



**Bert Ingelaere.** *Inside Rwanda's Gacaca Courts: Seeking Justice after Genocide.* Madison: University of Wisconsin Press, 2018. 252 pp. \$21.95, paper, ISBN 978-0-299-30974-9.

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Transitional justice is a scorching subject and Rwanda has been a favorite case study for a multidisciplinary horde of researchers since 1994. There are pressing reasons for such a massive intellectual curiosity in the large-scale and diverse *rites de passage* in the small Central African nation. As much as the mass killings of unarmed Tutsi civilians were perpetrated like a whirlwind, the mass reckoning with *génocidaires* traveled at light's speed too, both inside and outside Rwanda. For non-Rwandan scholars, to understand both processes—the layered dynamics of mass violence and the consequential dealing with atrocity crime—tenacity, observation, and reflection is required. Bert Ingelaere's book bears exactly the fruit of such an undertaking; through thirty-two months of immersion and iterative data collection between 2004 and 2014, he prudently lifts the lid from the *Inkiko Gacaca*'s "black box." His book is empirically grounded, apolitical, and free from the orientalism that too often informs scholars' views on noncosmopolitan transitional justice.

*Gacaca* ("justice on the grass") jurisdictions (*Inkiko*) represented a home-grown, state-induced, decentralized mixture of fact-ascertainment, judgement, and repair, while reconciliation simmered on the back burner. These community tribunals have been largely romanticized as a "traditional model" of *vergangenheitsbewälti-*

*gung*. "I love Gacaca," Luis Moreno-Ocampo, the former International Criminal Court (ICC) prosecutor once told me.[1] And indeed, where the cosmopolitan ICC performs detached justice, "local" efforts might bring intimate solace and harmony to affected communities. But, "the image of a palaver under the oldest tree in the village followed by people living happily ever after ... is wrong," apprises Ingelaere. His deep inquiry confirms Gacaca was a composite, affective, and profound experience that impacted millions of Rwandans, whether they were victims, survivors, perpetrators, bystanders, witnesses, or figurants during the genocide.

*Inside Rwanda's Gacaca Courts* probes how Rwanda has been transitioning "From Genocide to Gacaca" on an organic, massive, and pragmatic scale in world-record time (chapter 1). It exhumes, unravels, and displays, through a tabulated story, the forensic legacy of recent history's most multifarious and elastic post-genocide judicial systems. The tome densely explains what Gacaca was, what Gacaca did, how Gacaca was done, and how Gacaca was experienced. From the beginning, Ingelaere's book takes us through mind-boggling statistics: between 2002 and 2012 in over 12,000 courts, 250,000 lay judges (*Inyangamugayo*) decided 1,958,643 cases involving almost 1,003,227 people accused of genocide-related acts.

From 2005—after an investigative period and test trials—sitting once, later twice, a week, some five Rwandans were tried per Gacaca session. Inge-laere quotes a judge who urged “anyone who takes the floor to be brief because we haven’t come here to tell the story of the past and we must ensure that trials last no more than ten minutes (p. 28). This judicial speed, we learn, was possible because not all cases involved crimes against humans; 67 percent adjudicated looting and vandalism. Some Hutu were convicted of eating meat from a cow that had belonged to Tutsi households (p. 56). Such variation in who was branded *génocidaire* made Gacaca adopt diverse mechanics, while simultaneously responding to the increase in suspects identified through new accusations during the proceedings. Generally, property cases were heard on grassy slopes at the *cell*-level and mediated through reparations. Manslaughter and sexual violence were adjudicated at the *secteur*-level, where decisions on punishment were based on confessions *or viva voce* evidence from the community.

The book is methodical and presented in a thoughtful narrative. A philosopher by training, Ingelaere walks and talks like an anthropologist. We closely follow his investigations; we find him quoting from his notebook. We get to know Gacaca through the lens of the communities in Jali Ntabona, Runyoni, and Rukoma from 2007 onward, when proceedings really took flight. There, Ingelaere and his research team of some twenty-five anonymous Rwandan “collaborators” systematically observed 1,917 trials, involving 2,573 accused individuals. In this collective effort, they recorded 418 complete trials verbatim. Even though this sample represents 1 percent of all Gacaca cases, his data set is unprecedented, rich and unique. Additionally, while observing the trials, he also gathered the life histories of over 1,235 Rwandans, through interviews and open-ended surveys, thus adding oral histories about the Rwandan genocide and the dealing with the genocide from a wide range of Rwandans span-

ning over ten years. They narrate the “off-court” experiences, opinions, and sentiments generated by a recurring weekly encounter with the haunting past that was reenacted by the Gacacas.

