

Victim-Perpetrator Dichotomy in Transitional Justice: The Case of Post-Genocide Rwanda¹

Margarida Hourmat

Abstract

Transitional justice processes often lead to the construction of a victim-perpetrator dichotomy, which guides and is further reinforced by the transition. The present paper aims to problematize this dichotomized understanding of people's roles in conflict, by locating it within the recent dominant model of transitional justice and demonstrating how it is the result of an inherently political (and disputed) choice, part of the process of constructing post-conflict narratives and dominant discourses on violence and victimhood. Settling for a single conflict story and defining a rigid victim-perpetrator dichotomy can be profoundly excluding and limited in capturing the diversity of victimhood and perpetration experiences, memories and perceptions; and can also (re)produce former and new unequal relations of power. The paper will illustrate this discussion through the case study of post-genocide Rwanda, where a dominant discourse on the 1994 violence has been established, based on a Tutsi victim-Hutu perpetrator dichotomy. The latter not only obscures the plurality of violence and victimization experiences within these groups, but also renders invisible the role of the Twa community. This case aptly illustrates the critique of the often unacknowledged limits and politics of mainstream transitional justice discourse, as well as provides grounds for a deeper reflection on the implications and consequences of leaving these issues unaddressed for countries' long-term prospects for reconciliation, in particular, Rwanda's.

Key Words

transitional justice; Rwanda; victim; perpetrator; genocide; narrative

Recommended Citation

Hourmat, M. (2016). Victim-Perpetrator Dichotomy in Transitional Justice: The Case of Post-Genocide Rwanda. *Narrative and Conflict: Explorations in Theory and Practice*, 4(1), p. 43-67. Retrieved from <http://journals.gmu.edu/NandC/issue/view/197>

This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Unported License. Please contact Jessica Smith at jsmith80@gmu.edu for usage rights.

¹ This paper is directly adapted from my Master's dissertation, "A critique of transitional justice and the victim-perpetrator dichotomy: The case study of Rwanda" (2015) available at the University of Coimbra's digital repository: <https://estudogeral.sib.uc.pt/jspui/handle/10316/29687>. Comments and opinions are most welcome.

Introduction

In the aftermath of extreme violence and systematic human rights abuse, societies worldwide are faced with daunting questions as to how to deal with a violent past. Deciding how to answer these questions directly has an impact on societies' processes of reconciliation and post-conflict rebuilding: what kind of justice will be administered? Who will be held accountable before whom? Who needs to be reconciled? Who is a victim and who is a perpetrator? (Stover & Weinstein, 2004) Answering these questions will require societies to engage in some kind of transitional justice process. Transitional justice has been driven by practice (Buckley-Zistel et al., 2014) which has included trials, truth commissions, reparations, lustration, memorials, remembrance initiatives, public apologies, re-writing school manuals, localized and indigenous practices, among many others. Highly contested concepts of justice, reconciliation, peace, truth and democracy are key elements in most attempts to define transitional justice and the scope and aims of the field.

While transitional justice can be seen as the “juridicization of dealing with the past” (Enns, 2012, p. 156), it is by no means the only option; the concept of “dealing with the past” is just as contested and debated as that of transitional justice. After all, the first may entail policies and practices of forgetting, revenge, denial, restricting access to archives, victim-blaming or the segregation of communities. Despite this, the point to be made here is that acknowledging and addressing past wrongdoings through some form of transitional justice has become the global norm (Subotić, 2009).

Transitional justice processes often lead to the construction of a victim-perpetrator dichotomy, a fundamental assumption structuring the field (Shaw & Waldorf, 2010). The present paper aims to problematize this dichotomized understanding of people's roles in conflict, by demonstrating how it is an inherently political (and disputed) construction, part of the process of constructing post-conflict narratives and dominant discourses on violence and victimhood. Settling for a single conflict story and defining a rigid victim-perpetrator dichotomy can be profoundly excluding and limited in capturing the diversity of victimhood and perpetration experiences, memories and perceptions. It can also (re)produce former and new unequal relations of power. The paper will illustrate this discussion through the case study of post-genocide Rwanda, where a dominant discourse on the 1994 violence has been established, including a Tutsi victim-Hutu perpetrator dichotomy. It not only obscures the plurality of violence and victimization experiences within these groups, but also renders invisible the role of the Twa community. The post-1994 situation of the Twa community within the Rwandan transitional justice process will be discussed in greater detail in this paper, within

the context of wider unrecognized experiences of the 1994 violence and genocide. This case aptly illustrates the critique of the often unacknowledged limits and politics of mainstream transitional justice discourse, as well as provides grounds for a deeper reflection on the implications and consequences of leaving these issues unaddressed for countries' long-term prospects for reconciliation, in particular, Rwanda's.

From Exceptional Origins to the Global Norm

Defining transitional justice itself has become an enduring challenge to this field, whose scope has been increasingly broadening (Balasco, 2013): while Ruti Teitel (2003) defined transitional justice earlier as “a conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes” (p. 69), others regarded it more broadly as the “legal, political and moral dilemma about how to deal with historic human rights violations and political violence” in transitional societies (Sriram, 2007 *apud* Sharp, 2014 p. 6).

In her genealogy of transitional justice, Teitel (2003) identifies three main phases of conceptual evolution, which closely correspond to the “waves” identified by Lauren Balasco (2013). This brief overview will identify the emergence of a dominant model in the theory and praxis of the field, where the victim-perpetrator dichotomy idea can be located. According to Teitel (2003), the first phase corresponded to the emergence of transitional justice in the aftermath of the Second World War, associated with the post-war nation-building process in Germany and the works of the Nuremberg and Tokyo *ad hoc* tribunals, which set the precedent for future mechanisms of international accountability. At this point, transitional justice is regarded as the result of exceptional and unique political international circumstances, and is overwhelmingly guided by a retributive approach to justice.

During the second phase, which Balasco (2013) termed “normative exploration”, transitional justice became inextricably linked to a democratization agenda, promoting the transition of societies from authoritarian to more democratic regimes. State actors are perceived as the main actors in guiding the transition process (Balasco, 2013) and transitional justice efforts were essentially national or regional-based. The inclusion of certain issues such as healing, reconciliation and peace as aspirations and expectations for transitional justice mechanisms beyond accountability, framed within a restorative approach to justice and a human rights discourse, fuelled a justice-truth dichotomy or dilemma. The latter was reflected in the preference for truth commissions as alternative to courts. The intense debate in the field at this point dictated the expansion of the scope of transitional justice, through its connection

to projects of economic and political liberalization and nation-building, well beyond the early exceptional circumstances of post-war Europe.

More recently, since the beginning of the 21st century, transitional justice has reached a third phase, characterized by mutually reinforcing dynamics of normalization, institutionalization and bureaucratization (McEvoy, 2007; Rubli, 2012; Sharp, 2014, 2015). In the words of Catherine Turner (2013, p. 194), transitional justice has become the “dominant language in which the move from war to peace is discussed in the early twenty-first century”. It is no longer a question of *whether* societies should deal with their past, but *how* and *when* they should do it (Sharp, 2014).

