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Assembling Styles of Truth in Rwanda's *Gacaca* Process

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Abstract

The *gacaca* process was introduced in Rwandan society to deal with the legacy of the 1994 genocide against Tutsi. Empirically informed research points to the ambiguous and ambivalent attitudes of participants regarding testimonial activities, namely the search for the truth. Hence the questions: what does the *gacaca* experience reveal about this elusive and multidimensional notion called 'the truth'? And, what does 'the truth' as experienced by Rwandans reveal about the nature of the *gacaca* process? This article aims to answer these questions by identifying and qualifying the different *styles of truth* at work in the *gacaca* process, namely the *forensic truth*, the *moral truth*, the *effectual truth* and, the *Truth-with-a-Capital-T*. The first is a consequence of the design of the court system, the second is derived from the socio-cultural context, the third is a consequence of the decentralised milieu in which the *gacaca* courts were inserted, the fourth is the result of the overall political context in which the *gacaca* activities took place. This process of assembling these different styles of truths is conceptualised through the notion of *agencement* that captures the intricate interplay of agency and structure, contingency and structuration, change and organisation shaping the *gacaca* process.

Keywords: Rwanda, transitional justice, *gacaca*, truth, genocide

Introduction

The peculiar course of the *gacaca* process introduced in Rwandan society to deal with the legacy of the 1994 genocide against Tutsi has been thoroughly examined in book-length scholarly studies (Clark, 2010; Ingelaere, 2016; Chakravarty, 2015; Doughty, 2016; Longman, 2017).[1] Not only observations of trial proceedings but also survey results and popular narratives collected during fieldwork indicate that testimonial activity – both confessions but especially accusations – was the cornerstone of the *gacaca* system (Penal Reform International, 2003; Waldorf, 2006). But the ambiguous and ambivalent attitudes regarding these testimonial activities – the search for the truth – characterised popular experiences with the *gacaca* process and thus the process itself (Buckley-Zistel, 2005, 2006; Burnet, 2009; Brounéus, 2008, 2010; Ingelaere, 2009; Republic of Rwanda, 2007, 2008, 2010). It is this discursive process that takes centre stage in this article: we aim to shed light on the actual *gacaca* practice by identifying and qualifying the different styles of truth at work in the *gacaca* process. This will be the entry point to subsume disparate dynamics and features of the *gacaca* practice.[2]

The truth is an elusive and multidimensional concept. In the report of the South African Truth and Reconciliation Commission four notions of truth are identified (TRC-SA, 1998: 110–17). The *forensic truth* entails answers to the basic questions of who, where, when, how and against whom and possibly the context, causes and patterns of violations. Other dimensions of the truth – *narrative, social and restorative* – go beyond this factual delineation of actions by incorporating the meaning attached to these facts by victim and perpetrator through interaction, discussion and debate, and not as arguments. Factual knowledge is accompanied by the acknowledgement of events and acceptance of accountability in the context of restoring the dignity of victims and survivors.

Given the importance of the discursive in the *gacaca* practice as well as in the popular appraisal of the courts impact on the social tissue and given the fact that there are different dimensions to the truth as suggested in the report of the South African Truth and Reconciliation Commission the question arises: what *kinds* of truth surfaced in the actual *gacaca* assemblage in small face-to-face communities? And what kind of truth dominated? And how did these truths interact?

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I will answer these questions based on fieldwork conducted in Rwanda between 2005 and 2012 – when the *gacaca* courts were operational nationwide – when I, together with Rwandan collaborators, observed a total of 1,917 trials dealing with allegations against 2,573 individuals. In doing so, I conceptualise the *gacaca* process as an assemblage.[3] I borrow this concept from the philosophers Deleuze and Guattari as they coined it in *A Thousand Plateaus* (2004). They introduce the concept of *agencement* that is generally translated as *assemblage* in English to capture the intricate interplay of agency and structure, contingency and structuration, change and organisation.[4] Important is the fact that 'assemblages select elements from the milieus (the surroundings, the context, the mediums) in which the assemblages work' (Macgregor Wise, 2005: 78). Therefore, it is needed to contextualise the *gacaca* practice.