Based on this trove of tabulated data, Ingelaere argues that Gacaca’s practice evolved into a tool that was used to (re)settle social relations in day-to-day life in small communities. While navigating through the social experiencing of the process, the book establishes that the Gacaca “sparked a crisis that hit the peasantry” and left it with a “complex experience of the truth” (p. 11). Here the flaws come to light of a judicial system that sought to punish while at the same time operating like a community-based truth and reconciliation commission. Many of Ingelaere’s respondents developed a reciprocal, “pragmatic” relationship (*ubwenge*) with truth and its controlled narration. Whereas perpetrators typically respond to their surroundings in ways that minimize the risks and provide coherence,[2] Gacaca courts became a marketplace in which effectual “truth,” lies, and silences became currencies in an interplay of score-settling (“meta conflicts,” p. 121), financial gain (“buying hills,” p. 128), and self-incrimination. “Pragmatic truth,” or using stories *à charge* or *à décharge* in social relationships at the family, communal, or even state level, ultimately became a powerful and sensitive instrument in daily Rwandan life. In the end, Gacaca, on the social level, was less about legal justice (accountability in light of criminal charges), and more about communal and narrative justice (which story ultimately prevails in the community).

*Rwanda’s Gacaca Courts* is not *the* conclusive story on the causes, courses, and consequences of Gacaca, nor should it be. Its strength is that it bases its findings on the elicited opinions and experiences of Rwandans who were (un)willingly part of the process. In so doing, it manifestly augments previous, yet scarce, legal, political, and social science assessments of Gacaca, adding crucial

pieces to a magnificent puzzle.[3] Indeed, there is really only one weak point in the book: the net text covers only 164 pages! That is too short for an eager reader who really wants to look inside the more than 12,000 Gacacas. In light of the large number of trial transcripts and life histories, Ingelaere might have featured his exceptional source material much more prominently. We read a lot *about* the trials from the perspective of an outside observer, through Ingelaere's careful analysis, but we do not read enough *from* the trials themselves—through the perspectives of Rwandans. There is a sense of urgency as we wait for historians to finally gain access to Gacaca's archives.[4] There may already be a follow-up project in the making, which I hope there is, but the reader may want to read the actual voices of the Rwandans who provided their life histories. Despite this call for more, *Inside Rwanda's Gacaca Courts* is unprecedented, original, and a must-read for a wide audience of students and scholars of legal anthropology, transitional justice, and Rwanda.

#### Notes

[1]. Author's interview with Luis Moreno-Ocampo, Nairobi, May 12, 2010.

[2]. Kjell Anderson, *Perpetrating Genocide. A Criminological Account* (London: Routledge, 2018), 7.

[3]. Several relevant monographs came out just before or after the closure of the Gacaca in 2012: Kristin Conner Doughty, *Remediation in Rwanda Grassroots Legal Forums* (Philadelphia: University of Pennsylvania Press, 2016); Anuradha Chakravarty, *Investing in Authoritarian Rule: Punishment and Patronage in Rwanda's Gacaca Courts for Genocide Crimes* (Cambridge: Cambridge University Press, 2016); Télesphore Ngarambe, *Practical Challenges in Customary Law Translation: The Case of Rwanda's Gacaca Law* (Addis Ababa: Organisation for Social Science Research in Eastern and Southern Africa, 2015); Paul Christoph Bornkamm, *Rwanda's Gacaca Courts: Between Retribution and Reparation* (Ox-

ford: Oxford University Press, 2012); and Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge: Cambridge University Press, 2010).

[4]. The trial material stored in nineteen thousand boxes contains several types of documents, including individual case files, judges' notes, rulings, settlements, but no verbatim transcripts of proceedings. It is noteworthy that the archive also holds a large collection of video recordings of Gacaca sessions, covering the entire operative period.

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