

PROMOTING RECONCILIATION THROUGH EXHUMING AND IDENTIFYING VICTIMS IN THE 1994 RWANDAN GENOCIDE

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KEY POINTS

The Government of Rwanda, working in collaboration with the international community and survivor communities within Rwanda, should take the following actions:

- establish a forensics training facility and laboratory in Rwanda to specialize in the location of mass graves and the exhumation, identification and repatriation of the anonymous victims of the 1994 genocide;
- create a database of DNA samples from survivors of the 1994 genocide;
- pursue scientifically rigorous exhumations mandated to retrieve DNA samples from any human remains recovered from mass graves or incorporated into the Rwandan genocide memorials, and cross-reference samples with the survivor DNA database to provide definitive identifications wherever possible; and
- ensure that all identified remains are returned to surviving relatives to bury with respect in the manner they choose.

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This policy brief considers the past, present and future of forensic exhumations in Rwanda in the aftermath of the 1994 genocide. Past exhumations conducted by Physicians for Human Rights (PHR) at the request of the International Criminal Tribunal for Rwanda (ICTR) were short-lived and controversial, from the perspective of both the international community and the communities that hosted the investigations. There is, however, widespread support among survivors for renewed

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ACKNOWLEDGEMENTS

The author would like to thank the National Commission for the Fight against Genocide and the Ministry of Education in Rwanda for facilitating this research project. I would also like to thank my anonymous reviewers and Dr. Erin Baines and Dr. Thomas Tiekou for providing valuable feedback on early drafts of this policy paper. This project was carried out with the support of the Africa Initiative, a multi-year, donor supported program jointly undertaken by CIGI, Makerere University and the South African Institute for International Affairs to contribute to the deepening of Africa’s capacity and knowledge, and the Fonds Québécois de recherche sur la société et la culture.

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efforts to identify and repatriate the anonymous victims of the 1994 genocide, both to reduce the psychological and spiritual distress the survivors experience and to provide definitive evidence of the genocide for future generations. In this brief, the term “repatriation” is used to refer to the process of returning human remains to their surviving relatives for appropriate reburial.

INTRODUCTION

In the aftermath of the 1994 Rwandan genocide, in which an estimated 800,000 Tutsi civilians were killed, the ICTR commissioned a series of mass grave exhumations in Kigali and Kibuye.¹ These exhumations were conducted by PHR, a Boston-based non-governmental organization (NGO). Its mandate was to provide scientifically rigorous evidence that revealed the criminal nature of specific massacres in Kigali and Kibuye, as well as the statistical elements of the crimes, including the sex, ethnicity, age, and cause and manner of death for the individual victims (Haglund, 1997: 1; Haglund and Kirschner, 1997: ii).

According to international accounts, the PHR exhumations were short-lived and perceived both within and beyond Rwanda as unsuccessful (Cruvellier, 2010: 13; Koff, 2004: 18–112). The main criticisms were that the exhumations were culturally inappropriate and evoked widespread psychological and spiritual trauma, resulting in protests in Kigali. A Clothing Day, which was organized by PHR in an effort to allow survivors a chance to identify their loved ones based on the clothes and personal effects recovered during the exhumations, was described as traumatic for the community, even

¹ For a discussion of the estimated loss of life during the 1994 genocide, as well as a thorough overview of events during this period, see Des Forges, 1999.

as it allowed survivors to tentatively identify their missing loved ones (Koff, 2004: 68).

Later, when the resulting evidence was brought before the ICTR, Kathleen Reichs' report (1999) and accompanying expert testimony for the defence determined that the exhumations were not scientifically rigorous enough to support the conclusions drawn by PHR. Specifically, Reichs' report on the Amgar Garage exhumations in Kigali criticized the PHR investigators for: lacking certification by the American Board of Forensic Anthropology; providing poor explanations for the estimates of post-mortem interval (the time between death and examination of a body) and the conclusion that the manner of death for all recovered remains was homicide; and using outdated or inaccurate methods when conducting laboratory analysis of the skeletal remains (1999: 1-2). As a result, the court dismissed PHR's findings; the consequences were a potential miscarriage of justice for the victims and survivors of the 1994 Rwandan genocide and a waste of funding and resources (ICTR, 1999).