Such a contextualisation is important in order to understand processes of *territorialisation* and *deterritorialisation* of the *gacaca* assemblage. Through these notions I am evoking the forces at play in and on the *gacaca* practice resulting in different types or styles of truth interacting in the *gacaca assemblage*: the *forensic truth*, the *moral truth*, the *effectual truth* and, what I refer to as the *Truth-with-a-Capital-T*. The first is a consequence of the design of the court system, the second is derived from the socio-cultural context, the third is a consequence of the decentralised milieu in which the *gacaca* courts were inserted, the fourth is the result of the overall political context in which the *gacaca* activities took place.

The following sections will focus on the nature of these expressive forms – styles of truth – in the *gacaca* assemblage and the nature of their interaction. These dimensions of the truth were not all equally important in the actual *gacaca* practice. A concluding section aims to identify what style of truth dominated most and why.

The Forensic Truth

The modernised *gacaca* court system as it functioned in Rwanda is often referred to in terminology and descriptions as if it were identical, or at least similar, to the traditional conflict resolution mechanism known as the *gacaca* that has existed in Rwandan society since pre-colonial times. It, therefore, often carries the connotation of a customary and quasi non-judicial mechanism with primarily a restorative objective. The image of palavers under the oldest tree in the village is never far away. However, the relation between the 'old' and the 'new' *gacaca* was not one of identity or even of gradual continuity: there was a difference in kind. An essential change marked the installation of the *gacaca* courts after the genocide. The legislation delineated a modernised *gacaca* system that incorporated three fundamental principles, and these defining features affected the actual functioning of the *gacaca* practice.

First, those suspected of genocide and crimes against humanity were to be prosecuted in parallel courts according to the crime committed. Ordinary courts would try the people presumed to be responsible for organising and orchestrating the genocide while the *gacaca* courts would judge others, the majority of the cases, on their respective *collines* (hills).[5]

Officially, there were two phases in the *gacaca* process. During the first phase, which officially took place at the cell (neighbourhood) level between January 2005 and July 2006, the system collected information through confessions and accusations in every cell. The *gacaca* system mirrored the administrative structure of Rwanda as it existed both during the genocide and when the nationwide *gacaca* process began. The *gacaca* courts operated at the lowest administrative levels of society, cells and sectors.[6] If someone was alleged to have committed crimes in multiple localities, a *gacaca* court in each locality would judge the person.

At the end of the information collection phase, the lay judges presiding over the *gacaca* court of the cell categorised the crimes and suspects. Although the elected judges decided how to categorise each person, the information and evidence on the basis of which this was done came from a perpetrator's confession and/or through accusations from members of the 'General Assembly' of the court at this level, that is, the entire population of the cell.

In July 2006 the second phase (the trial phase) started. Trials for those placed in the second category took place at the sector level. Trials for people placed in the third category took place at the cell level. The information collected in the previous phase as well as confessions made by prisoners was used to conduct the trials of the accused and those who had confessed.

Second, installing courts in every administrative unit of the state would achieve the popularisation or decentralisation of justice. The *gacaca* courts procedure was loosely modelled on the traditional *gacaca* with lay persons presiding as judges and the (active) involvement of the entire adult population as a 'General Assembly'. Lay judges, the *inyangamugayo* or 'persons of integrity', were the engines of the *gacaca* process. In October 2001 over 250,000 *inyangamugayo* were elected (Republic of Rwanda, 2001).[7] They were members of the general population, without legal training or experience, and they received a short training on the law and procedures. Because the *gacaca* laws changed between the election and nationwide implementation, not all elected judges presided at the start of the *gacaca* process in January 2005. At that point, there were 12,103 *gacaca* courts in total nationwide, and 169,442 *inyangamugayo* presided

over them. During a closing ceremony in 2012 it was announced that the courts dealt with 1,958,634 cases and that a total of 1,003,227 persons stood trial in the modern *gacaca* court system (Republic of Rwanda, 2012).[8]

Third, confession would increase the amount of evidence and available information. *Gacaca* trials would take place not with evidence gathered by police and judicial authorities but through the testimonials of perpetrators, victims and bystanders during the trials. The discursive encounter in the *gacaca* sessions would function as the catalyst for the transitional justice process.

Overall, the changes made the *gacaca* courts into a judicial body guided by state law and thus imposed a specific expressive convention on the *gacaca* process. The design of the court system infused the *gacaca* assemblage with a specific style of truth-telling, namely the forensic truth. A key feature of the 'new' *gacaca* was its prosecutorial logic, the fact that it functioned according to typical (Western) trial proceedings. To illustrate the logic of the *gacaca* proceedings, we provide the verbatim overview of the proceedings against one specific defendant.

