

Archival Opacity on Genocide Perpetrators in Rwanda

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"To read the archive is to enter a mortuary: it permits one final viewing and allows for a last glimpse of persons about to disappear"¹

Abstract: This article discusses the methodological challenges of archival research on perpetrators of genocide, especially with regard to the selectivity, accessibility, and availability of perpetrator testimonies in the Genocide Archive of Rwanda, which is primarily a victimary archive, to use Sara Kendall's term. The discussion extends beyond Rwanda to include reflections on the purpose and focus of post-conflict archives, the silencing or enhancing of perpetrators' voices in archives, and the impact of archives on transitional justice processes. Archives are not neutral places that present objective facts. Rather, they are sites of power that contain specific narratives about the perpetrators and victims, which can negatively affect reconciliation between groups. Conflicts and genocides are dynamic, and the affected individuals have fluid identities: they can, for example, be victims as well as perpetrators. Do archives mirror these dynamics, and do they allow counter-histories? The article explores the testimonies available in the Genocide Archive, their meta-data, and narratives as well as gaps and omissions. Since archives tell stories and describe places of memorialisation, their policies and content influence how individuals and collectivities remember history – and how they can transition to a peaceful co-existence.

Keywords: archive, Rwanda, genocide, perpetrator, memory, remembrance, narratives.

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- 1 Saidiya Hartman, *Love your Mother: A Journey Along the Atlantic Slave Route* (New York: Macmillan, 2007), p. 17.

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Archives: An Introduction

Archives are ‘documentary by-products of human activity retained for their long-term value’.² They are gatekeepers of memory and describe places of memorialisation where the material is deposited, stored, and maybe even abandoned.³ This also includes the records themselves. By describing social relations and forms of governance, archives furthermore refer to a set of practices and a social world.⁴ They are thus a ‘collection of historical records relating to a place, organization, or family’ and ‘a place where historical records are kept’.⁵

In many post-conflict societies, archives have played a crucial role in assisting processes of justice.⁶ They form a space where experiences of suffering are recorded, and histories of atrocities are made available for generations to come. As such, they are what political scientist Iavor Rangelov and legal scholar Ruti Teitel term ‘justice archives’.⁷ Beyond storing information, do archives make an impact on justice in a post-conflict society? How does the archive’s selection of objects and stories of survivors and perpetrators influence the transition to a peaceful and just society – and what are the archival hurdles that might impede such transformation? Do archives hold a power over narratives of a conflict or genocide, while they themselves are historical repositories for those in power? While this article cannot provide conclusive

2 International Council on Archives, ‘What are Archives?’, <<https://www.ica.org/en/what-archive>> [accessed 6 May 2024].

3 Randall Jimerson, ‘Archives and Memory’, *OCLC System and Services: International Digital Library Perspectives* (2003), 89–95.

4 Sara Kendall, ‘Archiving Victimhood: Practices of Inscription in International Criminal Law’, in *Law, Memory, Violence: Uncovering the Counter-Archive*, ed. by Stewart Motha and Honni van Rijswijk, (Abingdon: Routledge, 2016), pp. 156–76 (p. 156); Damon Mayrl and Nicholas Hoover Wilson, ‘The Archive as a Social World’, *Qualitative Sociology*, 43 (2020), 407–26.

5 Cambridge Dictionary, ‘Archive’, <<https://dictionary.cambridge.org/dictionary/english/archive>> [accessed 6 May 2024].

6 For the conflicts in the Former Yugoslavia, see Iva Vukušić, ‘Archives of Mass Violence: Understanding and Using ICTY Trial Records’, *Comparative Southeast European Studies*, 70 (2022), 585–607. For the conflict in Cambodia, see Maria Elander and Rachel Hughes, ‘Pressing Evidence: Activating Khmer Rouge Archives’, *Social & Legal Studies*, online first (13 March 2024). For the conflict in Rwanda, see Benjamin Thorne, ‘Remembering Atrocities: Legal Archives and the Discursive Conditions of Witnessing’, *The International Journal of Human Rights*, 25 (2021), 467–90. For the Holocaust, see Aliza Luft, ‘How Do you Repair a Broken World? Conflict(ing) Archives after the Holocaust’, *Qualitative Sociology*, 43 (2020), 317–43.

7 Iavor Rangelov and Ruti Teitel, ‘The Justice Archive: Transitional Justice and Digital Memory’, *London Review of International Law*, 11 (2023), 83–109.

answers to all these questions, it will contribute to the discussion on the role of archives in post-conflict societies and its implications for archival research.

The article critically discusses archival practices in Rwanda with a focus on genocide perpetrators. It builds on remote archival and desktop research, as well as fieldwork that the author conducted in Rwanda in late 2017 and mid-2018 as an affiliated researcher of the National Commission for the Fight Against Genocide (CNLG) and Aegis Trust. Permission to conduct archival and fieldwork was granted by the Ministry of Education, subject to the submission of a final report. The article applies socio-legal methodology and uses existing research on transitional justice, law, history, archival, and memory studies.

The political scientist Jelena Subotić rightfully emphasizes that archival research requires reflexivity on ethical issues, which are an ongoing responsibility that continues also after the publication of research.⁸ She is concerned with the need to preserve the dignity of dead subjects, who are unable to answer for themselves. This article focuses more on the living, namely those who provided testimonies on the 1994 genocide in Rwanda. The fact that many implicated individuals are still alive amplifies ethical considerations.⁹ To reduce potential harm, I do not mention their names, except for one convicted perpetrator who had a public and influential role in the genocide. For this reason, I also do not provide hyperlinks or other references to the individual testimonies that have been analysed. The research is nevertheless replicable because the data is available online. I am respectful that I do not personally know the subjects of my research and their individual histories. They had no possibility to answer the critique raised in this piece. Furthermore, not being Rwandan or speaking Kinyarwanda, I lack first-hand information and cultural knowledge that would add depth to the research. I am aware that I discuss impressions, maybe even imagined scenarios, that are highly subjective. I therefore try to avoid interpretative leaps.¹⁰

8 Jelena Subotić, 'Ethics of Archival Research on Political Violence', *Journal of Peace Research*, 58 (2020), 1-13 (p. 10).

9 This issue is also raised as an ethical consideration about the survivor testimonies in the Genocide Archive, see Caroline Williamson Sinalo and Claver Irakoze, 'The Genocide Archive of Rwanda: Achievements and Challenges', in *The Memorial Museum in the Digital Age*, ed. by Victoria Grace Walden (Sussex: REFRAME Books, 2022), p. 365.

10 For a discussion of these issues related to research in Holocaust archives, see Subotić, p. 7. See also Aliza Luft and Jelena Subotić, 'Ethics and Archival Research on Violence', *Broadstreet* (14 Feb. 2022), <<https://broadstreet.blog/2022/02/14/ethics-and-archival-research-on-violence/>> [accessed 6 May 2024].

The article finds inspiration in critical archival studies that examine the role of archives in the production of knowledge and different types of narratives, and thereby have an emancipatory function.¹¹ The research presented in this article provides a stepping stone from which, on the one hand, archival practice and transitional justice, and, on the other hand, the intersection of genocide and archival studies can be theorized and advanced.

The article begins by contextualizing the Genocide Archive of Rwanda and the curated choices regarding its narratives, including the representation of counter-histories for a meaningful reconciliation with the past. It then examines archival testimonies and the meta-data embossed therein. It discusses how the Archive adopted the perpetrator-victim dichotomy,¹² which is typical for legal archives, and its significance regarding non-static identities and the Rwandan state-led narrative of ethnic unity. This discussion connects to matters of genocide remembrance and transitional justice, as well as to power structures in archives. The article then explores matters of linguistic and digital accessibility to archives. It ends with a critical analysis of the availability of perpetrator testimonies and looks at the case of Valérie Bemeriki as an example of archival opacity on *génocidaires* in Rwanda.