This policy brief considers the impact of these exhumations on the survivor community in Kibuye, where the largest exhumations were conducted. Drawing upon thematic interviews conducted with 24 survivors, as well as extensive communications with community leaders, aid workers and government representatives throughout Rwanda, it argues that there is widespread support for future exhumations aimed at locating, identifying and repatriating the anonymous victims of the 1994 genocide. The survivors interviewed perceived the definitive identification of the anonymous dead as essential for helping to repair some of the psychological and spiritual harm they suffered as a result of the genocide. DNA evidence, while costly, slow to process and completely foreign to most Rwandans, would be the best option for providing definitive identifications. To this end, Kibuye-based interviewees were unanimous in their support for the creation of a survivor DNA database for

comparison with any DNA samples that might be collected from the human remains amassed at the memorials and located elsewhere around Rwanda. These findings were widely supported by conversations with government officials, aid workers and community leaders in Kigali and elsewhere, suggesting their relevance extends to survivor communities outside Kibuye as well.

HISTORICAL BACKGROUND AND CULTURAL CONSIDERATIONS

Beginning April 6, 1994, Rwanda experienced a genocide of its minority Tutsi population. The loss of life and impact of the genocide were particularly severe in Kibuye. During the genocide, Kibuye was part of a French-run "peacekeeping operation" called Opération Turquoise. In response to the unwillingness of the United Nations (UN) to extend protection to Rwanda's Tutsi population, the French government decided to intervene with the stated goal of preventing further bloodshed. However, when in action, Opération Turquoise established a safe corridor for Hutu extremists and their families to flee to the Democratic Republic of the Congo (DRC). Survivors and soldiers affiliated with the predominantly Tutsi Rwandan Patriotic Army (RPA) allege that the French troops facilitated the massacre, torture and mass rape of Tutsi civilians within the territories they controlled, while impeding the RPA's ability to invade western Rwanda and stop the violence. As a result, the genocidal violence in Kibuye and other communities occupied by Opération Turquoise are typically regarded as having caused the greatest loss of Tutsi life.

Upon returning to their pre-genocide communities, many survivors worked together to bury the anonymous victims of the genocide. On a practical level, burial was necessary, as the overwhelming number of dead bodies was a health hazard, and prevented people from using many of the administrative buildings and churches around Rwanda.

Beyond the practical, these early efforts to rebury the dead were also often intended to lay the victims of the genocide to rest, at least temporarily, in hope of granting peace to the survivors and to the spirits of the victims.

During this period, definitive identifications were impossible, although some survivors pursued tentative identifications based on personal identifying characteristics, the personal effects associated with the remains or particular circumstances surrounding the deaths of certain individuals. The human remains were then reburied in mass graves, which thereafter formed the foundation for Rwanda's first state-funded genocide memorials. However, according to interviewees, these tentative identifications and mass burials provided little comfort to survivors, many of whom were haunted by the possibility that the remains of their missing family members might still lie in the rivers, lakes, latrines and unmarked mass graves. As a result, many survivors continue to experience psychological and spiritual distress.

In Kibuye, psychological distress emerges primarily from the first-hand experiences of the survivors during the genocide. Many survivors were physically injured and traumatized, and, because of the complicity of their neighbours in the atrocities they experienced, are unable to envision a peaceful future for their community that includes multi-ethnic collaboration. This distress is amplified by the realization that survivors may never know the fates of their missing loved ones — how and where they died, and whether their remains have been respectfully laid to rest.² In particular, interviewees report that their daily lives are negatively affected by the sense that their missing loved ones may have died a brutal death, and then had their

² A similar phenomenon has been noticed in Bosnia-Herzegovina, as demonstrated in Sarah Wagner's (2008) work. For many survivors of genocide, not knowing the fate of their missing loved ones can be a source of significant anxiety and emotional distress, keeping the wounds associated with genocide fresh in the minds of the survivors. Only after definitive identifications have been made can survivors begin to move on with their lives.

bodies disposed of in a disrespectful manner unbefitting Rwandan tradition. In the aftermath of the 1994 genocide, many survivors feel intense shame and remorse because they were unable to locate, definitely identify and rebury with respect the remains of their missing loved ones.