Ndambaye, a 32-year-old peasant,[9] originates from northern Rwanda but was residing in central Rwanda during the genocide. At the start of the *gacaca* session, the judges read the compiled case files — a synthesis of the collected testimonies – aloud. In this case, the secretary of the court started reading the indictments of the persons standing trial. Ndambaye was accused of having killed 9 individuals and of being implicated in different acts of pillaging. Each of the defendants' cases were then examined sequentially. Ndambaye was second. Generally, the judges started by asking the defendant to respond to the allegations or explain the nature of any confession he or she had made. When his trial began, the judges asked Ndambaye to take the floor and explain what he had confessed. He responded as follows:

> Defendant Ndambaye: I confess taking part in the attack to hunt down Charles. He was turned over to us by the people in Gihembe, I remember that one of them was Nshimiyimana. There were other people in uniform but I don't know their name. The soldiers started to hit him with the butt of their rifles, we walked on and when we arrived in front of Ntama's place, the soldiers forced his head down into the muddy water puddles on the road. Charles was wearing a black jacket and leather boots. When we passed Birikunzira's place, the soldiers snatched Karangwa's club and gave it to me. I hit Charles twice with it, he didn't die, we left him there and launched an attack on Nyoni's place. Nshimiyimana was leading us.
>
> At Nyoni's, we found him drinking banana beer from a gourd in front of his place along the road. The soldiers took RWF40,000 from him and then they left. Before they vanished, they told Sendasonga Vincent 'the rest of the work is up to you' and Sendasonga stabbed him once with a lance.
>
> We started looting, my part in it was that I was among those involved in this attack. The next day, we went to Gakumba's and he told us that it was Uwiragiye who finished off Charles and took his shoes. We saw him wearing Charles's shoes. It was that morning that we saw Karekezi's body; he was very close to where Charles had fallen.
>
> Karekezi's body was naked from the waist down; about Karekezi, this is just information I am providing.
>
> About the death of Paulin, Uwitije and Mugaragu: we brought them downhill, I don't know where they were found. They were taken there by Rukeribuga, Ndamukura Innocent, Munyeragwe, Antoine Rwabuzisoni, Gasamaza, Gasake, Nzabandora, and Nemeye. When they got to where I was, they were bound, I don't know who tied them up. Then I left with those who were going to throw them into the river and as we marched them there, we told them that we were taking them where their colleagues had gone. When we got to the river, Munyeragwe and Rwabuzisoni pushed them in the river, they weren't hit at the river, but I could see that they'd been beaten on their way to join me. My part was that I accompanied those who were going to drown them.
>
> Mbangurika's death: I was very close to Kanogo, and I saw people flushing him out of the bush. I think I recognised Gasamaza, Munyakazi Martin, Rukeribuga and Munyeragwe among them. We chased Mbangurika. Uwiragiye appeared on his bicycle out of nowhere and he told me 'If this man escapes, I'm going to hand your mother's breasts to you.' So I hit Mbangurika once with my club and he stopped. We took him where the military were, the soldiers told us that they couldn't waste a bullet on this man and ordered us to take him to the river. I was there with Rukeribuga, Uwiragiye,... When we got to within five meters of the river, Mbangurika ran and threw himself into the river. My part was that I was with those who took him to the river. I don't know anything else about what happened during the war.

When defendants received the opportunity to respond to the allegations or explain the nature of their confessions, the judges typically asked questions and heard testimony from the defendants, any witnesses, and/or other persons who wished to intervene. Here is a verbatim transcript of the president's questions and Ndambaye's answers:

> President: Egide's death?
> Defendant Ndambaye: I don't know anything.
> President: Morukore's death?
> Defendant Ndambaye: I don't know anything and I haven't even heard anything about him.
> President: Is there anything you wish to add to your confession?
> Defendant Ndambaye: I stole three spoons at Simbizi's place.