Rwanda and the Genocide Archive

In 1994, for a period of 100 days, Rwanda was in the grip of a horrific killing spree. Between April and June, Hutu Power extremists killed more than 800,000 people, primarily Tutsi and moderate Hutu, in often exceedingly brutal ways. The Tutsi were singled out and targeted for annihilation in direct extension of an ongoing conflict, the participants of which were not always clearly victims or perpetrators. However, once the genocide unfolded, identities solidified. Once the genocide was over, only two categories remained: perpetrators and survivors (victims).¹³

11 Michelle Caswell, Ricardo Punzalan, and T-Kay Sangwand, 'Critical Archival Studies: An Introduction', *Journal of Critical Library and Information Studies*, 1 (2017), 2-8 (p. 2).

12 In Rwanda, the term 'victim' tends to be reserved for those who died or were severely injured during the genocide. This paper, however, uses the term 'victim' interchangeably with 'survivor', meaning individuals who were either killed or injured during the genocide. It thereby leans more toward a legal terminology.

13 Jennie Burnet, *Genocide Lives in Us: Women, Memory and Silence in Rwanda* (Madison: University of Wisconsin Press 2012), p. 128.

The genocide was the culmination of cycles of violence that have marked Rwandan society and politics.¹⁴ In 1959, shortly before its independence from Belgium trusteeship, the so-called Hutu Revolution forced thousands of Tutsi to flee Rwanda. This also marked the end of the Tutsi monarchy, which had existed before European colonization. The governments of Kayibanda, and later Habyarimana, empowered their inner circles, the *akazu*. The *akazu* did not wish to share government with the Tutsi or moderate Hutu and contributed to the development of Hutu Power ideology, fuelled by resentment against the Tutsi. In 1990, the Rwandan Patriotic Front (RPF), which was created by exiled Tutsi, invaded Rwanda in an attempt to overthrow the government. This triggered the Rwandan Civil War. The shooting down of President Habyarimana's plane on 6 April 1994 was the catalyst for the genocide. In July 1994, the RPF managed to stop the genocidal forces. The same year, it created a government of national unity. For the past thirty years, Paul Kagame has exerted an increasingly authoritarian rule over Rwanda.¹⁵

Almost immediately after the genocide, relevant historical artefacts were collected to preserve the memory of the genocide. In 2002, the Minister of Culture of Rwanda and the Mayor of Kigali visited the National Holocaust Centre and Museum in England, which was established by the founders of the Aegis Trust.¹⁶ Aegis Trust is a charity that was created in the aftermath of the conflict in Kosovo with the aim to predict, prevent, and eliminate genocide.¹⁷ Aegis Trust was commissioned with the construction, design, and creation of a museum in Rwanda. In collaboration with the government and the survivor community, Aegis completed its work in 2004 when the Kigali Genocide Memorial opened.¹⁸ Victim representatives were thus involved and had a central role in the development of the Memorial. Over the years, however, Rwanda's state-sponsored genocide memorials have become

14 Erin Jessee, *Negotiating Genocide in Rwanda: The Politics of History* (London: Palgrave Macmillan, 2017), p. 10.

15 Jean-Paul Kimonyo, *Rwanda's Popular Genocide: A Perfect Storm*, trans. by Wandia Njoya (Boulder: Lynne Rienner, 2016), pp. 1-3, 29-39, 45-77, 80-8; David Mwambari, 'Agaciro, Vernacular Memory, and the Politics of Memory in Post-Genocide Rwanda', *African Affairs*, 120 (2021), 611-28 (pp. 616-17).

16 Williamson Sinalo and Irakoze, p. 351; Jessee, *Negotiating Genocide in Rwanda*, p. 47.

17 Aegis, 'History of Aegis', <<https://www.aegistrust.org/what-we-do/history-of-aegis/>> [accessed 6 May 2024]; Aegis, 'Our Starting Point', <<https://www.aegistrust.org/what-we-do/our-starting-point/>> [accessed 6 May 2024].

18 Williamson Sinalo and Irakoze, p. 351.

increasingly politicised. They are now sites of state-engineered memorialisation where a version of Rwandan history is presented that serves to legitimize the Kagame regime. The memorials rigidify an oversimplified Tutsi victim/Hutu perpetrator dichotomy.¹⁹

An important part of the Memorial is the Genocide Archive of Rwanda, which was also established by Aegis in partnership with CN-LG.²⁰ It holds physical and digital sources, including testimonies, audio and video materials, photographs, physical objects, documents, and publications, as well as interactive mapping data.²¹ The Archive has a particular focus on 'audio-visual *survivor* testimonies, which play a pivotal role in fulfilling the overall aim of the Kigali Genocide Memorial and archive'.²² The emphasis is thus on stories by survivors, not perpetrators, a choice that influences the Archive's narrative and the historiography of the genocide. This choice likely connects to the special position that Aegis holds in Rwanda by running its national memorial. The linguist Caroline Williamson has pointed out that maintaining this position necessarily involves a certain compliance with government positions.²³ The Archive's curated choices, and its interconnected narratives, are thus politically influenced.

Narratives and Curated Choices

Any archive, the Genocide Archive included, creates carefully tended histories that tell a moral story.²⁴ It has the difficult task of balancing between the said and the unsaid (and the silenced), between the visible and the invisible (and the invisibilized). In addition, archives make conscious and unconscious choices of curation: some documents are

19 Mwambari, 612; Jessee, *Negotiating Genocide in Rwanda*, pp. 46 and 58-72; Samantha Lakin, 'Memory and Victimhood in Post-Genocide Rwanda: Legal, Political, and Social Realities', in *Narratives of Mass Atrocity: Victims and Perpetrators in the Aftermath*, ed. by Sarah Federman and Ronald Niezen (Cambridge: Cambridge University Press, 2022), pp. 201-221 (pp. 211-12 and 217).

20 Williamson Sinalo and Irakoze, p. 352.

21 Genocide Archive of Rwanda, 'About Us', <https://genocidearchiverwanda.org.rw/index.php?title=About_Us> [accessed 6 May 2024].

22 Williamson Sinalo and Irakoze, p. 350 (emphasis added).

23 Caroline Williamson, 'Accessing Material from the Genocide Archive of Rwanda', *African Research & Documentation*, 120 (2012), 17-24 (p. 19).

24 Julia Viebach, 'Transitional Archives: Towards a Conceptualisation of Archives in Transitional Justice', *The International Journal of Human Rights*, 25 (2021), 403-439 (p. 421).

missing, and some voices are not heard.²⁵ The Genocide Archive has the impossible task of telling the story of up to one million deaths, thus presenting the 'collective biography of dead subjects'.²⁶ The violence and murder of hundreds of thousands of victims cannot be undone, but the Archive can help to 'paint as full a picture of the lives' as possible.²⁷ While the lives of victims and perpetrators inevitably are entangled and belong to the same story, the Archive disentangles them and thereby presents an imperfect picture.²⁸ This choice is understandable given the enormity and incomprehensibility of the carnage in Rwanda and its impact on its inhabitants.

However, the question arises whether the Archive paints a one-sided survivor picture or allows contested points of view, including the representation of perpetrators. Scholars have emphasised the importance of making the voices of marginalized communities, who often are victims of human rights abuses, heard. They should have a right to archive their experiences and retain custodianship over their narratives.²⁹ Their counter-histories oppose themselves to the dominant narrative and are, in the words of literary scholar Saidiya Hartman, inseparable from writing a history of the present.³⁰ In the case of Rwanda, the counter-history means including the perpetrators' voices, which will inevitably affect the historiography of the genocide – and the history of the present. The inclusion of unpleasant, unwanted, or unmoral voices alters the experience of the genocide. '[T]he very possibility of the killer's testimony is disquieting. How can a person be capable of telling this kind of story and voicing the ultimate transgression?', asks literary scholar Anneleen Spiessens.³¹ The discomfort of being confronted with perpetrators' counter-histories is, however, in the view of the philosopher Theodor Adorno, necessary: 'The roots are to be sought in the perpetrators, not in the victims'.³²

25 Ibid., 406; Subotić, 3; Luft, 318.

26 Saidiya Hartman, 'Venus in Two Acts', *Small Axe*, 26 (2008), 1-14 (p. 3).

27 Ibid., 11.

28 Similarly, Sibylle Schmidt, 'Perpetrators' Knowledge: What and How Can We Learn from Perpetrator Testimony?', *Journal of Perpetrator Research*, 1 (2017), 85-104.