This process of mainstreaming and the rise of transitional justice to the level of international norms guiding state practice is intimately connected to a broader normative change in world politics, based on a human rights and legalist discourse in international relations (Subotić, 2009). In this vein, the most recent developments in the field seem to point to an increasing overlap and association between transitional justice and international peacebuilding, to the point that some argue that in order for a post-conflict peacebuilding intervention to succeed, it requires the deployment of some kind of transitional justice mechanisms (Thallinger, 2007). Despite transitional justice and peacebuilding having been, until recently, cast largely in opposition to one another (Thallinger, 2007; García-Godos & Sriram, 2013), owing to the peace v. justice debates, the first has in recent years become the subject of an emerging wave of international official and semi-official texts (de Greiff, 2010), most noticeably those published by the United Nations (UN) system, specifically by the Secretary-General (SG), the United Nations General Assembly (GA) and the Office of the High Commissioner for Human Rights (OHCHR) in the context of what has been termed the “age of peacebuilding” (Philpott, 2007).

Three of these documents are of particular importance as they set the tone for the UN approach to transitional justice: SG reports *The rule of law and transitional justice in conflict and post-conflict societies* (2004) and *The rule of law and transitional justice in conflict and post-conflict societies* (2011), and the SG Guidance Note, *United Nations Approach to Transitional Justice* (2010). According to the latter, “[t]ransitional justice processes and mechanisms are a critical component of the United Nations framework for strengthening the rule of law” (SG, 2010, p. 2). Transitional justice initiatives are virtually equated with the rule of law, as the first are “(...) well-established components of the wider United Nations rule of law framework and indispensable elements of post-conflict strategic planning” (SG, 2011, p. 6).

The liberal undertones of the UN's framing of transitional justice are reflected on the claim that:

Transitional justice initiatives promote *accountability*, reinforce *respect for human rights* and are critical to fostering the strong levels of civic trust required to *bolster rule of law reform, economic development and democratic governance*. (SG, 2011, p. 6, emphasis added)

Liberal, in this sense, refers to Western-grounded normative, discursive and prescriptive forms of knowledge, persons and practices (Hinton, 2011, p. 7) based around Western dominant understandings of peace, rule of law, justice, democracy, development, security, human rights, among others.

Transitional justice is explicitly equated to the rule of law, and the “victim-perpetrator” categorization is endorsed throughout all three documents, without reference to the oversimplified nature of this division or to other potential identity categories. Transitional justice appears inextricably linked to post-conflict (liberal) peacebuilding (Sharp, 2013; Young, 2013), and is a standard element in the post-conflict “check-list” (Sharp, 2014). Dustin Sharp (2015) identifies the emergence of what he terms the “transitional justice as peacebuilding” narrative, which reflects the way in which these are perceived as normalized and institutionalized twin strategies to address dealing with massive human rights violations and conflict. Kora Andrieu (2010) claims that transitional justice has joined the broader “peacebuilding package,” framed within similar top-down state-building and liberal normative approaches, while embracing this connection in a rather acritical manner (Rubli, 2012).

A Dominant Model of Transitional Justice

The power of discourse resides in rendering something as natural and taken for granted (Fetherston, 2005). This paper argues that transitional justice theory and practice have been (re)producing a dominant discourse resting on (implicit) assumptions, particularly on ideas of transition and justice (Buckley-Zistel et al., 2014) that constitute what some authors critically term the transitional justice “toolbox” (Miller, 2008; Hinton, 2011; Sharp, 2014) or “toolkit” (Shaw & Waldorf, 2010; Sriram, 2014). Some of these deep-rooted assumptions have acquired a “status of common sense” (Theidon, 2009, p. 295), to the point that transitional justice is considered to be under-theorized (de Greiff, 2012) and under-verified, resting mostly on wishful thinking and beliefs with hardly any empirical grounding (Thoms et al., 2008 *apud* Rubli, 2012, p. 3). This reflects the strong normative legacy of some of the transitions in Latin

America during the latter decades of the previous century, which equated transition to the move towards democratization. According to Sharp (2013, 2015) this view has come to be perceived as *the* “paradigmatic transition,” shaping “the core paradigms and normative assumptions in the field” (Sharp, 2014, p. 149) as well as “dominant practices and conceptual boundaries” (Sharp, 2015, p. 1).

Contemporary transitional justice has been characterized as overwhelmingly dominated by a retributive approach to justice (Parent, 2010; Engstrom, 2013) and a legalist and positivist understanding of the latter (McEvoy, 2007; Lundy & McGovern, 2008; Andrieu, 2010), with justice being essentially equated to legal accountability and, consequently, with individual accountability as the main guiding principle and a trend of criminal prosecution for those allegedly responsible for serious human rights violations (Engstrom, 2013). Essentially, legal processes are seen as adequate to deal with individual and social harm (Nagy, 2008) based on a Western-centric, top-down and apolitical human rights discourse (McEvoy, 2007). Transitional justice initiatives rely overwhelmingly on international experts deciding upon local processes and upon concepts of justice, peace or reconciliation, as part of the professionalization process of the field (Andrieu, 2010; Rubli, 2012). The dominance of legalism places a tremendous emphasis on redressing violations of civic and political human rights while socioeconomic concerns stemming from violations of economic, social and cultural rights remain largely marginalized and unaddressed in an equal footing (Nagy, 2008; Sharp, 2014, 2015; Sriram, 2014). The legal sphere of action is perceived as removed from the wider social, political and economic structural context (Lundy and McGovern, 2008). The incorporation of this dominant discourse of transitional justice within the liberal peacebuilding agenda has further contributed to rooting these assumptions in a largely normative frame (Sriram, 2014).

With regards to the *role* of the law, Kieran McEvoy (2007) notes how, in times of transition, the law represents a conceptualization of what one like the social world to be. In this sense, it encourages the notion of a rationalized and ordered world based on universal understandings, with claims of objectivity, rationality, certainty, universality and uniformity. Therefore, transitional justice mechanisms are perceived as necessary in helping “backwards” societies to transition to liberal, “civilized” and democratic ones (Hinton, 2011), by privileging the liberal normative goods of rule of law, peace, reconciliation, civil society, human rights, justice and combating impunity. Transitional justice embodies here strong notions of hierarchy and teleology (Hinton, 2011; Rubli 2012; Sharp, 2015). Since transitions are assumed to have an end-point to be reached, transitional justice acquires a prescriptive and technocratic

approach (Nagy, 2008; Rubli, 2012) as well as a managerial logic focusing on rationality and efficiency, disconnected from local, national and international power struggles and assumed to be operating on a political and social vacuum (Rubli, 2012).

With this recent concern for “impact agendas,” law is de-politicized, framed as neutral and objective (Nagy, 2008; Rubli, 2012; Turner, 2013; Sharp, 2014) and transitional justice as a whole becomes, inherently, an apolitical project (McEvoy, 2007). In order to pursue that managerial neutral logic, a wide range of complex political questions are boiled down to narrow and objective legal frames of action (Rubli, 2012): a narrow scope of violence and justice is maintained (e.g focusing on violations of civic and political rights and obscuring violations of economic, social and cultural rights), since thinking otherwise would entail pursuing projects of social justice transformation (Andrieu, 2010); the aims of transitional justice are often framed as apolitical – conflict resolution and the rule of law (Sharp, 2014), while the idea of justice as legal justice is so firmly entrenched that it prevents meaningful public political engagement in transitional societies, with politics being foregrounded in public life (Turner, 2013).