Witness (female survivor)[10]: I'd like him to explain to us how Mbangurika could be strong enough to run when he got to the river.
Defendant Ndambaye: Going to the river, he could still walk, he'd been beaten, but he could walk, he ran and threw himself into the river.
Witness (female survivor): Where did you find the club you hit Mbangurika with?
Defendant Ndambaye: It was the one I was given when I killed Charles.
Witness (female no-survivor/no prison): When Karekezi was disinterred, he was found with clothes on, who dressed him, then?
Defendant Ndambaye: Personally, I remember that Karekezi was not dressed, maybe those who buried him put clothes on him.
Witness (male no-survivor/no prison): I was called to attack Simbizi's and I refused, Ndambaye had a club coming from his place.
Witness (female survivor): Karekezi was in the same hole as Charles, we saw Gaserebuka wearing Karekezi's trousers. The man who spoke just now is Karangwa's father-in-law.
Defendant Simparishema: When I saw Karekezi's body in the morning, he wasn't dressed.
[Simparishema is one of the other defendants on trial today.[11]]
Witness (female survivor): Charles is said to have been the first to be killed in this area, was Ndambaye only taking a walk or was he going to conduct an attack?
Defendant Ndambaye: Going downhill, I was going for a walk.
Witness (female survivor): What time was it when you arrived at Nyoni's?
Defendant Ndambaye: We killed Charles at around 3:30 p.m., we made it to Nyoni's at around 5 p.m.
Witness (female no-survivor/no prison): I saw Ndambaye coming downhill with a club prior to Charles' death.
Witness (female no-survivor/no prison): Ndambaye, Uziel and Nshimiyimana were with a soldier. Ndambaye had a club, after looting at Simbizi's, they gave me their loot and threatened to kill me if I didn't take care of it, I spent all day watching over those items.
Witness (female survivor): Did they loot at Simbizi's after killing Charles?
Witness (female no-survivor/no prison): Charles was killed in the morning, they looted afterward.
[The *inyangamugayo* say (among themselves) there are conflicts of interest in this trial.]
Witness (female survivor): He said before that Mbangurika was covered with blood when he arrived.
Defendant Ndambaye: Nobody actually hit him. He was beaten when they were still uphill. When they arrived at the river, he ran and jumped into the river.

Ndambaye's hearing ended here. The exchange between Ndambaye, the judges, and the public was thus very short. The court continued with the hearings of the other accused, and, apart from the exchange detailed above, Ndambaye did not speak anymore during the *gacaca* session that day. He was condemned to 15 years' imprisonment, later changed to 12 years' imprisonment following appeal.

As this example illustrates, to a great extent, the *gacaca* court system was simply a judicial mechanism and the process was simply a judicial process that aimed to establish the forensic truth, namely whether a specific standard of proof was reached given specific charges. Hayner (2002: 100–1) is very sceptical about truth coming from trials: 'The purpose of criminal trials is not to expose the "truth", however, but to find whether the criminal standard of proof has been satisfied on specific charges.' That is exactly how the *gacaca* functioned. Or better, should have functioned since the criminal standard of proof was often minimal, at times not reached although conviction, nevertheless, followed. In trying to establish this proof, the court proceedings mainly sought answers to questions regarding who did what, where, when and with whom. This is a result from the fact that speech and the nature of participating in *gacaca* assemblage was guided by a specific contextual element: the legal and institutional framework that came into being following the genocide.

The Effectual Truth

But the legal and institutional framework was not the only contextual element at work in the *gacaca* assemblage. A specific code of conduct – expressive form – defined and still defines the nature of social navigation in society. Speech acts did not only correspond to reality in the traditional organisation of Rwandan society. The word was a means to an end, not so much an end in itself. From a Judeo-Christian and Western perspective the latter is the truth and the former a lie.[12] But in the Rwandan context, the moral value of a word depends on its usefulness in a complex socio-political environment. In addition, communication (speaking) and non-communication (silence) operated in a similar dialectical scheme.

A first element in this code is the dialectic of speech and silence. *Kumenya Kinyarwanda* or 'speaking (knowing) Kinyarwanda' means at least two things: on the one hand it refers to the ability to speak the language (the common understanding of mastering a language by knowing syntax, grammar, etc.), on the other hand it also means that one is familiar with the *use* of language, thus that one masters the codes of communicating (Rukebesha, 1985; Nkusi, 1987; Ntampaka, 1999). A second and probably more important element in these Rwandan ethics of communication was (and still is) the concept of *ubwenge. Ubwenge* can be considered an essential form in the local social imaginary that defines – in a tacit fashion – how things go on between people and the expectations one has of the other. *Ubwenge* is a complex notion incorporating a range of elements. In the

broadest sense it refers to intelligence resulting in self-controlled public acts. But it also refers to elements of wisdom and trickery, caution, cleverness, prudence. It is the capacity to gain a clear understanding of situations and the capability to surround oneself with a network of profit-generating social relations.