According to interviewees, spiritual distress is another important consequence of the 1994 genocide and the widespread inability of survivors to locate, identify and repatriate their missing loved ones. Many Rwandans, particularly in rural areas, believe that the world of the dead and the world of the living are connected, allowing the dead to directly influence the lives of their descendants in ways both positive and negative.³ Several survivors argued that their inability to locate their missing family members and rebury them with respect caused the angry spirits to haunt them, even years after the 1994 genocide. According to Patrice, a counsellor who worked with survivors around Rwanda, these visits from the spirits of the dead could occur at any time, and made it impossible for the afflicted individual to recover from the horrors of the genocide.⁴

THE PHR INVESTIGATION IN KIBUYE

In 1994, directly following the genocide, the UN established the ICTR to punish those individuals who were responsible for planning and implementing the genocide (UN Security Council, 1994). In pursuing its first indictments, the Office of the Prosecutor (OTP) commissioned PHR to conduct a series of forensic investigations aimed at providing scientifically rigorous physical evidence that revealed the criminal nature of specific massacres in Kigali and Kibuye,

³ To date, this research project is the only known research that examines the impact of the spirit world on the lives of the living in post-genocide Rwanda. However, the work of Erin Baines in northern Uganda (2010) shows that in order to successfully pursue transitional justice in the aftermath of mass atrocities, experts must pay greater attention to the role of spirits in aiding or impeding reconciliation and social reconstruction in rural communities.

⁴ I use pseudonyms throughout this policy brief to maintain the confidentiality of my informants.

as well as the statistical elements of the crimes, including the sex, ethnicity, age, and cause and manner of death for the individual victims (Haglund, 1997: 1; Haglund and Kirschner, 1997: ii). In Kibuye, these exhumations focused on the massacres at the Roman Catholic Church and Home St. Jean Complex.

Interviewees were rarely aware of the PHR investigations. Several survivors recalled seeing foreigners arrive in the town to assist in mass grave exhumations, but they assumed these people were looking for their own family members who had disappeared during the genocide, rather than working as part of a formal ICTR investigation. The few interviewees who knew about the PHR investigations believed the purpose was to ascertain how many people had died and how they had been killed. They hoped that these investigations would result in definitive identifications and repatriation of the recovered remains.

When asked about Clothing Day, most interviewees claimed they were not informed about the event, but they would have willingly participated had they known. The two interviewees who had attended did not recall experiencing any emotional distress. Neither of these individuals, however, had recognized any of the clothing on display, and so did not learn the fates of their missing family members. Once the investigation concluded, all the human remains were moved to two small memorial sites in front of the Roman Catholic Church and the Home St. Jean Complex, where they were reburied in mass graves. As a result, many survivors believed that no definitive identifications resulted from the PHR exhumations.⁵ Once the PHR team left

⁵ According to Haglund (1997: v), only 16 individuals were tentatively identified as a result of the Kibuye exhumations. Five individuals were identified using personal documents found among their remains, while 11 others were identified based on associated clothing that was recognized by surviving family members and acquaintances during Clothing Day. Haglund notes that definitive identifications were supposed to be provided using mitochondrial DNA comparison between blood samples given by surviving family members and bone samples collected from the remains. However, it has been impossible to determine whether this analysis was ever completed and the results passed along to the families.

Rwanda, there were no further communications between the investigators and the survivor community of Kibuye.