29 Viebach, 412.

30 Hartman, 'Venus in Two Acts', 4, 12.

31 Anneleen Spiessens, 'Voicing the Perpetrator's Perspective: Translation and Mediation in Jean Hatzfeld's "Une Saison de machettes"', *The Translator*, 16 (2010), 315-36.

32 Theodor Adorno, 'Education after Auschwitz', in *Never Again! The Holocaust's Challenge for Educators*, ed. by Helmut Schreier and Matthias Heyl (Hamburg: Krämer, 1997), pp. 11-20 (p. 12).

If archives are supposed to 'bridge the past and the present',³³ they should present the whole picture and allow for victim *and* perpetrator voices to be heard. Such a bridge is particularly important for the reintegration of perpetrators (and their families) into society and the transition to a peaceful society. The perpetrators' testimonies add information on their motives, planning, and execution of the genocide, which often cannot be obtained from survivors. Although *génocidaire* stories may be tainted, they nonetheless shed light on important issues, which might prevent similar developments in the future.³⁴ Youth in Rwanda have confirmed that it is necessary to look back and understand what caused divisionism, conflict, and genocide, to inform the country's future and achieve genuine reconciliation.³⁵ To fathom the past and build the foundation for a reconciliatory future, the perpetrators' voices have to be included to further change the psychological orientation toward the 'others'.³⁶

Simultaneously, giving the perpetrators a voice in the archive and elsewhere can cause discomfort, stress, and trauma for the victims.³⁷ There is also a risk that perpetrator representations and counter-histories replicate the order of violence, which would negatively affect the relationship between the victim and perpetrator groups, as well as the transition to a peaceful society. Another known and feared risk is the misuse of the perpetrators' voices to spread genocide ideology, denialism, and revisionism.³⁸

Hartman asserts that the victim stories presented in testimonies (and archived digitally in the archive) should be considered as a form of compensation or even reparation. This might be the only (symbolic)

33 Hartman, 'Venus in Two Acts', 4.

34 Schmidt, 89; Erin Jessee, 'Seeing Monsters, Hearing Victims: The Politics of Perpetration in Postgenocide Rwanda', in *Researching Perpetrators of Genocide*, ed. by Kjell Anderson and Erin Jessee (Madison: University of Wisconsin Press, 2020), pp. 67-90 (p. 69).

35 Chantal Marie Ingabire and Annemiek Richters, 'Second-Generation Perspectives on Reconciliation after Genocide: A Case Study from Rwanda', in *Peace, Reconciliation and Social Justice Leadership in the 21st Century: The Role of Leaders and Followers*, ed. by Eric Schockman, Vanessa Hernández, and Aldo Boitano (Leeds: Emerald Publishing Limited, 2019), pp. 67-79 (p. 70); Marie Chantal Ingabire and others, '"They Tell Us Little and We End up Being Confused": Parent-Children Communication on Familial Experiences of Genocide and its Aftermath in Rwanda', *Transcultural Psychiatry*, 59 (2022), 351.

36 Ingabire and Richters, p. 70.

37 Similar consideration in Subotić, 11.

38 Tom Adami and Martha Hunt, 'Genocidal Archives: The African Context: Genocide in Rwanda', *Journal of the Society of Archivists*, 26 (2005), 105-21 (p. 106); Jessee, *Negotiating Genocide in Rwanda*, p. 52; Mwambari, 625-26.

reparation the victims ever receive.³⁹ Foregrounding the stories of survivors could therefore have a reparatory effect and be a token of respect and recognition of the hardship they experienced, which in turn could help them move on with their lives. By contrast, the inclusion of perpetrator testimonies alongside survivor testimonies could present an obstacle for recognition and reparation. Note that research is divided about whether survivor testimonies have a healing effect or instead enhance the genocidal trauma.⁴⁰ It is thus unclear whether foregrounding survivor testimonies has positive effects for the concerned individuals.

A Victimary Archive

Archives are important sources in transitional justice, offering original documents and items related to a conflict or a time of transition. The physical and electronic objects they store contain information on situations, developments, and people. They document lives, lost and salvaged, of enemies and friends. Or, in more legal terms, of combatants and civilians, of perpetrators and victims, and information about the context in which crimes were perpetrated. However, in reality these boundaries and identities are blurred, since perpetrators can also be victims – and victims can be perpetrators.⁴¹ Individuals who either actively took part in a conflict – or simply were caught in the midst of it – cannot always easily be classified as either perpetrators or victims. They will always have more than one role, be it as spouse, partner, parents, children, members of extended families, inhabitants of a village, citizens of a country, and part of an environment together with other people. Relationships and social roles make up their identity as much as their role in a conflict. The conflict itself, genocide included, and individuals' participation therein is always dynamic.⁴² The political scientist Scott Straus reminds us that in 'a period of genocide [...], individuals conduct themselves in a variety of ways. Using the label "perpetrator" can blind us to that range of action, leading the analysis to

39 Hartman, 'Venus in Two Acts', 4. Similarly, Viebach, 412.

40 Karen Brounéus, 'The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health', *Journal of Conflict Resolution*, 54 (2010), 408–37; Adami and Hunt, 117; Williamson Sinalo and Irakoze, p. 357.

41 Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca: Cornell University Press, 2009), pp. 7–9.

42 Ibid, p. 8.

focus only on the act of violence',⁴³ thus simplifying an otherwise very complex situation with individuals who consist of multiple identities.

Except for court archives, most archives are not created to provide legal evidence of heinous crimes. In practical terms, they might nonetheless acquire such a function, since they contain witness statements of crimes, thereby providing evidence of grave human rights violations.⁴⁴ The Genocide Archive was not designed for legal purposes, such as providing evidence for criminal proceedings. It nonetheless upholds the victim-perpetrator dichotomy that is typical for international criminal law and criminal procedures. To its visitors, it provides two primary categories – survivors and perpetrators – whereby survivors are Tutsi and perpetrators are Hutu. It further adds the categories of 'Elders' and 'Rescuers', but it is unclear if individual elders and rescuers are also survivors or perpetrators.⁴⁵ The Archive suppresses the multiple identities and grey zones of an individual's participation in the conflict or genocide. The overarching categorisation rigidifies (criminal) actions and people in a manner that does not mirror the fluid and complex realities of the genocide, but instead the reality of the law.⁴⁶

The Genocide Archive includes twenty-four victim/survivor testimonies and only five perpetrator testimonies.⁴⁷ Such overrepresentation of the experiences of survivors in archives of mass violence is not uncommon.⁴⁸ By documenting the genocide primarily through the ex-

43 Scott Straus, 'Studying Perpetrators: A Reflection', *Journal of Perpetrator Research*, 1 (2017), 28–38 (p. 29).

44 Similarly, Julia Viebach, Dagmar Hovestädt, and Ulrike Lühe, 'Beyond Evidence: The Use of Archives in Transitional Justice', *The International Journal of Human Rights*, 25 (2021), 381–402 (p. 382).

45 Genocide Archive of Rwanda, 'Testimonies', <<https://genocidearchiverwanda.org.rw/index.php/Category:Testimonies>> [accessed 6 May 2024].

46 Fujii, p. 8; Jessee, *Negotiating Genocide in Rwanda*, p. 53; Anderson and Jessee, 'Introduction', pp. 7 and 11.

47 Initially, the Archive contained forty-three survivor testimonies, see Williamson Sinalo and Irakoze, p. 365. Genocide Archive of Rwanda, 'Testimonies', 'Perpetrators', <<https://genocidearchiverwanda.org.rw/index.php?title=Category:Perpetrators&qsearch=>>> [accessed 6 May 2024]. Note that there is another page with 'Genocide Perpetrators Confessions' where several prisoners 'reveal and apologise', <https://genocidearchiverwanda.org.rw/index.php/Category:Perpetrator_Confessions> [accessed 6 May 2024]. They were filmed at a so-called 'Solidarity Camp'. For a discussion of these camps, see Human Rights Watch, *Solidarity Camps*, <<https://www.hrw.org/reports/2000/rwanda/Rwan004-13.htm>> [accessed 6 May 2024]; Andrea Purdeková, 'Rwanda's Ingando Camps: Liminality and the Reproduction of Power', Refugee Studies Centre, Working Paper Series 2011, <https://researchportal.bath.ac.uk/files/174005236/Purdekova_WP_Sep_20_2011.pdf> [accessed 6 May 2024].