Alexis Kagame, Rwanda's foremost intellectual, typifies *ubwenge* as 'cultural wisdom' (Kagame, 1956: 220). Despite the negative connotations it carries when looked at from outside the Rwandan socio-cultural universe, *ubwenge* is – locally and traditionally – considered to be a value. *Ubwenge* characterises the *effectual truth* at play in the *gacaca* assemblage. Communications – mostly accusations in the context of *gacaca* – depended to a great extent on their usefulness and were not necessarily aimed at serving justice. These communications were animated by a consequentialist ethics: what is true or just is that which has the most favourable outcomes in the given circumstances. Corruption, score-settling, the search for profit, blaming the dead and the absent, and power play often informed and formed the outcome of trial. Most of the *deterritorialisation* of the *gacaca* assemblage – the process of destabilising identity and blurring boundaries – happened through these pragmatics of daily life.

For instance, prisoners who chose to make use of the confession policy in the years before the installation of the *gacaca* courts often made strategic choices with respect to what they confessed, for example by leaving out crimes that might not have been known to the wider community. A similar tendency was to a certain extent observed regarding the testimony provided by wider communities; in certain areas there was a tendency in the population to blame the dead or those who were absent, for example in prison or abroad. This could happen both during the information collection period and the subsequent trials.

This phenomenon was, for example, observed on one of the hills where I observed all the *gacaca* proceedings over time. One of the *interahamwe* – the militia that played a major role in executing the genocide – leaders had been killed by local inhabitants during the genocide after he had started harassing the local Hutu population. Many Tutsi had already died before that event. During the *gacaca* proceedings, the inhabitants of the community were inclined to blame him and some prisoners, absent in the community, for all the killings and other actions that had happened during the genocide. Especially those who had been local state agents as well as the wealthy people of the cell during the genocide attempted to do so. As important actors on their hill, even in the post-genocide era, they managed to define the overall narrative on what had happened during the genocide with the murdered *interahamwe* leader in a prominent role. Considering the influence of that network of important actors the ordinary population largely followed the framework of talking about the genocide laid out for them. Although the *interahamwe* leader had, indeed, played an important role during the genocide, rare testimony – often by prisoners returning to the community to testify – suggested that the overall picture was more complex, with at least some indirect involvement of people within the power network during the genocide. None of them, however, was convicted for genocide crimes. Blaming the one who was dead was more convenient and beneficial for them.

In sum, the forensic truth only emerged with great difficulty, since it is highly problematic to establish the forensic truth on the basis of denunciations in a localised setting. Individual motivations and localised dynamics fostered the emergence of the *effectual truth*. At times it was even the composition of the collective, the power of sheer numbers, that *deterritorialised* the *gacaca* assemblage on hills such as the example evoked above suggests. This insight harks back to Gravel, who in a different era typified court litigation in Rwanda as being hardly contests of rights but 'rather, contests of *power*' (Gravel, 1968: 167). The notion of *effectual truth* captures the contextual influence of these dynamics at the local level.

The Moral Truth

Living together again is a practice forged locally and the state can either facilitate or hinder these processes (Theidon, 2006: 456). What the modern *gacaca*, with its prosecutorial logic, did not easily facilitate was a process of 'acting true', 'showing ways of being', the levels of 'goodheartedness'. The latter are actions that qualify the nature of 'being' and 'humanness' deemed important in the Rwandan social and cultural universe. These issues are explored through particular expressive forms such as sharing, conviviality, mutual help, daily salutations and so on. This is equally a style of truth-telling, but taking place through particular discursive and mainly non-discursive processes of daily moralisation: this is what I call the *moral truth*. The design of the *gacaca* system did not facilitate the task of acting true. Fear, trauma and distrust increased with the introduction of *gacaca* (Brounéus, 2008, 2010; Ingelaere, 2011a; Pozen *et al.*, 2014). It was only with the end of *gacaca* and mainly because of the end of *gacaca* that the moralisation of oneself and others resumed. The *gacaca* was from this perspective only to a limited extent socially and culturally embedded. The amicable settlements dealing with property-related crimes were actions that were most in line with this moralisation process. But many settlements needed trial proceedings to reach an agreement and the latter created most animosity, conflicts and resentment in the population (Ingelaere, 2011a; Ingelaere, 2016: 154–8).