Managing people through the victim-perpetrator dichotomy

The categorization of people into “liberal democratic identity categories” (Hinton, 2011, p. 8) is part of that process of oversimplifying reality, and includes the categorization of “victims” and “perpetrators” (Hinton, 2011). In fact, generally speaking, transitions from conflict tend to be oversimplified (Kaulemu, 2012). This oversimplification is reflected in the “victim-perpetrator” lens (Kaulemu, 2012) through which transitional justice thinks of and engages with post-conflict societies: the dichotomy is one of the basic assumptions underlying the legalist hegemonic discourse embedded in transitional justice (Brants, 2012). Moreover, not only is the “victim-perpetrator” dichotomy “a recurring feature that structures much of the transitional justice discourse and practice” (Shaw & Waldorf, 2010, p. 8), but the whole prevailing discourse of transitional justice is defined by a “ferocious apartheid of binary oppositions” (Spivak, s.d *apud* Theidon, 2009, p. 296), overly dominated by dichotomies and binary oppositions (Turner, 2013; Buckley-Zistel et al., 2014) and framed by an underlying general opposition of good vs. evil (Kaulemu, 2012; Turner, 2013). In the context of conflicts deemed “post-ideological,” transitional justice mechanisms create a narrative made up of good victims and evil perpetrators (Humphrey, 2003; Govier & Verwoerd, 2004; Nwogu, 2010; Tabak, 2011; Moffett, 2014).

In this sense, labelling and dichotomizing people are both processes of simplifying the sociocultural complexity in transitional societies, reducing them to more manageable categories (Hinton, 2011). After all, in the aftermath of conflict, what counts as a crime and who counts as a victim or a perpetrator is rarely straightforward (Brants et al., 2013). Therefore, what is seemingly presented as an objective policy (Parent, 2010) reflects what Zinaida Miller (2008, p. 281) terms the “definitional power” of transitional justice mechanisms and processes, for instance, in fixating the parameters constituting and dividing people into “victims” and “perpetrators” and defining what will be regarded as crime (over which investigations and prosecutions should be pursued). Hannah Franzki and Maria Carolina Olarte (2014, p. 217) touch on this point, when discussing the political economy of transitional justice: “[i]n consonance with the wider ‘liberal peace’ project, transitional justice then prescribes and seeks to render ‘natural’ political decisions that could have been very distinct.”

Therefore, “victim” and “perpetrator” identities and their status are by no means “natural”: deciding who is what, when and why are essentially political choices (Servaes & Birtsch, 2008); victimhood is politically constructed (Moffet, 2014). The neutral, objective, rational, apolitical dominant discourse of transitional justice has been obfuscating and foregrounding the politics and power of transitional justice (Nagy, 2008; Engstrom, 2013; Sharp, 2014). Rosemary Nagy (2008, p. 286) reaffirms this when stating that “in the determination of who is accountable for what and when, transitional justice is a discourse and practice imbued with power.” In his cautioning against the oversimplification of transitional justice, David Kaulemu (2012) urges us to acknowledge that its processes are inherently and inevitably political. It becomes clear how the centrality of the “victim-perpetrator” dichotomy in the dominant model of transitional justice processes, with its inherent limitations, can be traced back to the normative liberal frame whose principles and assumptions have been shaping the field.

The point here is that the founding and, still to a significant extent, subsequent debates that have been (re)shaping the field of transitional justice have been confined within the “victim-perpetrator” frame, resonating with Robert Cox’s (1981) idea that “it is perfectly possible to be critical and never step outside the bounds of your own discourse” (Cox, 1981 *apud* Fetherston, 2005, p. 194). This is why the commonsensical notion that ideas matter not only makes sense when thinking of transitional justice, but it becomes central when trying to understand the discourses that shape its theory and praxis (McAuliffe, 2013).

Transitional Justice in Post-1994 Rwanda

In the aftermath of the 1994 genocide and violence, Rwanda initiated what can be considered a hybrid process of transitional justice. On the one hand, it operated at the international, national and local levels and, on the other hand, it was based on a constellation of diverse transitional justice mechanisms (Nogueira Pinto, 2012), most noticeably, but by no means exclusively, the International Criminal Tribunal for Rwanda (ICTR), domestic trials, the National Unity and Reconciliation Commission, *ingando* camps, memorials, new anti-divisionism and anti-genocide ideology legislation, the *gacaca* courts, and FARG, a fund assisting genocide survivors. In Rwanda, transitional justice mechanisms and policies provide the official framework, not only to guide the transitional justice process itself but also, more generally, to the long-term rebuilding of the country.

The building of narratives is an integral aspect of transitional justice processes, through which memories, identities and experiences can be selectively acknowledged as well as (re)enforced (Ramos, 2013). Past and future are purposefully realigned through a transitional justice narrative in order to narrate them as a “followable story” (Grørdum, 2012, p. 160), by which they acquire a sense of meaning. This places narratives right at the core of power politics, since not only are they the work of agency (for instance, of a new government) but they entail a process of choosing what to remember and shaping how to do it (Brandstetter, 2012); in this way, memories are imbued with interpretations and meanings. In sum, the selective nature of remembrance requires one to pose the question of whose stories are told and whose are excluded.

This paper intends to demonstrate how the previous discussion on transitional justice as “a discourse and practice imbued with power” (Nagy, 2008, p. 286) and as an inherent political project can be illustrated by the transitional justice process that was carried out in post-genocide Rwanda.

This process has entailed the enactment, by national authorities, of a dominant narrative of violence, genocide, as well as of victimhood and perpetration, overlapping with the Tutsi-Hutu ethnic categorization, respectively (Zorbas, 2004; King, 2014). Not only has this move contributed to marginalizing the diversity of experiences of violence between and within these two communities (King, 2014), but it has also effectively excluded the Twa community’s involvement in and understanding of the violent and genocidal events of 1994 (Thomson, 2009b). This intentional silencing of dissent and alternative(s) is part of a strategy of political legitimization (King, 2014), one which “[...] secures the new government’s position, absolves it

from all responsibility for past crimes and aims to create a society which can be governed according to its intention” (Buckley-Zistel, 2009, p. 31).

The Statute of the ICTR and the law establishing the *Gacaca* system both delimit the crimes falling within their jurisdictions – thus, they also implicitly acknowledge the experiences of certain victims and perpetrators (of those crimes) and not others. However, Nigel Eltringham (2004) observes that “[...] assertions regarding the ‘victimological status’ of the Hutu ‘moderates’ [...] make no reference to ‘crimes against humanity’[...]” (p. 71) which leads to the conclusion that “[...] contemporary Rwandan society is understood exclusively through the interpretative lens of genocide” (p. 71). This observation reflects Mahmood Mamdani’s (2001, p. 266) “genocide framework” that has come to dominate post-genocide societal identification: contemporary Rwanda is understood, thought and spoken of through new socio-political categories – victim, perpetrator, survivor, refugee and returnee.