48 Schmidt calls it a booming phenomenon (p. 86); Luft, 322.

periences of victims, one might argue that the Archive applies a human rights approach.⁴⁹ The Archive appears to be what legal scholar Sara Kendall terms a 'victimary archive'.⁵⁰ Yet, unlike the repositories of the International Criminal Court that Kendall examined, the Genocide Archive does not turn individual victims into a common trope of voices by collapsing a plurality of voices into a singular voice of the abstract victim.⁵¹ The international criminal judiciary focuses on bringing perpetrators to trial to ensure accountability. In this process, the victim's participation is limited to distilling legally relevant details that are deemed relevant for a conviction.⁵² By contrast, the Genocide Archive amplifies many individual victims' voices, lets them tell their stories, and recounts and makes available their fate to the broader public. The victims are neither voiceless, nor are their voices unified or presented as one.⁵³ Quite to the contrary: although the victims are united through a common experience of genocide, they each have individual stories to tell. The Archive gives them the space and time to recount their experiences in testimonies that are available on its website.

According to trauma theorist Shoshana Felman, 'testimony has become a crucial mode of our relation to events of our times – our relation to the traumas of contemporary history'.⁵⁴ The testimonies of survivors and perpetrators available at the Archive were collected by employees of the Archive in collaboration with *Ibuka*, the umbrella group for genocide survivor organizations.⁵⁵ The vast majority of staff members are survivors.⁵⁶ The methodological decision of the Archive to work together with a survivor group in gathering testimonies of perpetrators is, in and by itself, remarkable. It is also interesting to note that the webpage of the Archive mentions neither this collaboration nor the background of its staff, which adds a layer of opacity to the archival choices and content.

49 Viebach, 414.

50 Kendall, p. 156. In order to appear in law, victimhood must be inscribed to be rendered legible for recognition. This inscription does not respect lived experience of suffering and grievance (ibid.).

51 Ibid., p. 157.

52 Ibid., p. 158–59.

53 Subotić, 8.

54 Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (New York and London: Routledge, 1992), p. 5.

55 Williamson Sinalo and Irakoze, p. 353.

56 Williamson, 17; Jessee, *Negotiating Genocide in Rwanda*, p. 51; Mwambari, 619.

The collaboration with the victim group *Ibuka* probably provided the setting in which the testimonies were recorded. In the case of one perpetrator testimony, the background suggests that it was filmed at the Kigali Genocide Memorial, making the viewer wonder what the incentive and motive of this perpetrator was to tell his story. The analysis of this and other testimonies must include the meta-data, namely the context and unspoken information, such as the tone and choice of wording, but also who interviewed, under which circumstances, and where.⁵⁷ This information is unavailable to those without historical, social, and cultural understandings and knowledge of Rwanda. There are thus questions about the hidden transcript when the perpetrator testimonies were filmed. Conversely, the victim testimonies are more transparent. They were conducted in their own homes or another selected location, which provided them with a 'comfortable environment in which to speak openly'.⁵⁸ Both the camera operator and interviewer were survivors themselves, and they held a pre-interview session that enabled the establishment of contact and trust.⁵⁹ Due to the lack of available information, it is unclear whether the respect that was shown for the victims' vulnerability extended to the perpetrators.

Subotić claims that archival research of victims requires heightened ethical considerations related to respecting their dignity and humanity. These considerations may be different for perpetrators 'because their actions almost always included a degree of choice'.⁶⁰ She argues that the perpetrators' choices and responsibility justify that researchers treat them differently. Yet, at the same time, she admits that the categorisation of perpetrator and victim usually is not so simple because their identity boundaries are blurred: many individuals who were implicated in a conflict are a combination of perpetrator, victim, bystander, or helper.⁶¹ This insight, which coheres with other research, is an argument against treating perpetrators differently from victims in any kind of research, archival or otherwise.

57 Lee Ann Fujii, 'Shades of Truth and Lies: Interpreting Testimonies of War and Violence', *Journal of Peace Research*, 47 (2010), 231-41 (p. 232); Luft and Subotić.

58 Williamson Sinalo and Irakoze, p. 356.

59 Ibid.

60 Subotić, 8.

61 Ibid.

As a victimary archive, the Genocide Archive is a 'repository or "storehouse" of what needs to be gathered and recognized so that it can be left behind in order to inaugurate the future'.⁶² Even without a legal mandate of prosecution, post-conflict archives gather information of what is considered relevant for affected people to move on, both individually and as a community. The archives thus contain knowledge that can assist a society and country to transition peacefully. Yet the question arises if the past can be left behind and the future inaugurated if the remembrance of the genocide is based primarily on memories of the victim group. By leaving out the perpetrators – a not insignificant part of the Rwandan population⁶³ – the future seems to be staked out without considering their perspectives. Here, it is important to distinguish between their views on the mass killings on the one hand, and their views on how to peacefully coexist in the future and of reconciliation, on the other hand. The absence of perpetrators' narratives in archives might cause a bigger interest in them, thus giving them more attention than necessary. Could the limiting of the perpetrators' voices in archives be understood as a form of collective punishment? From a criminological and legalistic perspective, arguably perpetrators should not be subjected to punishment beyond the court-imposed penalty. Once they have been released from prison, they should also be released from the category of 'perpetrator', including all associated stigma.⁶⁴

According to the historian Pierre Nora, the 'law of remembrance' has a coercive force, since it creates an individual's identity and sense of belonging.⁶⁵ If the remembrance comprises solely the victims' voices, then their narratives create the country's identity and sense of belonging. Vice versa, by leaving out or limiting the perpetrators from na-

62 *Law, Memory, Violence: Uncovering the Counter-Archive*, ed. by Stewart Motha and Honni van Rijswijk, (Abingdon: Routledge, 2016), blurb and back-matter.

63 Research indicates that at least 200,000 people were directly involved in the killings. This number excludes bystanders or others assisting in enabling the killings, see Kimonyo, p. 1-2. On statistics and estimates of percentages of perpetrators, see Scott Straus, 'How Many Perpetrators Were There in the Rwandan Genocide? An Estimate', *Journal of Genocide Research*, 6 (2004), 85-98, critically examining claims that there were three million perpetrators or 25% of the Hutu population. He concludes that around 7-17% of the male Hutu population were perpetrators. He relies on the definition of perpetrator in Rwandan domestic law, thus excluding bystanders or instigators or commanders ordering crimes.

64 On stigma, see Erin Jessee and Kjell Anderson, 'Conclusion: Towards a Code of Practice for Qualitative Research among Perpetrators', in *Researching Perpetrators of Genocide*, ed. by Kjell Anderson and Erin Jessee (Madison: University of Wisconsin Press, 2020), pp. 199-220 (p. 201 and 209).

65 Pierre Nora 'General Introduction: Between Memory and History', in *Realms of Memory: Rethinking the French Past. Volume 1: Conflicts and Divisions*, ed. by Pierre Nora and Lawrence Kritzman (New York: Columbia University Press, 1996), p. 11.

tional remembrance, they are excluded from post-genocide Rwandan identity and belonging. These theoretical considerations might be significant for the post-genocide setting and state-centric reconciliation of Rwanda, which will be discussed below.

Genocide Remembrance and Trauma

In a post-genocide setting like Rwanda, a small country with a high population density where neighbours turned against each other, perpetrators remain identifiable even once released from prison. They often returned to their villages to live side-by-side with their victims.⁶⁶ What long-term effects do the genocide and this living together have on the survivors?