THE FUTURE OF EXHUMATIONS IN RWANDA

Despite the failure of earlier exhumations to locate, identify and repatriate the victims of the 1994 genocide, interviewees were unanimous in their support for future investigations. When asked what mandate they would like these investigations to have, interviewees responded that their purpose should be humanitarian — that is, prioritizing identification and repatriation. As for who should be responsible for overseeing the exhumations, interviewees were indifferent. For example, Aurore, a survivor and proprietor of a popular bar, argued: “I don’t care who is involved in identifying the victims. Anyone who can do it, can do it. But there must be certain cultural considerations. They must consult with survivors in the communities where they will work. They must be respectful, and handle the bones with both hands. They should have a good heart, and clean the bones with care. And they should show their disgust for what has happened here — react to the bad smell, and the horrors of what has been done.”

In terms of identification, interviewees were adamant that the exhumations be scientific so that the resulting identifications would be definitive. Although DNA is not a widely understood concept among rural Rwandans, survivors were willing to provide DNA samples for the creation of a survivor database. Francine stated, “I would gladly provide you with a bottle of saliva right now, if this would help me to find my family.”⁶

Likewise, no interviewees expressed dismay at the idea of taking bone samples from the human remains on display

⁶ Most commonly, buccal swabs and blood samples taken from maternal relatives are used by human rights organizations to establish a database of survivors’ mitochondrial DNA. For more information, see Lorente et al., 2002.

at the memorials or buried in the mass graves around Rwanda in order to attempt DNA identifications. Of utmost importance to interviewees was that the anonymous victims of the genocide be definitively identified so that survivors could finally learn what had happened to their missing loved ones and then rebury them with respect.

Rwandan tradition during times of peace requires that the dead be cleansed, placed in a coffin or shroud and buried two metres deep. The grave should be topped with cement or shrubs and wild flowers, intended to prevent people and animals from disturbing the site. Interviewees were quick to point out, however, that the extreme violence during the genocide had previously made it impossible to bury the dead according to tradition. As Aurore noted, “Some survivors lost so many members of their family that they would not have had enough land on which to bury all of their dead.” As a matter of necessity, human remains were typically reburied in mass graves, which in turn formed the foundation for the first state-funded genocide memorials. Not all interviewees, however, were supportive of the state-funded genocide memorials, as they perceived the public displays of human remains to be culturally and spiritually inappropriate (Jessee, 2012). Thus, many interviewees argued in favour of reburying their dead on their own terms.

CONCLUDING RECOMMENDATIONS

The Rwandan survivors interviewed for this project are unanimously supportive of any domestic or international forensic initiatives that might allow them to definitively identify and repatriate the anonymous victims of the 1994 genocide. For this reason, this brief recommends that the Government of Rwanda (GOR), with the support of the international community and in collaboration with survivor communities within Rwanda, pursue new exhumations with an explicitly humanitarian mandate to definitively identify the anonymous victims of the 1994

genocide. The GOR should establish a forensics training facility and laboratory where Rwandan civilians can be trained — initially by international foreign experts, such as those employed by the International Commission on Missing Persons (ICMP) — in reconnaissance, exhumation techniques, DNA sampling and processing, and related skills. This would allow the GOR to build capacity to conduct the long-term forensic investigations necessary to identify the vast numbers of victims of the 1994 genocide. Simultaneously, the GOR should establish a database of survivors’ DNA for eventual comparison with the DNA samples recovered from the anonymous victims of the 1994 genocide. As definitive identifications are made, the GOR should return the remains to the surviving family for reburial in the manner of their choosing. For some survivors, this would mean taking the remains to the local state-funded genocide memorial. Others would prefer to bury their dead according to Rwandan tradition.

There are, however, certain political factors that must be taken into consideration before new forensic investigations can take place. First, faced with extensive criticism from foreign researchers and NGOs, as well as Rwandan representatives of the political opposition living in exile, the GOR may be suspicious of any attempts to identify the victims of the 1994 genocide using scientific methods.⁷ Its concern would be that if any of the identified individuals are determined to be members of the Hutu majority, that could undermine evidence of the severity of the 1994 genocide of the Tutsis and give those critical of the GOR evidence to