Dichotomizing post-genocide Rwanda

In this sense, genocide monopolizes the frame through which experiences of violence are recounted and understood in post-genocide Rwanda, whether of victimization, perpetration, or something else in between. Susan Thomson (2009) further reinforces this position when arguing, “[t]he programme of national unity and reconciliation relies on two interpretative filters to shape the post-genocide Rwandan political and social order. The first is “history” and the second is ‘genocide’” (p. 114). This translates into the fact that many Rwandans are finding it increasingly difficult to be recognized as victims (Parent, 2010). Because “[...] the official narrative postulates the 1994 genocide as the defining event in Rwandan history [...]” (du Toit, 2011, p. 9), the strategies and programs to promote national unity and reconciliation have exclusively identified the Tutsi as victims (Nagy, 2009) and as survivors (Burnet, 2009). Interestingly, this categorization is not explicitly spelled out in official policies or by authorities, since it would go against vigorous post-genocide efforts to discourage and abolish the use of ethnic identity categories in public discourse (Ramos, 2013) and to promote unity based on the national *Banyarwanda* identity (Clark, 2010).

Instead, this victimhood discourse is enacted through more subtle practices by political authorities and mechanisms. Until 2008, the official terminology to refer to the 1994 genocide was *itsembabwoko n’itsembatsema* (genocide and massacres), thereby acknowledging different types of violence going on at this time, including the killings of Hutus (Burnet, 2010, p. 103). In May that year, a constitutional amendment changed this designation, legally and officially enshrining it as *jenosie yakorewe aba Tutsi*, genocide against the Tutsi (Burnet, 2010,

p. 103; Brandstetter, 2010, p. 6). According to Jennie Burnet (2009), in the immediate aftermath of the genocide, the term “survivor” extended simultaneously to both Tutsi and Hutu. In fact, the 2008 law relating to the establishing of FARG defines “survivors” as “survivors of the Genocide against the Tutsi and *other crimes against humanity* committed between 1st October 1990 and 31st December 1994” (Republic of Rwanda, 2009a, emphasis added). FARG’s assistance, therefore, seems to be highly inclusive since genocide victims and survivors are not categorized as its only beneficiaries. In light of this, some dispositions regarding eligibility criteria set in “FARG Citizen’s Charter” are particularly troubling. When listing the various services available to its beneficiaries, eligible beneficiaries are defined as “vulnerable genocide survivors” (Republic of Rwanda, 2011b, p. 12-18). FARG’s vision is that “[b]y year 2019, all *genocide survivors* are fully integrated in Rwandan Society [...]” (Republic of Rwanda, 2011b, p. 10, emphasis added). This has motivated criticism that FARG discriminates against non-Tutsi citizens in the provision of its services (Thiebou, 2007; Burnet, 2009).

Non-Tutsi victimhood experiences are only partially included or virtually excluded from the official 1994 victimhood discourse. Elisabeth King (2014) interviewed an elderly Hutu woman, from northern Rwanda, who shared her own experience of the 1994 violence:

The other history that we have to teach [besides the government version disseminated at memorials, ingando re-education camps, and schools]. For example, I lost three-quarters of my family during the war. There’s my mother who died during the war. There is my daughter, her child that died. I say in my house there was my father who died, there was my little sister, my brother-in-law, my grandchildren. My brother-in-law and his wife were killed. *But we [Hutu] don’t have the right to say we lost people.* There are orphans of the genocide, widows of the genocide, *everything of the genocide.* That’s it. (p. 300, emphasis added)

The above testimony brings to light experiences of violence and victimization and grievances endured by some Hutus: on the one hand, those labeled as Hutu “moderates” and those who openly resisted joining in the genocide violence and assisted targeted victims; these fall within what King (2014, p. 298) defines as “somewhat recognized Hutu memories” accommodated in the official discourse by national authorities. On the other hand, it also calls attention to the possibility of violence against Hutus perpetrated by the Rwandan Patriotic Front (RPF), which falls under the “unrecognized Hutu memories.” Hutu experiences of violence feed into the official genocide and victimhood discourses through the “victim-perpetrator dichotomy” frame

predominantly as perpetrators (Eltringham, 2004; Nagy, 2008; Thomson, 2009a; Vergos, 2011; Ramos, 2013) or, at the very least, genocide suspects (Hintjens, 2008).

Beyond the dichotomy: The case of the Twa community

While Hutu memories and experiences of victimization are largely absent from official 1994 violence discourse and memorialization practices, this discussion regarding the excluding nature of the Rwandan transitional justice narrative and of the underlying “victim-perpetrator” dichotomy intends to bring to the foreground the experience of a third Rwandan group: the Twa.

The Twa of Rwanda are part of a wider community which constitutes the oldest recorded inhabitants of the Great Lakes region in Central Africa (ACHRP & IWGIA, 2010), spread across parts of the Democratic Republic of Congo, Uganda, Burundi and Rwanda. In Rwanda, there is a consensus in the literature that the Twa account for less than one percent of the total population (Vandeginste, 2014); their population is estimated to range between 33,000 and 35,000 individuals (UNPO, 2016).

The Twa were forest-dwellers and hunter-gatherers (Lewis, 2006) who have been historically expelled from their traditional mountain forest territories (FPP, 2006). The process first started centuries ago, with the deforestation promoted by the arrival of herding and farming communities (ACHPR & IWGIA, 2010) and continued through Rwanda’s colonial and post-colonial history, with the take-over of Rwandan forests by agro-industrial activities, logging, mining, development projects and conservation areas (Jackson, 2003; Lewis, 2006; Beswick, 2011), up to the 1980s, when the last remaining Twa forest-dwellers were forcibly evicted from the Volcanoes National Park, the Nyungwe Forest Reserve and the Gishwati Forest (ACHPR & IWGIA, 2010). Despite having turned to alternative livelihoods, particularly, pottery, this historic process of forced displacement has led to a situation of chronic landlessness (Jackson, 2003) and extreme disproportionate land insecurity (Lewis, 2006). The lack of legal recognition of Twa’s land rights (Jackson, 2003; Lewis, 2006) has led to the near-absence of any form of consultation or compensation.

Furthermore, for the Twa, displacement has not only represented a loss of their traditional livelihood but has also compromised their group identity and culture: Twa identity was constructed based on the idea of being first peoples with specialized knowledge (of the forest ecosystem) that contributed to the lives of other groups (Lewis, 2006). Despite being internationally recognized as a distinct ethnic community and as an indigenous group (FPP, 2006; ACHPR & IWGIA, 2010; MRG, 2016; UNPO, 2016), the Twa enjoy no such recognition

within Rwanda today, due to the post-1994 anti-divisionism legislation and national unity and reconciliation policy which have criminalized ethnic self-identification and banned ethnic identities (Thomson, 2009b).