Several research projects confirm the large-scale intergenerational trauma in Rwanda that affects survivors' mental and physical health, economic status, social status, family compositions, domestic violence, and more.⁶⁷ Despite (or because of) the trauma, many interviewed survivors considered it pointless to dwell in the past, claiming that the genocide is history or that they have left it behind. For their children's sake, they tried to hide their emotional struggles and limited recounting past stories to the annual genocide commemoration in April.⁶⁸ These findings could indicate that the survivors focus on moving on rather than holding on to the perpetrator-victim dichotomy. However, the narrative might be influenced by domestic legislation: the 2001 Divisionism Law and the 2008 Genocide Ideology Law, which will be discussed below, impose severe sanctions on expressions that could create division in the population or be interpreted as genocide ideology. Thereby, the laws impede public expression of (normal) feelings like

66 Marie Grace Kagoyire, Jeannette Kangabe, and Marie Chantal Ingabire, "A Calf Cannot Fail to Pick a Colour from its Mother": Intergenerational Transmission of Trauma and its Effect on Reconciliation among Post-Genocide Rwandan Youth', *BMC Psychology*, 11 (2023), 1-18 (p. 2).

67 Ibid.; Marie Chantal Ingabire and others, 'Intergenerational Transmission of Trauma and Its Association with Attitudes Toward Reconciliation', *Psychological Trauma: Theory, Research, Practice, and Policy*, 15 (2023), S393-S400; Marie Chantal Ingabire and others, 349-61; Clarisse Musanabaganwa and others, 'Burden of Post-Traumatic Stress Disorder in Postgenocide Rwandan Population Following Exposure to 1994 Genocide against the Tutsi: A Meta-Analysis', *Journal of Affective Disorders*, 275 (2020), 7-13; Veroni Eichelsheim and others, 'Before My Time? Addressing the Intergenerational Legacies of the Genocide Against the Tutsi in Rwanda', *Intervention: Journal of Mental Health and Psychosocial Support in Conflict Affected Areas*, 17 (2019), 31-9.

68 Eichelsheim and others, 34.

sorrow, grief, mistrust, or even hatred. In doing so, the laws force unity and render invisible the perpetrator-victim dichotomy, which is lingering just beneath the surface.⁶⁹ Research has shown that the genocide commemoration and life at home triggers trauma, thereby affecting adults as well as children of survivors and perpetrators and limiting true reconciliation.⁷⁰ Moreover, the commemoration events have led to the public mourning of Tutsi victims and, interconnectedly, a politicisation of death.⁷¹

The State of Rwanda has an obvious interest in creating a lasting peace between the different groups, even though it entails the legal and social repression of struggles and memories.⁷² What role does the Archive play in this transition, and who decides on how to position an archive, domestically and internationally? These questions also connect to the status and voice of perpetrators in the current-day society. Research has shown that archival testimonies may have the capacity to rewrite and make visible the past as well as to redirect narratives from the state to society.⁷³ In the case of Rwanda, the Archive is a repository of voices that function as 'archive stories', but it arguably does not challenge the state-centric approach to engineering a new society where there are no Tutsi and Hutu. Despite its aim of unifying a broken society, the State – and by extension, the Archive – largely upholds, if not perpetuates, the distinction between Tutsi victims and Hutu perpetrators.⁷⁴ Other researchers concur that the Rwandan government only allows people to speak publicly about their experiences of the genocide as long as they endorse the official dichotomous narrative where Tutsi are victims and Hutus are perpetrators.⁷⁵ The political scientist David Mwambari notes that 'official genocide memory in Rwanda morphed into a hegemonic narrative' that recognizes only Tutsi victimhood.⁷⁶ The next section discusses these issues further.

69 Largely confirmed by Susanne Buckley-Zistel, 'Nation, Narration, Unification? The Politics of History Teaching after the Rwandan Genocide', *Journal of Genocide Research*, 11, no. 1 (2006), 31–53.

70 Kagoyire, Kangabe, and Ingabire; Ingabire and others (2022).

71 Mwambari, 619.

72 Eichelsheim and others, 32.

73 Viebach, Hovestädt, and Lühe, 395.

74 This claim is to a certain degree confirmed by Williamson Sinalo and Irakoze, p. 367; Williamson, 19; Lakin, p. 213; Mwambari, 612.

75 Burnet, p. 128; Lakin, pp. 204–205.

76 Mwambari, 612 (and 621).

State-Determined Archival Availability: Perpetuating Power Structures?

According to its webpage, the Genocide Archive aims at collecting and making available materials ‘related to the 1994 genocide against the Tutsi’.⁷⁷ The Archive thus refers to the Tutsi ethnicity of the victims. At the same time, Rwandan domestic law prohibits ‘divisionism’, meaning any reference to ethnicities. This paradox even permeates the Constitution of Rwanda: while Art. 10(2) stipulates the eradication of divisionism, Arts. 50 and 52 ensure ‘welfare to needy survivors of the genocide against the Tutsi’ and preservation of ‘memorial sites of the genocide against the Tutsi’, respectively.⁷⁸ In other words: although the official policy is national homogeneity and non-recognition of ethnic groups – embedded in the slogan *Ndi Umunyarwanda* (‘We are all Rwandan’) – references to Tutsi and their victimhood are ubiquitous in law, the Archive, and society. Thus, while the State actively promotes and legally enforces national unity and suppresses ‘divisionism’ by way of classification of its population, it simultaneously upholds the unwanted categorisation of its population into Tutsi and Hutu (and Twa) – and into victims and perpetrators.⁷⁹

To counteract divisionism, the Rwandan State puts enormous efforts into civic re-education (*itorero*) through community service days and mandatory *ingando* solidarity camps where national unity is emphasised. It employs ‘some unconventional, home grown solutions’⁸⁰ to deal with the consequences of the genocide and has developed a unique transitional justice toolbox consisting of *umuganda* (community work), *imihigo* (performance contracts), *gacaca* (traditional courts), *abunzi* (mediation and reconciliation committees), and other institutions.⁸¹ It is unclear whether these transitional justice methods and genocide remembrance contribute to reconciliation. Most genocide memorials are marked with *urwibutso rwa jenoside yakorewe abatutsi* (memorial of the genocide against the Tutsi). With more than 250 registered memorial

77 Genocide Archive of Rwanda, ‘Welcome’, <https://genocidearchiverwanda.org.rw/index.php?title=Welcome_to_Genocide_Archive_Rwanda> [accessed 6 May 2024].

78 Rwanda’s Constitution of 2003 with Amendments through 2015, Constituent Project, <https://constituteproject.org/constitution/Rwanda_2015.pdf> [accessed 6 May 2024].

79 Similarly, Andrea Purdeková and David Mwambari, ‘Post-Genocide Identity Politics and Colonial Durabilities in Rwanda’, *Critical African Studies*, 14 (2022), 19–37 (pp. 24–25).

80 Government of Rwanda, ‘About’, <<https://www.gov.rw/about>> [accessed 6 May 2024].

81 Lakin, p. 203.

sites, some of which are listed on the Genocide Archive's webpage,⁸² Tutsi victimhood – and the ethnic identification of the majority of the victims – is omnipresent and a constant reminder of the arguably still existing division of society.⁸³

From a historical perspective, the State's efforts to abolish the identification of its citizens as Tutsi, Hutu, or Twa is an understandable move given that the ethnic categories were reshaped and misused by the country's colonising power, Belgium.⁸⁴ The colonial categories led to the creation of fixed and allegedly incompatible ethnicities, the 'us' and 'them' in society, and eventually to the genocide. Yet the abolition is neither consequent nor unifying. Rather, it may seem as though the top-down reconciliation and state-led memorialisation of the genocide unwillingly keep the categories alive. Moreover, most groups within the Rwandan population 'critique the government's transactional discourse of reconciliation as a reversion to a lost form of unity between ethnic groups'.⁸⁵ Thus, those directly concerned do not endorse the engineering of unity, which in turn jeopardises reconciliation.