This was, again, mostly a result of the prosecutorial logic animating a forensic style of 'truth-speaking' (or lying) in the *gacaca* assemblage.

Haveman (2011) provides an interesting illustration of the way the Rwandan social imaginary was – to a certain extent – at work in the *gacaca* practice.[13] While he observed the *gacaca* proceedings dealing with crimes committed against the family of a Rwandan friend, he and this friend came to the conclusion that most of the attendants, in fact, were not talking about the crimes and those responsible for these crimes: 'you know that I know that you know; we all know it, but for whatever reason – and there are many possible reasons – we do not talk about it' (Haveman, 2011: 389). Haveman's Rwandan friend did not consider this situation as 'bad theatre play', however, but that 'at least one has to re-think [now] what happened' and that 'the discussion is out in the open'. Although Haveman does not say so, my interpretation is that such a case illustrates a Rwandan way of communicating that only makes sense when one takes into account the dialectic of speech/silence as discussed in the previous section. Indeed, one could say that 'the truth was out there' that day, in some expressive form, situated in the midst of the participants in that particular *gacaca* session.

The trial participants on that hill that day *deterritorialised* the *gacaca* assemblage in their way. In doing so, they *deterritorialised* the *assemblage* when looked at from the perspective of its design. They inserted an expressive style of truth-telling that has no meaning from the perspective of an outsider to the Rwandan socio-cultural imaginary. But such a favourable constellation was, based on my own observations of the modern *gacaca* practice, rather exceptional. The *territorialising* force derived from the technocratic design and, in extension, the globally accepted transitional justice paradigm that animates these designs was extremely strong. If such an expressive form – a locally appropriated style of truth-telling – had been facilitated more (through social and cultural embedding), even if only in a complementary way to forensic truth-telling, practising *gacaca* could have had more potential for the people practising *gacaca*. But such a process would have remained obscure to the outside observer unfamiliar with what it means 'to speak Kinyarwanda'.

And in any case: according to the norms *in vogue* in the globally accepted transitional justice paradigm, let alone in the eyes of most outside foreign jurists, this manifestation of 'the truth' would simply not make sense. It is an expressive style of truth-telling that has no meaning from the perspective of an outsider to the Rwandan socio-cultural imaginary.

The actual *gacaca* practice shows that hardly any attention has been paid to this socio-cultural embedding in the design of the court system. This is seemingly a paradox considering the fact that *gacaca* is often considered to be a home-grown solution derived from the socio-cultural fabric. This need not be a surprise since transitional justice is dominated by legalism (McEvoy, 2007). Some representations of *gacaca*, nevertheless, continue to hail the *gacaca* system for its socio-cultural embeddedness and its restorative and conciliatory potential.[14] The *gacaca* practice went against the grain of these socio-cultural practices. Other, mainly non-judicial approaches on dealing with the past in Rwanda have demonstrated much more success by imbuing programme activities with the endogenous principles underlying the social construction of personhood in Rwanda, especially in the domains of socio-therapy (Richters *et al.*, 2010; Richters, Rutayisire and Dekker, 2010; Richters, 2010) or community-level reconstruction and conflict prevention (Ingelaere *et al.*, 2009; Staub, 2011: 362–86). These activities and programmes have received much less support and attention compared to the *gacaca* court system.

The Truth-with-a-Capital-T

The overall environment, thus the macro-political sphere, also had an influence on the functioning of the *gacaca* assemblage. The political regime, as another milieu in which *gacaca* operated, *territorialised* the expressive forms of the *gacaca* assemblage. The communication system stemming from ancient times still has its influence in current Rwanda. Cultural sensibilities make communication a service to power holders. This is, however, not solely a Rwandan phenomenon. Foucault (1980: 131) argues that

> [e]ach society has its regime of 'truth', its 'general politics' of 'truth': that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of 'truth'; the status of those who are charged with saying what counts as true.