They are disproportionately disadvantaged in health, education and land rights (ACHPR & IWGIA, 2010) and enjoy disproportionately worse living conditions compared to the rest of the population (FPP, 2006). According to the NGO COPORWA, which represents and advocates on behalf of the Twa community in Rwanda (Beswick, 2011), potters (Twa) are the most vulnerable and poorest in the country.²

Despite having lost about a third of its population as a direct result of the 1994 violence, the Twa community has been excluded from the national discourse on genocide and its victims (Thomson, 2009b), as well as from the programme of reparations (Lewis, 2006; Thiebou, 2007), and has been met with indifference from the vast majority, although not all, of scholarly work on violence and genocide in Rwanda and Burundi (Vandeginste, 2014; Beswick, 2011). The Twa were simultaneously victims and perpetrators. Killings within the Twa community were perpetrated both by Hutu-led groups and the RPF. During her fieldwork among Twa communities in Rwanda, Susan Thomson (2009b) interviewed a Twa man who had been barred from participating in an *ingando* camp, which he believed would help him “learn how to live in the new Rwanda” (Thomson, 2009b, p. 314). However, according to a local official, his self-identification as a Twa person made him ineligible to attend:

‘You don’t need re-education because *you are not part of the genocide. Your people did not kill or get killed.*’ I was so angry with him. I lost my mother and sister and I even hid some Tutsi in my home! [...] He called some people and I spent the next week in prison for disrespecting national unity. (p. 314, emphasis added)

This testimony poignantly illustrates the paradoxical situation experienced by the Twa community in post-genocide Rwanda *vis-à-vis* the official, top-down, national narrative on genocide, national unity and reconciliation. On the one hand, the testimony reaffirms the previous contention that the crime of genocide serves as the reference point for self-identification and categorization in post-genocide Rwanda – “you are not part of the genocide”. On the other hand, it demonstrates how the Twa are excluded from this identity-building process by authorities. From the perspective of the latter, they are neither victims nor

² Until May 2007, COPORWA used to operate as CAWRA – *Communauté des Autochtones de Rwanda (Community of Indigenous Peoples of Rwanda)*. It was then forced to drop its ethnic identity and indigenesness claims because of governmental threat to suspend its license, and therefore, its funding (Beswick, 2011).

perpetrators and therefore, have no role to play in post-genocide reconciliation and rebuilding, strengthening Lisa Matthews' (2006) claim that the Twa are "the people who don't exist." While Hutus are selectively portrayed as "perpetrators-*génocidaires*" as opposed to the Tutsi "victim-survivor" (Eltringham, 2004), motivating the grievances which were explored above, the Twa are conspicuously absent during and after the genocide. As Geneviève Parent (2010, p. 285) categorically states, "[t]he Twa remain invisible/non-existent." In fact, the Rwandan Reconciliation Barometer (Republic of Rwanda, 2010b) shows that, when inquired over which parties should reconcile in post-genocide Rwanda, interviewees were given several options to rank, including one specifying "Hutu and Tutsi ethnic group" (Republic of Rwanda, 2010b: 63). The Twa ethnic group was nowhere to be found in any of eleven answer options.

Nonetheless, the Twa were, indeed, victimized by the 1994 violence. Their stories of death, resistance and struggle have been left overwhelmingly unacknowledged (Jackson, 2003; Lewis, 2006). In addition to having been persecuted as a direct consequence of being Twa and of the perception, on the part of the *Interahamwe* and other militia groups, that the Twa were somewhat connected to the Tutsi-dominated monarchy (Lewis, 2006), the Twa are known to have protected both persecuted Hutus and Tutsi during the genocide (Jackson, 2006). In its aftermath, the Twa were also the victims of extra-judicial killings carried by the RPF (Lewis, 2006) and many who had fled the violence were imprisoned upon returning to their respective communities, on genocide charges (Lewis, 2006).

At this point, it is important to reflect in greater detail on the way in which the official transitional justice narrative was constructed in post-genocide Rwanda: it builds on the idea that there is *the* Hutu and *the* Tutsi (and *the* Twa) experience of genocide (Eltringham, 2004; Hilker, 2009; Thomson, 2009a; Parent, 2010; Vergos, 2011) which dangerously resonates with the dichotomist view of peoples espoused by 1994 genocide perpetrators (Eltringham, 2004), implicitly maintaining the ethnic divide in Rwandan society (Pottier, 2002). According to Thomson (2009a), the official narrative therefore excludes Tutsi and Twa perpetrators, Hutu and Twa rescuers, Tutsi, Twa and Hutu resisters and Hutu and Twa survivors. Moreover, the narrative is also limited in accommodating the experiences endured by Rwandans with ethnically mixed backgrounds and Rwandans engaged in inter-ethnic relationships (King, 2014). In reality, the official narrative straightforwardly ignores the fact that Rwandan lives simply do not fit within the over-simplified options made available by post-genocide authorities (Lemarchand, 1999 *apud* Hintjens, 2008, p. 26).

The Politics of Transitional Justice in Post-1994 Rwanda

Borrowing from Carlos Martin Beristain's (e.g. 2004; 2006; 2010) reflections and work on trauma and victimhood, unrecognized Hutu and Twa experiences of 1994 are deprived of the wider social context and acknowledgement within which to be framed, which has serious implications for the way individuals from these communities perceive their victimization.

The Twa, for instance, interpret and rationalize their experiences of violence based on the all too familiar discrimination they have historically been subjected to: a Twa interviewee suggested that "[m]aybe this is happening to us because we are Twa" (Lewis, 2006, p. 13). Furthermore, through their exclusion from the official narrative underlying the programme of national unity and reconciliation (Thomson, 2009b), the Twa have endured a twofold victimization process: on the one hand, they are prevented from discussing their 1994 violence and genocide experiences, since these can only be openly addressed in state-sanctioned scenarios such as the *gacaca* and *ingando* (Thomson, 2009b), which the Twa are barred from attending, as we have seen above. On the other hand, while Twa were targeted during the genocide for being Twa (Lewis, 2006), they cannot secure recognition on the part of post-genocide authorities for what they perceive to be their specific group identity, particularly, as indigenous people of Rwanda (Thiebou, 2007; Thomson, 2009b).

According to Thomson (2009a, p. 6), the policy of national unity and reconciliation is "[...] the defining feature of state power in post-genocide Rwanda as it structures the interactions of individual Rwandans with the state as well as with each other." In this sense, the process of Twa (re)victimization can be thought of in terms of what Martin Baró termed the "psychosocial trauma" (Baró, 1990 *apud* Beristain, 2010, p. 13), which refers to "the trauma [that] was socially produced but is nursed by this relationship between the person and society"³ (Beristain, 2010, p. 13). Not only have the Twa been historically marginalized throughout Rwandan history, but the policy of national unity and reconciliation perpetuates their socio-economic and political exclusion from Rwandan society (Thomson, 2009b), therefore providing the setting for the reproduction of this trauma in Twas' relations with other Rwandans and the Rwandan state. This understanding of trauma may be equally valid to understanding Hutu grievances, in the sense that Hutus are almost always ascribed the roles of perpetrators or genocide suspects in post-genocide Rwanda, which are not only performed in their interactions within their community and with the State, but also impacts and limits their

³ Translated by the author. In the original: "[...] el trauma ha sido producido socialmente pero se alimenta en esa relación entre individuo y sociedad." (Beristain, 2010, p.13)

participation in community life, as they are constantly regarded with suspicion (Thomson, 2009a).

In post-genocide Rwanda, the Constitution effectively restricts the parameters of what is considered valid or acceptable political activity and behavior, acting as a “dominant public framework” (Beswick, 2011, p. 498). It stipulates the “eradication of ethnic, regional and *other divisions* and promotion of national unity” as a fundamental principle guiding the Rwandan state (Republic of Rwanda, 2003, chapter 2, emphasis added). The programme of national unity and reconciliation is a *discourse*, not only in the sense that it normalizes a certain narrative of events, by appropriating the concepts of “history” and “genocide” and precluding alternative representations of reality (Thomson, 2009b), but also in the way in which it prescribes acceptable and valid norms, roles and memories:

[...] the post-genocide government uses the apparatus of the state to ensure that ordinary Rwandans respect *the rules of who can speak* about their experiences of the genocide, *and how*, through its programme of national unity and reconciliation. (Thomson, 2009a, p. 267)

The post-genocide discourse on national unity and reconciliation prescribes the valid post-genocide identity matrix (Burnet, 2009), as well as the legitimate model of reconciliation: according to President Kagame, “[...] remembering is a must and an obligation. In remembering we must also forgive – it is a duty – to forgive those who sincerely seek to be forgiven” (Republic of Rwanda, 2010a). Survivors are instigated to forgive and perpetrators to tell the truth (Thomson, 2009a).