A seemingly unsolvable discrepancy between the State's declared aim of unity and enacted laws on the one hand – and the implementation of genocide remembrance in society and the Archive on the other hand, becomes apparent. Susanne Buckley-Zistel, a professor in peace and conflict studies, holds that '[w]hile a sense of closure might be an important requirement to provide meaning in a post-war environment, it obstructs alternative, less exclusive interpretations of the past'.⁸⁶

The Archive and its records should be read in relation to the power structures that created and surround it. The question arises whether

82 For a selection of memorials, see Genocide Archive of Rwanda, 'Genocide Memorials', <<https://genocidearchiverwanda.org.rw/index.php/Category:Memorials>> [accessed 6 May 2024].

83 Gretchen Baldwin, 'Rwanda's Government Now Uses the Annual Genocide Remembrance as a Political Tool', *The Washington Post* (7 April 2021), <<https://www.washingtonpost.com/politics/2021/04/07/rwandas-government-now-uses-annual-genocide-remembrance-political-tool/>> [accessed 6 May 2024]. See also, Kagoyire, Kangabe, and Ingabire, 3; Purdeková and Mwambari, 25.

84 Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006); Timothy Longman, 'Placing Genocide in Context: Research Priorities for the Rwandan Genocide', *Journal of Genocide Research*, 6 (2004), 29–45; Susanne Buckley-Zistel, 'Remembering to Forget: Chosen Amnesia as a Strategy for Local Coexistence in Post-Genocide Rwanda', *Africa*, 76 (2006), 131–50 (p. 135).

85 Phil Clark, 'Negotiating Reconciliation in Rwanda: Popular Challenges to the Official Discourse of Post-Genocide National Unity', *Journal of Intervention and Statebuilding*, 8 (2014), 303–20 (p. 309). See also, Lakin, p. 204.

86 Buckley-Zistel, 'Nation, Narration, Unification?', 46.

the Archive holds power over narratives while itself serving as a historical repository for those in power. The Archive is, according to Hartman, ‘inseparable from the play of power’.⁸⁷ She refers to archives of slavery that, in her analysis, contribute to ‘fashioning a narrative’ and perpetuating the power balance of the time when the violence was committed by privileging the accounts of slave traders and owners.⁸⁸ However, unlike the slavery archives, the Genocide Archive does not perpetuate the power of those who perpetrated the genocide. On the contrary, the RPF, whose leadership primarily consists of exiled Rwandan Tutsi who ended the genocide, has retained power ever since. The Archive fashions a narrative by foregrounding the victims and victors—and toning down the perpetrators—not unlike the victorious government that fashions a narrative of society. Research confirms that the Archive, at times, has to comply with the government’s stance, including concealing material that was considered critical of the regime.⁸⁹ In deciding what information to collect and to make accessible and who to focus on, the Archive is not a neutral space, but rather a ‘panopticon of power and control’.⁹⁰

Linguistic Accessibility and Transparency

In researching perpetrators via archived materials, researchers are dependent on understanding the content of documents and testimonies, either independently with knowledge of the respective language or with the help of a translator. The access to oral or written testimonies will be further limited in countries with different languages, dialects, and variations. This challenge is no different for Rwanda.

If perpetrator research should be transparent, then testimonies ought to be readily accessible.⁹¹ Unlike the survivor testimonies, no *génocidaire* testimonies have been subtitled or translated in the Archive. The perpetrators speak Kinyarwanda, making their testimonies inaccessible to non-Kinyarwanda speakers. The Archive contains only five

87 Hartman, ‘Venus in Two Acts’, 10–11.

88 Hartman, ‘Venus in Two Acts’, 11. See also the discussion of slavery archives in Luft and Subotić.

89 Williamson, 19.

90 Viebach, 417. See also Subotić, 9; Luft, 339.

91 The issue of transparency is also raised by Laila Balcells and Christopher Sullivan, ‘New Findings from Conflict Archives: An Introduction and Methodological Framework’, *Journal of Peace Research*, 55 (2018), 137–146.

perpetrator testimonies of men who were convicted by Gacaca courts.⁹² This excludes perpetrators awaiting trial, perpetrators who were convicted by domestic or international courts, and women perpetrators.

Of course, an analysis of the availability and accessibility of perpetrator testimonies through a privileged Western research lens could rightfully be considered too narrow-minded and possibly even (neo) colonial. Perhaps the perpetrator statements are meant for the Rwandan public, and not foreign researchers who do not speak Kinyarwanda, to enable an understanding among people affected by the genocide and later generations.⁹³ Williamson Sinalo and Irakoze confirm that it is easier for the testimonies to fulfil their 'commemorative, psychological, and historical functions' for the affected communities when there are recorded in Kinyarwanda and available online.⁹⁴ Yet, the conditions should be communicated, at the very least on the publicly available webpages of the Archive that neither mention the target audience nor the aim of the statements. The limited availability of perpetrator statements and the lack of translations appear as an omission, or perhaps intentional selectivity. Other explanations include lack of time to digitize, index, transcribe, translate, and subtitle testimonies, often in connection with limited funding.⁹⁵

Certainly, research on perpetrators of genocide is important⁹⁶ and aims to provide new knowledge, but aiding reconciliation and understanding among Rwandans is undoubtedly more important. Within the still ongoing process of transitional justice in Rwanda, the accessibility of non-translated testimonies has a value in and of itself. The Archive – and the testimonies contained in it – forms part of social relations, thus a set of social and cultural practices, which includes tools for reconciliation. Julia Viebach, a scholar in peace and conflict studies, reminds us that what is remembered and forgotten, in archives and beyond, can influence the construction of guilt and of victim- and per-

92 Genocide Archive of Rwanda, 'Testimonies', 'Perpetrators'.

93 Today, more than half of the population of Rwanda is under 20 years old, meaning they have no recollection of the atrocities. See National Institute of Statistics of Rwanda, *Population Census Atlas* (2022), <<https://storymaps.arcgis.com/collections/37d4f88579d14f6cb910f988a10fe862?item=4>> [accessed 6 May 2024].

94 Williamson Sinalo and Irakoze, p. 360; Williamson, 23.

95 Williamson, 23.

96 Cyanne Loyle and Christian Davenport, 'Some Left to Tell the Tale: Finding Perpetrators and Understanding Violence in Rwanda', *Journal of Peace Research*, 57 (2020), 507–20 claim that 'information taken from [...] perpetrators has [...] been viewed as being the most important for understanding mobilization for mass political violence [...]. Research on participation is central, for if there are no perpetrators [...] there can be no violent action' (p. 508).

petratorhood.⁹⁷ Increasing the accessibility of stories from victims and perpetrators of the genocide would provide the Rwandan population with the possibility to gain knowledge about and insight into genocidal dynamics. Dialogical, community-based exchanges of ideas and experiences and a resumption of former normal relationships, as are offered by testimonies of perpetrators, are central to the home-grown initiatives that shape transitional justice in Rwanda.

Yet, the fact is that Rwanda still has a high rate of illiteracy at 25% of the population⁹⁸ and a rate of digital literacy of only 8.4%.⁹⁹ Rwanda also has an internet penetration rate of roughly 30%, meaning only 4.25 million of its 13.2 million inhabitants use the internet,¹⁰⁰ with a concentration of internet users among elites in Kigali, revealing a significant geographical and societal divide.¹⁰¹ The use of digital platforms — like the Archive website and its online testimonies — is thus a reality for only a very limited segment of the Rwandan population: namely, urban elites who can afford a computer and internet access, navigate a webpage, and read or listen to its content. These points shed doubt on the hypothesis that perpetrator testimonies are intended for Rwandans only. However, despite limited internet access, research on social media usage has shown that online platforms are central to debates in Rwanda because their content was also shared via radio.¹⁰² It might therefore be possible that the digital content of the Archive is made accessible through non-digital means.

97 Viebach, 409.

98 Statistics for 2012, see Claude Nyirimanzi, 'Rwanda's Literacy Rate Rises', National Institute of Statistics of Rwanda, <<https://statistics.gov.rw/node/1086>> [accessed 6 May 2024]. According to newer sources, the rate has risen to 75.9% in 2021: Trading Economics, 'Rwanda - Literacy Rate, Adult Total (% Of People Ages 15 and Above)', <<https://tradingeconomics.com/rwanda/literacy-rate-adult-total-percent-of-people-ages-15-and-above-wb-data.html>> [accessed 6 May 2024]. This means that one quarter of the population is still illiterate.

