

BEST SERVED COLD

TEN YEARS AFTER THE GENOCIDE IN RWANDA, AN AMERICAN REPORTER HAS A UNIQUE ENCOUNTER WITH THE ONGOING PROCESS OF COMMUNITY JUSTICE.

BY ROBERT GRIBBIN

Under a bright blue sky the light breeze roiled the stalks of grass on the sun-dappled hill. The idyllic scene, however, was the setting for a long-running sequence of nasty, emotional, heart-wrenching dramas that played out every few days. Five solemn citizens — three men, two women — sat behind a table arranged under several massive eucalyptus trees. A crowd of several hundred spectators splayed out on school benches, their own chairs, or on the ground around them. Gacaca (community) court was in session.

A freelance stringer, I had come to Rwanda some 10 years after its terrible genocide to see for myself — and to get a good story — of how justice was being delivered. My interpreter, Emile, explained that these community courts

were designed to handle the less severe cases. “Less severe?” I asked. “Yes,” he replied. “Not so many murderers, but those who have confessed and those who supported or profited from genocide in other ways.”

Emile was from this region 50 miles southwest of the capital and had chosen this hillside to visit because he said the case against Evariste Nahimana was odd. He was both a killer and a savior. It promised to be an intense discussion.

I felt like a voyeur intruding upon this airing of local passions. What right did I, a foreigner, have to listen and to judge events that were unfathomable? Yet I stayed screwed to my seat as the dialogue began.



With a nod from the presiding elder, the defendant was ushered to a seat before the table. He was a haggard man, of indeterminate middle age and skinny, with a gaunt face and sunken eyes. I supposed that 10 years of prison would age a man. He was dressed conventionally in trousers and a fraying yellow shirt. Appropriately deferential to the court and the community, he sat patiently as instructed. The president read the committal document from the Ministry of Justice, as well as the brief confession Nahimana signed in prison. Next he turned to an old woman — not one of the court members — who, being bent at the waist from years of agricultural toil, slowly rose. She identified Nahimana and reviewed his lin-

This story won third place in the Journal's 2007 Foreign Service fiction contest. Other winning stories will appear in future issues of the FSJ.

Robert Gribbins spent many years in East and Central Africa, first as a Peace Corps Volunteer and then as a diplomat. Twice posted to Kigali, as deputy chief of mission (1979-1981) and ambassador (1995-1999), he is the author of a memoir titled In the Aftermath of Genocide: the U.S. Role in Rwanda.

eage on the hillside. Without doubt this court had jurisdiction.

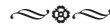
Emile gave me the gist of the confession. Nahimana had joined the killing bands late, only because he was coerced to do so by agents of the burgomaster. He was assigned to help hunt down Tutsis who had fled from their homesteads and hidden in the papyrus swamps. He admitted he participated in searches and was compelled by his companions to “chop” two boys — teenagers he did not know — found that first day. Thus blooded, Evariste was included in the evening feast of roasted goat meat — an animal seized and slaughtered by other marauders that day.

Thereafter, Nahimana confessed, he went to do the “work” required of him by his band. He witnessed several more killings, but did no more chopping himself. He added that he went with heavy heart and thrashed about in the swamps without truly

***Nahimana’s act of
mercy could not be
substantiated; but his
commission of murder
was affirmed.***

searching for Tutsis. Once, however, he spotted two women, Agnes and Felicia, hiding, cringing in fear with only their mouths poked above the murky water. He motioned to them not to be afraid, then directed nearby hunters to move along.

The task before the Gacaca court was to hear testimony about Nahimana in order to prove or disprove his statement.



First, a survivor spoke, recounting the known facts that several hundred Tutsis from this hillside had been massacred. He recited their family names. Some died when the interahamwe (Hutu paramilitary thugs) attacked the mission church nearby, others in their homes, more at roadblocks mounted by the burgomaster’s militia; and still more were chopped or bludgeoned to death after being dragged from the swamps. While the leaders were well known, few lived to identify the killers.

Outraged, the victim shook his finger at the assembly stating, “We demand justice. End impunity. Don’t let those who killed and their families conspire to silence.” He concluded that Evariste was a self-confessed killer, his allegation of mercy probably invented, and that he deserved his fate.

Then a woman, a neighbor of

Nahimana’s, stated her conviction that Evariste was fundamentally a good man from a known family. Sadly, like many in the commune, he had succumbed to the madness of the moment. She believed his reluctance to participate in events and his sparing of the Tutsi women.

A Gacaca judge inquired whether Agnes or Felicia survived. After some murmuring, someone responded that she had heard that Agnes did live, but that she was in Kigali and had never returned to her home hillside. The judge asked if anyone could substantiate the granting of mercy to the two women. No one responded.

A man who lived near the swamp acknowledged that he had seen Evariste among the band that prowled the edges of the swamp and probed its depths. He said he was told by others from the band that the defendant chopped the two boys. He added that their bodies probably still lay unrecovered, sunken into the dark, vegetation-choked water.



With little else to be said, the judges deliberated among themselves. After a half-hour or so, the president delivered their verdict. Nahimana’s act of mercy could not be substantiated; but his commission of murder was affirmed. He was to be returned to prison to serve another five years.

On the drive back to Kigali, Emile expressed satisfaction with the verdict. He confided that if not for my presence — that is, a white foreigner critically observing the proceedings — Nahimana would probably have gotten off easier. He added that Evariste’s act of mercy had really occurred. His cousin Agnes had confirmed it to him. “But,” I remonstrated, “you made no acknowledgement. You should have spoken out.”

“No,” Emile replied. “The two boys he killed were my brothers.” ■

**YOU ARE OUR
EYES & EARS!**

Dear Readers:

In order to produce a high-quality product, the FSJ depends on the revenue it earns from advertising. You can help with this.

Please let us know the names of companies that have provided good service to you — a hotel, insurance company, auto dealership, or other concern.

A referral from our readers is the best entrée!

ED MILTENBERGER
ADVERTISING & CIRCULATION
MANAGER
TEL: (202) 944-5507
E-MAIL: MILTENBERGER@AFSA.ORG