The present government takes care of such a *Truth-with-a-Capital-T*. Important in that regard is the fact that the genocide ended by a military overthrow of the former regime by the Rwandan Patriotic Front (RPF). The alternation of power was not the result of compromise or internal reform. Therefore, the RPF managed to assert its dominance in the post-genocide era and the regime brought about is authoritarian in nature and (perceived as) being Tutsi-dominated, considering its origin. It is an influence that is increasingly dispersed throughout society through a range of mechanisms (Ingelaere, 2011b; Thomson, 2013; Purdeková, 2015; Longman, 2017).

This framework and these principles are widely propagated in the countryside during awareness campaigns and meetings with authorities and military commanders. These strategies have instilled a far reaching degree of self-censorship (*kwibwiriza*) and self-surveillance in the population (Ingelaere, 2011b; Purdeková, 2011). This framework is policed by, among others, laws on genocide ideology. Moreover, the framework is in a subtle manner continuously defined through (among other devices and mechanisms) public speeches aimed at divulging the preferred representation of reality. Indeed, the state, or 'authority' in the broadest sense of the word, weighed heavily on these forensic expressive forms dominating the *gacaca* assemblage. This trend harks back to long-standing practices in the Rwandan context as, for instance, observed by de Lame (2004: 303) in the late 1980s, namely that gatherings – 'serve to transmit meaning, provide the instruments of memorization, and create *consensus*'.[15] All utterances and claims not in harmony with this tightly controlled framework are considered as instances of genocide ideology and/or meaningless. As a consequence, 'other crimes' and their victims especially were eclipsed from view in the *gacaca* process. The weight of the regime was especially visible in the shaping of the *gacaca* competence in practice.

The analysis of the actual competence of the *gacaca* courts, both in theory and practice, revealed that the courts were unable to deal with civil war violence, RPF crimes and revenge killings by Tutsi civilians.[16] These crimes were not only not prosecuted by the court system, they were hardly evoked in the space of the courts. These ideas, experiences, opinions exist but cannot be aired openly with impunity, but they are not forgotten as the following excerpt from an interview illustrates:

> The *gacaca* is a problem. The survivors have lost the members of their family, but the Hutu also. And in the *gacaca* talk goes only about the genocide survivors. First, we had massacres [*itsembatsemba*] from one side. [Later] all lost [family] members. […] In the *gacaca* it is impossible to recognise that the Hutu have been victim as well. We asked that question but those in charge of *gacaca* don't want to accept. 'The Hutu were killed by the children of the Tutsi. It was vengeance because their parents were killed.' This is what the *inyangamugayo* say. The problem of the Hutu that were killed does not exist.[17]

The overall *regime of Truth*, the *Truth-with-a-Capital-T*, resulting from the power constellation takes *de facto* and largely implicitly the communication related to these elements out of the air. Only in the confined space of someone's homestead and between trusted interlocutors might what does not fit the public transcript be discussed. At times these rumours floating around without a clear origin (a typical characteristic of rumours) can surface in the local pubs, when too much *urwagwa* (banana beer) has been consumed and where the danger exists that such ideas and opinions may be overheard by the omnipresent ears and eyes of the state, listening to record and act upon every instance of *ingengabitekerezo ya jenoside* – genocide ideology, including during the expressive activities developed in the *gacaca* assemblage.

Conclusion

The ambiguous and ambivalent attitudes regarding the testimonial activities – the search for the truth – characterised popular experiences with the *gacaca* process and thus the process itself. It is this discursive process that took centre stage in this analysis. Multiple forms of truth were at play in the *gacaca* practice. Indeed, the process *assembled* multiple expressive forms in one constellation. Our analysis has identified four expressive forms of the truth at play and at stake in the *gacaca* assemblage: the *forensic truth* – a consequence of the legal and institutional modernisation of the customary practice, what I label as the *Truth-with-a-Capital-T* – being the influence of the state, authority and the regime, the *effectual truth* – a notion referring to the consequentialist ethics animating the *gacaca* from below and finally the *moral truth* – referring to the socio-cultural and primarily non-discursive exploration of one's moral character through everyday practices and interactions in the aftermath of violence.