99 World Bank Group, *Rwanda Economic Update: Accelerating Digital Transformation in Rwanda* (January 2020), p. 23.

100 Simon Kemp, 'Digital 2023: Rwanda', *Datareportal* (14 February 2023), <<https://datareportal.com/reports/digital-2023-rwanda>> [accessed 6 May 2024].

101 Purdeková and Mwambari, 23; D.E. Uwizeyimana, 'Analysing the Importance of e-Government in Times of Disruption: The Case of Public Education in Rwanda During Covid-19 Lock-down', *Evaluation and Program Planning*, 91 (2022), 1-8 (p. 5).

102 Purdeková and Mwambari, 23.

Dialogical Reconciliation

The community-based and public approach to solving problems amongst neighbours, which one might perceive embedded in the Archive, is also part and parcel of Gacaca. Gacaca courts are a long-standing Rwandan conflict resolution mechanism that became a pivotal element of Rwanda's transitional justice process. After the genocide, the country lay in ruins, the social fabric was torn apart, and the population was either killed, injured, dispersed, or displaced. According to State estimates, more than 761,000 persons were involved in the crimes, meaning slightly less than half of the adult male Hutu population of Rwanda in 1994.¹⁰³ By 1998, approximately 130,000 individuals were imprisoned in prisons designed for 12,000 prisoners, accused of participation in the mass atrocities. The justice system was unable to deal with these cases due to a lack of court infrastructure, judges, administrative employees, finances, and more. To bring about justice and reconciliation, the Rwandan government adapted the Gacaca community court system and passed a law that largely followed the definition of the Genocide Convention.¹⁰⁴ These courts consisted of locally elected judges who were able to pass lower sentences if a perpetrator was repentant and sought forgiveness and reconciliation with the community. From 2005 until their closure in 2012, 12,000 Gacaca courts tried more than 1.2 million cases throughout the country.¹⁰⁵ Originally designed

103 Human Rights Watch, *Country Summary Rwanda* (January 2006), <<https://www.hrw.org/legacy/wr2k6/pdf/rwanda.pdf>> [accessed 6 May 2024]; Christopher Le Mon, *Rwanda's Troubled Gacaca Courts*, <<https://dullahomarinstitute.org.za/acjr/resource-centre/Gacaca.pdf>> [accessed 6 May 2024]. Note that State figures rely on the domestic perpetrator definition, which includes all people who in some form took advantage of the genocide, including by looting property or turning in people in hiding, see Straus (2004).

104 Organic Law no. 40/2000 of 26 January 2001 Setting up 'Gacaca Jurisdictions' and Organizing Prosecutions for Offences Constituting the Crime of Genocide or Crimes Against Humanity Committed Between October 1, 1990 and December 31, 1994. Maya Goldstein Bolocan, 'Rwandan Gacaca: An Experiment in Transitional Justice', *Journal of Dispute Resolution*, 2 (2004), 355-400; Max Rettig, 'Gacaca: Truth, Justice, and Reconciliation in Postconflict Rwanda?', *African Studies Review*, 51 (2008), 25-50; Bert Ingelaere, 'The Gacaca Courts in Rwanda', in *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, ed. by Luc Huyse and Mark Salter (Stockholm IDEA, 2008), pp. 25-59.

105 Human Rights Watch, *Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts* (31 May 2011), <<https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts>> [accessed 6 May 2024]. A special Gacaca Archive was established, see Peter Horsman, 'The Gacaca Archive: Preserving the Memory of Post-Genocide Justice and Reconciliation in Rwanda', in *Archives and Human Rights*, ed. by Jens Boel, Perrine Canavaggio, and Antonio González Quintana (Abingdon: Routledge, 2021), pp. 152-63.

to handle small-scale local disputes primarily in private or family law, they were adapted to cases of genocide. The judges could hand down life sentences, as was the case in the trial of Valérie Bemeriki, a woman *génocidaire*, who will be discussed in the next section.

Before turning to Bemeriki, a few considerations on the Gacaca system. In practical terms, it was the only way of expediently dealing with the staggering number of defendants. From a legal perspective, the Gacaca courts have been criticised for the absence of appeals, the bias of locally elected, legally untrained, and unpaid judges who were thus susceptible to bribery, the politicisation of the system, allegations of false accusations, harassment of and attacks against witnesses, and other challenges.¹⁰⁶ Some critics argued that Gacaca disrespected basic human rights, including due process, and prioritized RPF power consolidation over reconciliation. Furthermore, by assigning collective responsibility the courts risked deepening the social divides within Rwanda. However, the Rwandan government dismissed civic criticism against the Gacaca courts as disloyalty to the State.¹⁰⁷ Valérie Bemeriki is one of the perpetrators who was sentenced by a Gacaca court for her key role in the genocide. Her case connects discussions of dialogical reconciliation with the archival perpetrator selectivity, which the next section discusses.

Perpetrator Selectivity: The Case of Bemeriki

The case of Valérie Bemeriki presents particularly interesting aspects of perpetrator selectivity in the Archive. Bemeriki is a former journalist, employed by the notorious *Radio Television Libre de Mille Collines* (RTLM), a semi-private radio station created by high-ranking Hutu extremists. RTLM was launched in 1993 and quickly became Rwanda's most popular station, with Bemeriki serving as one of its most prominent voices. RTLM's journalists disseminated racist stereotypes and incited specific killings, including by reading names of Tutsi who were to be targeted.¹⁰⁸ RTLM drew upon historical myths and stereotypes of

106 Karen Brounéus, 'Truth-Telling as Talking Cure? Insecurity and Retraumatization in the Rwandan Gacaca Courts', *Security Dialogue*, 39(2008), 55-76; Mwambari, 625; Le Mon.

107 Human Rights Watch, *Justice Compromised*; Rettig, 32-33; Ingelaere, pp. 52-56; Le Mon; Mwambari, 620.

108 Darryl Li, 'Echoes of Violence: Considerations on Radio and Genocide in Rwanda', *Journal of Genocide Research*, 6 (2004), 9-27; *The Media and the Rwandan Genocide*, ed. by Allan Thompson (London: Pluto Press, 2007).

Tutsi, using thinly veiled euphemisms such as ‘going to work’ instead of killing and ‘cockroaches’ (*inyenzi*) instead of Tutsi.¹⁰⁹ In her broadcasts on RTLM, Bemeriki told her listeners: ‘Do not kill those cockroaches with a bullet – cut them to pieces with a machete.’¹¹⁰ In doing so, she challenged socially prescribed stereotypes and gender norms, according to which Rwandese women are viewed positively if they are submissive, silent, and maternal but do not act out violently.¹¹¹ Comparative genocide studies scholar Sara Brown considers Bemeriki one of the most important mobilizing agents¹¹² and writes

[a]s one of few women who had accessed the male-dominated sphere of radio, Bemeriki was a role model and voice of authority for Rwandan women. These concurrent mobilization efforts had a lasting impact and influenced women (and men) to participate in the genocide.¹¹³

During her trial before Gacaca, Bemeriki admitted to inciting violence and is now serving a prison sentence in Rwanda.¹¹⁴ Her conviction is one of several judgments on the role of media in inciting the genocide.¹¹⁵ While the Archive contains no videos or photographs of Bemeriki, her name appears on ninety-six different documents. The majority are court records from the International Criminal Tribunal for Rwanda (ICTR) that are publicly available through the ICTR website and its successor body.¹¹⁶

109 On the use of metaphors and euphemisms, see Carola Lingaas, ‘Dehumanising Ideology, Metaphors, and Psychological Othering as Evidence of Genocidal Intent’, *International Criminal Law Review*, 22 (2022), 1044–1067, especially 1059.

110 Jean Baptiste Kayigamba, ‘Rwanda Woman: I Incited Killings’, *The Independent* (22 June 1999), <<https://www.independent.co.uk/news/world/rwanda-woman-i-incited-killings-1101898.html>> [accessed 6 May 2024].