⁷ Criticism of the law requiring all victims of the 1994 genocide to be interred in the state-funded genocide memorials is just one aspect of a growing literature that is critical of the GOR’s policies in post-genocide Rwanda. For more information, see Buckley-Zistel, 2009; Burnet, 2008a; Burnet 2008b; Ingelaere, 2010a; Ingelaere, 2010b; Ingelaere, 2008; Straus and Waldorf, 2011; Thomson, 2010; Thomson, 2009; Waldorf, 2010; Waldorf, 2007; Zorbas, 2009.

support their claims that the Rwandan Patriotic Front itself perpetrated genocide of Rwanda's Hutu majority.⁸

A second challenge relates to a law passed by the GOR in 2008, which requires that all victims of the 1994 genocide be interred in state-funded genocide memorials (GOR, 2008: Article 4). This law is a point of contention among survivors, and is often cited by the GOR's critics as evidence of increased authoritarianism and worsening civil rights (Harper, 2011). The GOR maintains this law is necessary to ensure that the memorials exhibit undeniable evidence of the 1994 genocide that can be used to teach future generations about the dangers of bad governance and genocide ideology; however, many survivors want the right to choose how, when and where they bury the remains of their missing loved ones. For this to become possible, the GOR would have to revise its law.

Third, survivor communities should be involved in the planning and implementation of all future exhumations to ensure the mandates and methods used are culturally appropriate and do not exacerbate existing anxieties associated with the anonymous victims of the 1994 genocide. Forensic exhumations are a foreign practice in Rwanda, and as such must be adapted to existing cultural practices surrounding death, mourning and the respectful treatment of the dead. This is particularly true among rural Rwandans, who, at present, are not well represented by GOR policies or by foreign studies of post-genocide Rwanda (Newbury and Newbury, 2000). Failure to give proper consideration to adapting the practice could inadvertently increase the spiritual violence currently affecting many survivors of the 1994 genocide.

⁸ For more information on the atrocities perpetrated by the Rwandan Patriotic Front against Hutu civilians in Rwanda and the DRC, see the UN Mapping Report (2010).

Finally, these recommendations pose challenges in terms of time, funding and resources. At present, there are no known Rwandan experts trained in DNA analysis for forensic purposes, nor are there facilities in the country that could be easily adapted to this purpose. The ICMP, whose experts use mitochondrial DNA to identify the missing victims of mass atrocities in the former Yugoslavia, Latin America and beyond, might offer relevant models for post-genocide Rwanda (ICMP, 2011). Forensic investigations following mass atrocities in Argentina, Guatemala and Canada could also be examined to help determine methods appropriate to the Rwandan context.⁹

However, to ensure genuine social reconstruction in Rwanda, it is essential for the international community to pursue humanitarian exhumations. Despite the aforementioned challenges, should a North American institution like the Canadian International Development Agency or the United States Agency for International Development, for example, demonstrate a willingness to help support the exhumations financially and politically — perhaps coupled with ongoing development initiatives currently underway in Rwanda — it is possible that the GOR will accept future exhumations as an integral part of their ongoing efforts to promote national unity and reconciliation. This outcome is particularly likely if Rwanda stands to benefit in terms of capacity building. The creation of a sustainable forensics lab in Rwanda — while costly and time consuming to maintain — and the subsequent training of Rwandans to oversee the exhumations and analysis could provide enough of a long-term benefit from the perspective of the GOR to ensure their support. The presence of such

⁹ In Argentina and Guatemala, international forensic experts trained local medical doctors and related professionals to conduct forensic anthropological investigations aimed at addressing recent mass atrocities, including the use of DNA evidence to identify individual victims (*Equipo Argentino de Antropología Forense*, 2012; *Fundación de Antropología Forense de Guatemala*, 2012). Meanwhile, the Truth and Reconciliation Commission of Canada is currently embarking on a series of investigations of murders and disappearances — in collaboration with the relevant First Nations, Inuit, and Métis communities — related to its residential school system (Truth and Reconciliation Commission of Canada, 2012).

facilities and expertise would make Rwanda a leader in Africa for DNA and forensic analysis, which could then be applied to other conflict zones on the continent, from Uganda to South Sudan.

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