135 Ibid.
136 Ibid.

137 Prosecution vs. Juvenal, Kajelijeli, ICTR-98-44A-T
138 Ibid. April 14, 2003, 1530H
139 Ibid. April 16, 2003, 1435H
140 Ibid.

141 Ibid. April 22, 2003, 1632H
142 Ibid. April 14, 2003, 1440H

143 See Prosecutor v. Kajelijeli, Judgment and Sentence, para. 468
144 Karemera et al. November 17, 2009, 0950H
145 See Prosecutor v Kajelijeli, Judgement and Sentence, para. 688
146 See Juvenal Kajelijeli v. The Prosecutor, Case no. ICTR-98-44A-A, Judgement, May 23, 2005
147 The Prosecutor v. Joseph Kanyabashi, Case No. ICTR-96-15-T
See Guichaoua, ibid. pp. 273-277


Prosecutor v. Nyiramasuhuko, Ntahobali, Nsabimana, Nteziiryayo, Kanyabashi, and Ndayambje, Case No. ICTR-98-42-T

The Prosecution vs. Nyiramasuhuko et al., ICTR-98-42


Prosecutor v. Nyiramasuhuko, Ntahobali, Nsabimana, Nteziiryayo, Kanyabashi, and Ndayambje, Case No. ICTR-98-42-T

Ibid.

The Prosecution vs. Nyiramasuhuko et al., ICTR-98-42


See also https://trialinternational.org/latest-post/elie-ndayambaje/#section-2 last accessed May 23, 2018

See The Prosecutor against Sylvestre Gacumbitsi, indictment, June 20, 2001, Case no. ICTR-2001-64, 9p

Ibid. March 1, 2004, 1530H

Ibid.

See also, for an overview of the case, https://trialinternational.org/latest-post/sylvestre-gacumbitsi/ last accessed May 23, 2018

See The Prosecutor vs. Juvenal Rugambarara, Amended Indictment, Case No. ICTR-2000-59-I

Ibid. Friday, July 13, 2007, 1015H

Th MDR was an opposition party originating from the end of the colonial era and the independence of Rwanda in the 1960. In the 1990ies it was resuscitated in the 1990ies with a mission to learn from the past and go beyond its historic pro-Hutu orientation to embrace all Rwandans and usher the country in a new era of the rule of law and the implantation of democratic culture.

See for example Linden, Ian (avec Jane Linden) (1999). Christianisme et Pouvoir au Rwanda (1900-1900), Karthala.

See The Prosecutor against Jean-Baptiste Gatete, ICTR-2000-61-I. pg. 4

See The Prosecutor against Laurent Semanza, ICTR-97-20-T, see also http://www.internationalcrimesdatabase.org/Case/157 , last accessed April 17, 2018


See Staub (2013). ibid

See for example Mamdani, Mahmood, ibid. 199

173 See for example Straus, Scott (2006). ibid. pg. 83

174 See Gichaoua, ibid. pg. 273


176 ibid. 267

177 ibid. 272

178 ibid. 260

179 ibid. 631