111 Burnet, p. 44.

112 Sara Brown, ‘Female Perpetrators of the Rwandan Genocide’, *International Feminist Journal of Politics*, 16 (2014), 448–69 (pp. 456–7).

113 Sara Brown, ‘“They Forgot Their Role”: Women Perpetrators of the Holocaust and the Genocide Against the Tutsi in Rwanda’, *Journal of Perpetrator Research*, 3 (2020), 156–85 (171).

114 BBC News, ‘Rwanda Jails Journalist Valerie Bemeriki for Genocide’ (14 December 2009), <<http://news.bbc.co.uk/2/hi/africa/8412014.stm>> [accessed 6 May 2024]. See Sara Brown, *Gender and the Genocide in Rwanda: Women as Rescuers and Perpetrators* (Abingdon: Routledge, 2018).

115 Some of the International Criminal Tribunal for Rwanda (ICTR)’s most prominent judgments concerned the RTLM and the participation of other media personalities in inciting genocide. See *The Prosecutor v. Ruggiu*, Case Nr. ICTR-97-32-I, Trial Chamber Judgment and Sentence (1 June 2000) and *The Prosecutor v. Nahimana et al.*, Case Nr. ICTR-99-52-T, Appeals Judgment (28 November 2007).

116 Unified Court Records, <<https://ucr.irmct.org/>> [accessed 6 May 2024].

During my visit to the Archive in July 2018, one of its employees mentioned that Bemeriki's personal testimony was being transcribed and translated into English. Bemeriki's testimony was not a submission to the ICTR, but was filmed by Archive staff, similarly to the other perpetrator testimonies on its website. I was told the testimony would shortly become available, subject to the payment of a fee. After some hesitation, I agreed to pay, only to be notified that the University of St. Andrews had exclusive access to the testimony due to a project on post-traumatic growth.¹¹⁷ Even if there is an official collaboration that resulted in the publication of a monograph¹¹⁸ and an anthology¹¹⁹, testimonies should arguably remain accessible for other researchers and the public. Although the practice of embargo is not uncommon in academia, it reveals a tension: making a perpetrator testimony unavailable for several years hampers research and education, while favouring privileged institutions with available funding and/or special connections to the Archive or Aegis. There is also a discrepancy between the freely available testimonies on the ICTR website and the embargoed or restricted testimonies on the Archive's website. Inaccessibility arguably contradicts academic collegiality and current trends to make research data open access, especially for scholars in the Global South.¹²⁰ Limiting access to Bemeriki's testimony is particularly unfortunate due to her special role in the genocide and status as a convicted woman *génocidaire* who are considered 'aberrant, flawed, or inhuman' monsters.¹²¹ Furthermore, it removes the ownership and access from Rwandans who should be the primary beneficiaries of genocide-related information.

117 Rwandan Stories of Change, <<https://archive.st-andrews.ac.uk/other/rwandan/>> [accessed 6 May 2024] and the connected publication by Hannah Grayson, 'Articulating Growth in Rwandan Terms: Adapting the Post-Traumatic Growth Inventory', *Studies in Testimony*, 1 (2018), 4-30.

118 Caroline Williamson Sinalo, *Rwanda After Genocide: Gender, Identity and Post-Traumatic Growth* (Cambridge: Cambridge University Press, 2018).

119 Hannah Grayson and others, *After the Genocide in Rwanda: Testimonies of Violence, Change and Reconciliation* (London: I.B. Tauris, 2019).

120 Andrea Powell, Rob Johnson, and Rachel Herbert, 'Achieving an Equitable Transition to Open Access for Researchers in Lower and Middle-Income Countries' (11 June 2020), International Center for the Study of Research Paper, <<https://ssrn.com/abstract=3624782>> [accessed 1 June 2024].

121 Sara Brown, 'They Forgot Their Role', 165. See also Erin Jessee, 'Rwandan Women No More: Female *Génocidaire*s in the Aftermath of the 1994 Rwandan Genocide', *Conflict and Society: Advances in Research*, 1 (2015), 60-80, who interviewed Bemeriki.

At the time of writing, Bemeriki's testimony is not mentioned on the Archive's website but may be obtained by researchers who are aware of its existence and can pay a 'donation' to the Archive.

Instead of a Conclusion: Reflections on Archival Opacity

Every archive is shaped by curated choices and narratives. They contain mosaics of lived truths based on individual experiences. Some voices in the archive are more prominent than others. These choices reflect power and influence remembrance and memorialisation. In post-conflict or post-genocidal societies, the role of archives is enhanced and an important part of reconciliation. There, archives have to perform a difficult balancing act between amplifying victims' voices to restore their dignity and respect, and restricting perpetrators' voices to avoid providing them with an (unwanted) platform to disseminate denialism or revisionism. Post-conflict archives are further influenced by the classification of 'victim' and 'perpetrator', which inevitably leads to losing nuances of identity, agency, and participation. As this paper has shown, the Archive tries to balance this situation, arguably with mixed results. For historical, social, and maybe even political and legal reasons, the Archive foregrounds the voices of the survivors/victims who had the immensely difficult task of continuing their lives after their families, neighbourhoods, society, and the whole State of Rwanda had been exposed to a deeply traumatic and intergenerational experience.¹²² Their lived experiences of this violent societal transformation are enhanced by making their statements and views broadly available.

Archives are sites of truth-telling and knowledge production, where past experiences are shaped and reconfigured. The truth contained in an archive will not be objective, but rather presents a 'reality of what was found was true'.¹²³ Like many other victimary archives, the Archive is characterized by a preponderance of victim testimonies. Here, the truth is what survivors convey in their testimonies. Generally, this truth reflects the official state-propagated version of the genocide and perpetuates the Tutsi victim/Hutu perpetrator dichotomy. The few existing perpetrator statements have been produced under opaque and non-disclosed circumstances and remain inaccessible to non-Kinya-

¹²² Eichelsheim and others.

¹²³ Viebach, 426.

rwandan speakers. This paper used the case of Bemeriki, who was convicted by a Gacaca tribunal and who provided a recorded testimony for the Genocide Archive, as an example to discuss the unavailability and inaccessibility of perpetrator testimonies.

The Archive's choice to not provide the – mostly still living – perpetrators with a platform is comprehensible, especially in a country like Rwanda where neighbours turned against each other and now continue to live side-by-side. Other post-genocidal situations – foremost in Republika Srpska and in Serbia – have shown that there is a real risk of denialism, especially where *génocidaires'* narratives of denial go unchallenged or receive state-sanctioned support.¹²⁴ There, certain convicted war criminals are celebrated as heroes, their involvement in the conflict is denied, and the international efforts to bring justice to the region are characterized as lies.¹²⁵ Rwanda is exposed to the same risk, yet mitigates it through state-engineered reconciliation efforts that silence dissenting voices. Research shows that the reconciliation is only partially successful: below the surface of unity, ethnic divisionism and mistrust is widespread. The division of the population into Tutsi victims or Hutu perpetrators remains omnipresent, especially in genocide memorials and the annual commemorations. The official narrative is selective with regard to historical facts of armed conflicts and all the opaque shades of involvement in the genocide, where victims can be perpetrators and perpetrators can be victims. This opacity and silencing transplants to the Archive. Arguably, the silencing of people's experiences for political reasons, leads to a distortion of history and reality, and prevents a meaningful and lasting reconciliation.

¹²⁴ For an analysis, see Jessie Barton Hronešová, 'Ethnopolitist Denial and Crime Relativisation in Bosnian Republika Srpska', *East European Politics*, 38 (2022), 21–42; Jelena Subotić, 'Holocaust and the Meaning of the Srebrenica Genocide: A Reflection on a Controversy', *Journal of Genocide Research*, 24 (2022), 71–82.

¹²⁵ Klejda Mulaj, 'Genocide and the Ending of War: Meaning, Remembrance and Denial in Srebrenica, Bosnia', *Crime, Law and Social Change*, 68 (2017), 123–43; Genevieve Parent, 'Genocide Denial: Perpetuating Victimization and the Cycle of Violence in Bosnia and Herzegovina (BiH)', *Genocide Studies and Prevention*, 10 (2016), 38–58.

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