Defining rules is central to the capacity of Rwandan authorities to enact a dominant discourse. Here the contribution of social constructivism on social rules should be recalled as the latter enable individuals to participate in society as agents (Onuf, 1998) as part of the process of constituting reality, through the social construction of meanings and knowledge (Guzzini, 2000; 2013). If identifying as a “survivor” or a “perpetrator” allows an individual to participate as an agent in post-genocide Rwanda, it does so within the meaning that has been attached to those specific concepts. Attributing meanings is the ultimate form of power (Adler, 2002) in the sense that it defines the boundaries of knowledge, of what can be done (Guzzini, 2013), of the “realm of possibilities” (Reus-Smit, 2005). “Survivor” is not a valid identity for a Twa or a Hutu; neither can use this sociopolitical category to frame his or her experiences and memories or their social interaction. Interestingly, the fact that perpetrators are overwhelmingly referred to as *génocidaires* (instead of “perpetrators of...”) shows how the

realm of possibility is so narrowly defined and discursively naturalized so as to only include the crime of genocide and the victimization experience of genocide victims, in detriment of other types of violence, such as massacres, and their respective victims.

Conclusion

Transitional justice has become a global project in guiding societies dealing with a past of violence, spanning the fields of human rights, conflict resolution and post-conflict transitions (Nagy, 2008). The above discussion has led to the conclusion that, despite victims' rights having ascended to the status of an international norm (Bonacker & Safferling, 2013), the way in which victims and other identity categories of conflict have been framed within transitional justice, by the "victim-perpetrator" dichotomy underlying much of the theory and praxis of its dominant model, is deeply flawed. In fact, the "victim-perpetrator dichotomy" which underlies the Rwandan national unity and reconciliation strategy excludes the majority of experiences lived by ordinary Rwandans during the 1994 violence and genocide (Hankel, 2013). Not only is this identity matrix a choice, but it is one that is socially constructed (Ramos, 2013) and whose political and power implications are often overlooked and left unaddressed.

Finally, the implications of challenging largely unquestioned assumptions, such as the division of post-conflict societies between victims and perpetrators, are not purely academic (Borer, 2003). Selectively acknowledging victimhood and perpetration experiences exerts direct psychosocial impact within the lives of people and communities, and influences their journeys of potential rebuilding, healing and reconciliation.

Bibliography

- ACHPR: African Commission on Human and People's Rights; IWGIA: International Work Group for Indigenous Affairs (2010) *Report of the African Commission's Working Group on Indigenous Populations/Communities*.
http://www.iwgia.org/iwgia_files_publications_files/0474_randa_2-engelsk.pdf [6 November 2016].
- Adler, Emanuel (2002) "Constructivism and International Relations" in Carlsnaes, Walter; Risse, Thomas; Simmons, Beth A. (eds.) *The Handbook of International Relations*. London: SAGE Publications, pp. 127-158.
- Andrieu, Kora (2010) "Civilizing Peacebuilding: Transitional Justice, Civil Society and the Liberal Paradigm" *Security Dialogue*. 41:5, pp. 537-558.
- Balasco, Lauren M. (2013) "The Transitions of Transitional Justice: Mapping the Waves from Promise to Practice" *Journal of Human Rights*. 12:2, pp. 198-216.
- Beristain, Carlos Martín (2004) *Reconstruir el tejido social: Un enfoque crítico de la ayuda humanitaria*. Barcelona: Icaria editorial, s.a.
- Beristain, Carlos Martín (2006) *Humanitarian Aid Work: A Critical Approach*. Philadelphia: University of Pennsylvania Press.
- Beristain, Carlos Martín (2010) *Manual sobre perspectiva psicosocial en la investigación de derechos humanos*. Bilbao: Hegoa – Instituto de Estudios Sobre Desarrollo y Cooperación Internacional, Universidad del País Vasco.
- Beswick, Danielle (2011) "Democracy, identity and the politics of exclusion in post-genocide Rwanda: the case of the Batwa" *Democratization*. 18:2, pp. 490-511.
- Bonacker, Thorsten; Safferling, Christoph (2013) "Introduction" in Bonacker, Thorsten; Safferling, Christoph (eds.) *Victims of International Crimes: an Interdisciplinary Discourse*. The Hague: T.M.C. Asser Press, pp. 1-14.
- Borer, Tristan A. (2003) "A Taxonomy of Victims and Perpetrators: Human Rights and Reconciliation in South Africa" *Human Rights Quarterly*. 25:4, pp. 1088-1116.
- Brandstetter, Anna-Maria (2010) "Contested Pasts: The Politics of Remembrance in Post-Genocide Rwanda", Ortelius Lecture 6, Wassenaar: Netherlands Institute for Advanced Study in the Humanities and Social Sciences.
- Brants, Chrisje (2013) "Introduction" in Brants, Chrisje; Hol, Antoine; Siegel, Dina (eds.) *Transitional Justice: Images and Memories*. Farnham: Ashgate, pp. 1-12.

Brants, Chrisje; Brants, Kees; Gould, Lauren (2013) "Communicating the ICC: Imagery and Image Building in Uganda" in Brants, Chrisje; Hol, Antoine; Siegel, Dina (eds.) *Transitional Justice: Images and Memories*. Farnham: Ashgate, pp. 143-160.

Buckley-Zistel, Susanne (2009) "Nation, narration, unification? The politics of history teaching after the Rwandan genocide" *Journal of Genocide Research*. 11:1, pp. 31-53.

Buckley-Zistel, Susanne; Beck, K. Teresa; Braun, Christian; Mieth, Friederike (2014) "Transitional justice theories: an introduction" in Buckley-Zistel, Susanne; Beck, K. Teresa; Braun, Christian; Mieth, Friederike (eds.) *Transitional Justice Theories*. Oxon: Routledge, pp. 1-17.

Burnet, Jennie E. (2009) "Whose genocide? Whose truth? Representations of Victim and Perpetrator in Rwanda" in Hinton, Alexander; O'Neill, Kevin (eds.) *Genocide: Truth, Memory and Representation*. Durham: Duke University Press, pp. 80-110.

Burnet, Jennie E. (2010) "(In)justice: Truth, Reconciliation and Revenge in Rwanda's Gacaca" in Hinton, Alexander Laban (ed.) *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*. New Brunswick, New Jersey: Rutgers University Press, pp. 95-118.

Clark, Janine (2010) "National unity and reconciliation in Rwanda: A flawed approach?" *Journal of Contemporary African Studies*. 28:2, pp. 137-154.

de Greiff, Pablo (2010) "A Normative Conception of Transitional Justice" *Politorbis*. 50:3, pp. 17-29.

de Greiff, Pablo (2012) "Theorizing Transitional Justice" in Williams, Melissa; Nagy, Rosemary; Elster, Jon (eds.) *Transitional Justice*. New York: New York University Press, pp. 31-77.

du Toit, Fanie (2011) "Reconciliation and Transitional Justice: the Case of Rwanda's Gacaca Courts" *Institute of Justice and Reconciliation*, pp. 1-28.