The design of the *gacaca* system was, at best, aimed at establishing the *forensic* truth. At the same time, the state-sanctioned speaking of the truth according to a prosecutorial logic ran counter to the core values of the customary institution, the established societal practices and the underlying principles of social existence. This short-circuit was reinforced by an additional friction. The Rwandan regime attempted to establish a territory, make a claim through the *gacaca* practice. The regime aimed at *stabilising* the *gacaca* assemblage and its practitioners. The *gacaca* process was introduced in a socio-political environment mediated by a culture of deceit and dominated by a war victor. In such a socio-cultural and political context, communication serves the interests of the power holders and not necessarily the interest of truth-telling and justice.[18] On the other hand, the modern *gacaca* system was continuously *destabilised* from below through individual motivations and localised (power) dynamics. As a result, the *gacaca* practice was as much characterised by power dynamics as it was facilitating processes of justice and reconciliation in the aftermath of genocide. These power dynamics – processes of 'wielding and yielding' (Villarreal, 1994) – were simultaneously emerging from below and operating from above.

Notes

1 For an analysis of the different generations of studies on Rwanda, see Ingelaere (2012).
2 Similar 'technologies of truth' and its relation to testimonial practices were previously analyzed with respect to the TRC-SA (see for example Buur, 2001; Wilson, 2001: 33–61; Ross, 2003).
3 I extensively discuss research methodology, the nature of the fieldwork activities and the working of the *gacaca* courts in Ingelaere (2016).
4 I use *assemblage* as the most common English translation of *agencement* although this translation does not fully capture the meaning of the original term *agencement* (Phillips, 2006: 108).
5 Since the nationwide start of the *gacaca* process in 2005, the *gacaca* law changed three times in reaction to the unexpectedly high numbers of accused and convicted. Each time, the general principles of categorisation remained the same, but the categories and the sanctions for each category shifted. On these changes, see Ingelaere (2016: 68–74).
6 A sector is not a village in the common sense of the word. By longstanding practice, Rwandan households have been dispersed on hills, and 'sector' refers to the households on one hill. Only in recent years have people been increasingly grouped together in what is referred to as *imidugudu* or agglomerations.
7 After several months, however, a significant number of these 'wise old men' had to be replaced because they were themselves accused of having participated in genocide.
8 The Rwandan government has issued confusing communications about these numbers. Officials of the SNJG (National Service of Gacaca Courts) and members of the Rwandan government and administration generally referred to 'individuals' when communicating about these statistics throughout the period that *gacaca* was operational. I asked a number of officials several times whether they were referring to cases or individuals, and I never received a clear answer. An understanding of the number of individuals tried, convicted or acquitted is important to understanding not only the dynamics of the genocide but also the collectivisation or individualisation of guilt.
9 Field observation, central Rwanda, 31 July 2007.
10 I provide such descriptions to clarify the nature of the interventions during trials. 'Survivor' refers to genocide survivors; 'prisoners' are individuals who were incarcerated at the time of the trial proceedings; 'released prisoners' had been in prison for alleged participation in the genocide but had been released before trial; those 'accused in *gacaca*' are individuals accused of genocide crimes who had not been imprisoned at the time of the proceeding; and, finally, people referred as 'no-survivor/no-prisoner' are those who were not genocide survivors and had been neither imprisoned nor accused of genocide crimes when the trial was taking place.
11 This is an observation made by myself during the trial proceedings.
12 Evidently, the 'West' or 'Western tradition' knows multiple traditions or theories of truth. I am referring, on the one hand, to a commonsense notion of truth and, on the other hand, to a philosophical tradition based on Greek thinkers and a religious tradition influenced by thirteenth-century philosopher and theologian Thomas Aquinas.
13 Roelof Haveman shared this illustration with me during a meeting in Kigali in 2009 when we further discussed the issue of truth-telling in the *gacaca* practice and the meaning of cases such as the one he encountered with his Rwandan friend.
14 Elsewhere (Ingelaere, 2012), I have explained that many of these representations are haunted by what McEvoy (2007) calls 'magical thinking'; they are mainly normative accounts that do not or only to a little extent take into account empirical realities, thus the actual functioning of the court system.
15 Emphasis added.
16 See also Stefanowicz (2011) and Ingelaere (2013).
17 Interview South Eastern Rwanda, March 2006: peasant, female, Hutu, 46 years old.
18 On power and legalism in Rwanda see also Thomson and Nagy (2010); Thomson (2011).

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