Eltringham, Nigel (2004) *Accounting for Horror: Post-Genocide Debates in Rwanda*. London: Pluto Press.

Engstrom, Par (2013) "Transitional justice and ongoing conflict" in Sriram, Chandra L.; García-Godos, Jemina; Herman, Johanna; Martin-Ortega, Olga (eds.) *Transitional Justice and Peacebuilding on the Ground: Victims and ex-combatants*. Oxon: Routledge, pp. 41-61.

Enns, Diane (2012) *The Violence of Victimhood*. University Park: The Pennsylvania State University Press.

- FFP: Forest Peoples Programme (2006) *The Rights of Indigenous Peoples in Rwanda*. Submission of the Forest Peoples Programme Concerning the Republic of Rwanda and its compliance with the International Covenant on Civil and Political Rights. <http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/rwandahrcrepoc06eng.pdf> [6 November 2016].
- Fetherston, A. B. (2005) "Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks" in Woodhouse, Tom; Ramsbotham, Oliver, (eds.) *Peacekeeping and Conflict Resolution*. Abingdon: Frank Cass, pp. 190-218.
- Franzki, Hannah; Olarte, Maria Carolina (2014) in Buckley-Zistel, Susanne; Beck, Teresa Koloma; Braun, Christian; Mieth, Friederike (eds.) *Transitional Justice Theories*. Oxon: Routledge, pp. 201-218.
- García-Godos, Jemina e Sriram, Chandra L., (2013) "Introduction" in Sriram, Chandra L. García-Godos, Jemina; Herman, Johanna; Martin-Ortega, Olga (eds.) *Transitional Justice and Peacebuilding on the Ground: Victims and ex-combatants*. Oxon: Routledge, pp. 1-20.
- Govier, Trudy; Verwoerd, Wilhelm (2004) "How not to polarise "victims" and "perpetrators" *Peace Review: A Journal of Social Justice*. 16:3, pp. 371-377.
- Grørdum, Kjetil (2012) *Narrative Justice: a study of transitional justice in Cambodia discussed on the basis of elements from Paul Ricoeur's philosophy*. PhD thesis in Religion, Ethics and Society. University of Agder. http://www.stiftelsen-arkivet.no/files/Phd_Kjetil_Grodum_160102012_red.pdf [14 October 2015].
- Guzzini, Stefano (2000) "A Reconstruction of Constructivism in International Relations" *European Journal of International Relations*. 6:2, pp. 147-182.
- Guzzini, Stefano (2013) *Power, Realism and Constructivism*. Oxon: Routledge.
- Hankel, Gerd (2013) "On Victims and Non-Victims: Observations from Rwanda" in Bonacker, Thorsten; Safferling, Christoph (eds.) *Victims of International Crimes: an Interdisciplinary Discourse*. The Hague: T.M.C. Asser Press, pp. 29-43.
- Hilker, Lyndsay M. (2009) "Everyday ethnicities: identity and reconciliation among Rwandan youth" *Journal of Genocide Research*. 11:1, pp. 81-100.
- Hintjens, Helen (2008) "Post-genocide identity politics in Rwanda" *Ethnicities*. 8:1, pp. 5-41.
- Hinton, Alexander L. (2011) "Introduction: Towards an Anthropology of Transitional Justice" in Hinton, Alexander L. (ed.) *Transitional justice: global mechanisms and local realities after genocide and mass violence*. Piscataway: Rutgers University Press, pp. 1-24.

Humphrey, Michael (2003) "From Victim to Victimhood: Truth Commissions and Trials as Rituals of Political Transition and Individual Healing" *The Australian Journal of Anthropology*. 14:2, pp. 171-187.

Jackson, Dorothy (2006) *Twa Women, Twa Rights in the Great Lakes Region of Africa*. London: Minority Rights Group International.

Kaulemu, David (2012) "Culture, customs, tradition and transitional justice" in Okello, Moses Chrispus; Dolan, Chris; Whande, Undine; Mncwabe, Nokukhanya; Onegi, Levis; Oola, Stephen (eds.) *Where Law Meets Reality: Forging African Transitional Justice*. Oxford: Pambazuka Press, Fahamu Books, pp. 80-98.

King, Elisabeth (2014) "Memory Controversies in Post-Genocide Rwanda: Implications for Peacebuilding" *Genocide Studies and Prevention: An International Journal*. 5:3, pp. 293-309.

Lewis, Jerome (2006) "The Twa Pygmies: Rwanda's Ignored People." <http://discovery.ucl.ac.uk/43527/> [14 October 2015].

Lundy, Patricia e McGovern, Mark (200) "Whose Justice? Rethinking Transitional Justice from the Bottom Up" *Journal of Law and Society*. 35:2, pp. 265-292.

Mamdani, Mahmood (2001) *When victims become killers: colonialism, nativism and the genocide in Rwanda*. Princeton: Princeton University Press.

Matthews, Lisa (2006) "The People Who Don't Exist" *Cultural Survival Quarterly*. 30.2. <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/rwanda/people-who-dont-exist>. [12.09.2015].

McAuliffe, Pádraig (2013) *Transitional Justice and Rule of Law Reconstruction: A contentious relationship*. Oxon: Routledge.

McEvoy, Kieran (2007) "Beyond Legalism: Towards a Thicker Understanding of Transitional Justice" *Journal of Law and Society*. 34:4, pp. 411-440.

Miller, Zinaida (2008) "Effects of Invisibility: The Search for the "Economic" in Transitional Justice" *The International Journal of Transitional Justice*. 2:3, pp. 266-291.

Moffett, Luke (2014) "Navigating Complex Identities of Victim-Perpetrators in Reparation Mechanisms". Queen's University Belfast Law, *Research Paper* 13, pp. 1-23.

MRG: Minority Rights Group International (2016) <Rwanda-Twa>. <http://minorityrights.org/minorities/twa-2/> [6 November 2016].

Nagy, Rosemary (2008) "Transitional Justice as Global Project: critical reflections" *Third World Quarterly*. 29:2, pp. 275-289.

Nagy, Rosemary (2009) "Traditional Justice and Legal Pluralism in Transitional Context: the Case of Rwanda's Gacaca Courts" in Quinn, Joanna R. (ed.) *Reconciliation(s): Transitional Justice in Post-Conflict Societies*. Montreal: McGill-Queen's University Press pp. 86-115.

Nogueira Pinto, Teresa (2012) "Poder e Sobrevivência: Modelos de Justiça no Ruanda pós Genocídio". Contraditório Think Tank, *Working Paper* 12/20.

Nwogu, Nneoma V. (2010) "When and Why It Started: Deconstructing Victim-Centered Truth Commissions in the Context of Ethnicity-Based Conflict" *The International Journal of Transitional Justice*. 4, pp. 275-289.

Onuf, Nicholas (1998) "Constructivism: A User's Manual" in Kubáľková, Vendulka; Onuf, Nicholas; Kowert, Paul (eds.) *International Relations in a Constructed World*. Armonk: M. E. Sharpe, Inc., pp. 58-78.

Parent, Geneviève (2010) "Reconciliation and Justice after Genocide: A Theoretical Exploration" *Genocide Studies and Prevention*. 5:3, pp. 277-292.

Philpott, Daniel (2010) "Introduction: Searching for Strategy in an Age of Peacebuilding" in Philpott, Daniel; Powers, Gerard F., (eds.) *Strategies of Peace – Transforming Conflict in a Violent World*. Oxford: Oxford University Press, pp. 3-44.

Pottier, Johan (2002) *Re-imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century*. Cambridge: Cambridge University Press.

Ramos, Carse (2013) *Transitional Justice, Victimhood and Collective Narrative in Post-Genocide Rwanda*. Master's dissertation in Nationalism Studies. Central European University. www.etd.ceu.hu/2013/ramos_carse.pdf [31.10.2015].

Republic of Rwanda (2003) Constitution of the Republic of Rwanda and its Amendments of 2 December 2003, 8 December 2005, 13 August 2008 and 17 June 2010. " <http://www.refworld.org/docid/46c5b1f52.html>. [21.07.2015].

Republic of Rwanda (2009a): "Law N° 69/2008 of 30/12/2008 relating to the establishment of the Fund for the support and assistance to the survivors of the Tutsi genocide and other crimes against humanity committed between 1st October 1990 and 31st December 1994, and determining its organisation, powers and functioning". <http://www.refworld.org/docid/3ae6b54d20.html>. [12.09.2015]

Republic of Rwanda: Office of the President of the Republic (2010a) Speech by President Paul Kagame at the 16th Commemoration of the Genocide of the Tutsi.

Republic of Rwanda: NURC – National Unity and Reconciliation Commission (2010b) Rwanda Reconciliation Barometer. Kigali.

Republic of Rwanda: Fund for the support and assistance to the survivors of the genocide against the Tutsi and other crimes against humanity committed between 1st October 1990 and 31st December 1994 – FARG (2011b) FARG Citizen's Charter.

Reus-Smit, Christian (2005) "Constructivism" in Burchill, Scott; Linklater, Andrew; Devetak, Richard; Donnelly, Jack; Paterson, Matthew; Reus-Smit, Christian; True, Jacqui (eds.) *Theories of International Relations*. Basingstoke: Palgrave Macmillan, pp. 188-212.

Rubli, Sandra (2012) "Transitional Justice: Justice by Bureaucratic Means?". *Swisspeace working papers series Working Paper 4*. Bern.

Servaes, Sylvia, Birtsch, Nicole (2008) "Engaging with Victims and Perpetrators in Transitional Justice and Peace Building Processes". Bonn, Germany 12-13th February, Bern: KOFF/swisspeace.

SG: United Nations Secretary General (2004) *The rule of law and transitional justice in conflict and post-conflict societies*. New York: UN.
<http://www.unrol.org/files/2004%20report.pdf>. [13.09.2015]

SG: United Nations Secretary General (2010) *United Nations Approach to Transitional Justice (Guidance Note)*. New York: UN.
http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf. [13.09.2015]

SG: United Nations Secretary General (2011) *The rule of law and transitional justice in conflict and post-conflict societies*. New York: UN. www.unrol.org/files/S_2011_634EN.pdf [03.09.2015].

Sharp, Dustin (2013) "Beyond the Post-Conflict Checklist: Linking Peacebuilding and Transitional Justice Through the Lens of Critique" *Chicago Journal of International Law*. 14:1, 165-196.

Sharp, Dustin (2014) "Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice" *Harvard Human Rights Journal*. 26, 149-178.

Sharp, Dustin (2015) "Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition" *International Journal of Transitional Justice*. 9:1, 150-169.

- Shaw, Rosalind; Waldorf, Lars (2010) "Introduction: Localizing Transitional Justice" in Shaw, Rosalind e Waldorf, Lars (eds.) *Localizing Transitional Justice: Interventions and Priorities After Mass Violence*. Stanford: Stanford University Press, pp. 3-26.
- Sriram, Chandra L., (2014) "Liberal Peacebuilding and Transitional Justice: What Place for Socioeconomic Concerns?" in Sharp, Dustin (ed.) *Justice and Economic Violence in Transition*. New York: Springer, pp. 25-50.
- Stover, Eric; Weinstein, Harvey M. (2004) "Introduction: conflict, justice and reclamation" in Stover, Eric; Weinstein, Harvey M. (eds.) *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*. Cambridge: Cambridge University Press, pp. 1-26.
- Subotić, Jelena (2009) *Hijacked Justice: Dealing with the Past in the Balkans*. Ithaca: Cornell University Press.
- Tabak, Shana (2011) "False Dichotomies of Transitional Justice: Gender, Conflict and Combatants in Colombia". *International Law and Politics*, 44: 103; pp. 103-162.
- Teitel, Ruti (2003) "Transitional Justice Genealogy" *Harvard Human Rights Journal*. 26, pp. 69-94.
- Thallinger, Gerhard (2007) "The UN Peacebuilding Commission and Transitional Justice" *German Law Journal*. 8:7, pp. 682-710.
- Theidon, Kimberly (2009) "Editorial Note" *The International Journal of Transitional Justice*. 3, pp. 295-300.
- Thiebou, Wouter (2007) *The Twa of Rwanda: a marginalized people in a post-conflict society seen from a cultural and human rights perspective*. Master's dissertation in Conflict and Human Rights Studies Utrecht University". <http://www.wouteraardevn.nl/documenten.html>. [15.09.2015]
- Thomson, Susan (2009a) *Resisting Reconciliation: State Power and Everyday Life in Post-Genocide Rwanda*. PhD thesis in the department of Political Science. Dalhousie University". <http://commons.trincoll.edu/rwandawire/files/2014/02/THomson-Dissertation-20095.pdf.pdf>. [12.09.2015]
- Thomson, Susan (2009b) "Ethnic Twa and Rwandan National Unity and Reconciliation Policy". *Peace Review: A Journal of Social Justice*. 21:3, pp. 313-320.
- Turner, Catherine (2013) "Deconstructing Transitional Justice" *Law Critique*. 24, pp. 193-209.

UNPO: Unrepresented Nations and Peoples Organization (2016) Submission to the UN Office of the High Commissioner for Human Rights for the consideration of the Expert Mechanism on the rights of indigenous peoples, concerning “The right to health and indigenous peoples”, with a particular focus on children and youth.
<http://unpo.org/downloads/1777.pdf> [6 November 2016].

Vandeginste, Stef (2014) “Political Representation of Minorities as Collateral Damage or Gain: The Batwa in Burundi and Rwanda” *Africa Spectrum*. 49:1, pp. 3-25.

Vergos, Catherine (2011) *Between Rhetoric and Reality: a Psychosocial Examination of Rwanda's National Unity and Reconciliation Policy*. Master's dissertation in Political Science. Dalhousie University.
<http://dalspace.library.dal.ca/bitstream/handle/10222/14396/Vergos,%20Catherine,%20MA,%20POLI,%20December%202011.pdf?sequence=1>. [31.10.2015].

Young, Graeme (2013) “Transitional Justice in Sierra Leone: A Critical Analysis” *Peace and Progress – the United Nations University Graduate Student Journal*. 1:1 pp. 3-17.

Zorbas, Eugenia (2004) “Reconciliation in Post-Genocide Rwanda” *African Journal of Legal Studies*. 1:1, pp. 30-51.