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LEGAL BASIS OF GENOCIDAL PRACTICE IN TRADITIONAL RWANDA (15th - 20th centuries)

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Abstract. *Some people wonder why Rwanda experienced an atrocious genocide in 1994. The main reason is that Rwanda is traditionally a destructive, destructive and violent society prone to the tradition of exterminator. It constitutes a society dominated by physical, psychological and structural violence. The specter of conflicting relationships runs through Rwandan culture and anyone who does not understand its nuances commits errors in value judgments believing that they are operating according to Western logic. The culmination of this violence is the practice of extermination (gutsembatsemba). The latter is tightly tied around a politico-legal architecture carefully designed by the ruling class. Thus the esoteric code, traditional criminal law, traditional military law, war poetry, dynastic poetry and the panegyric system are the basis of the genocidal tradition in pre-colonial Rwanda. This study therefore constitutes an analysis of the legal basis of the practice of genocide in pre-colonial and modern Rwanda.*

Keywords: *genocidal practice, exterminating, esoteric code, war of domination, code of political institutions, structural violence, emasculating, traditional penal law; traditional military law, war poetry, dynastic poetry, trophies, armed incursion, official expedition.*

Аннотация. *Некоторые люди задаются вопросом, почему Руанда пережила ужасный геноцид в 1994 году. Основная причина заключается в том, что Руанда традиционно является деструктивным, деструктивным и жестоким обществом, склонным к традициям истребителей. Это общество, в котором преобладает физическое, психологическое и структурное насилие. Призрак конфликтных отношений пронизывает руандийскую культуру, и любой, кто не понимает ее нюансов, совершает ошибки в оценочных суждениях, полагая, что они действуют в соответствии с западной логикой. Кульминацией этого насилия является практика истребления (гуцембацемба). Последнее тесно связано с политико-правовой архитектурой, тщательно разработанной правящим классом. Таким образом, эзотерический кодекс, традиционное уголовное право, традиционное военное право, военная поэзия, династическая поэзия и система панегириков являются основой традиции геноцида в доколониальной Руанде. Данное исследование представляет собой анализ правовой основы практики геноцида в доколониальной и современной Руанде.*

Ключевые слова: *практика геноцида, истребление, эзотерический кодекс, война за господство, кодекс политических институтов, структурное насилие, выхолащивание, традиционный уголовный закон; традиционное военное право, военная поэзия, династическая поэзия, трофеи, вооруженное вторжение, официальная экспедиция.*

Introduction: Since the end of the 20th century, Rwanda has hit the international legal and political headlines. Not everyone speaks, rightly or wrongly, of the “Rwandan genocide” or the “Tutsi genocide”. Yet no one has yet succeeded in finding the socio-legal basis. Invocations of colonial policy are wrongly argued to justify the dismal events endured by the Rwandan populations. The International Criminal Tribunal for Rwanda - ICTR - ended its work without trial

before realizing that it was necessary to look for the undeniable roots in the history of the Rwandan people and not elsewhere. His efforts were crowned with dismal failure, for the simple reason that he failed to understand that the roots of these pearly genocides lay only in the political and legal history of Rwanda. It is with this in mind that this research was initiated.

The fundamental objective of this study is to research the socio-legal foundations of the practice of genocide in Rwandan society from the 15th century until today.

About recent documentation: it must be recognized that this theme has never been addressed by legal scientists, neither in political science nor even in sociological research. Without claiming to be the pioneers, we must emphasize that the data on this genocidal fact could only be collected in historical texts, transmitted orally from generation to generation by the holders of the Esoteric Code, and transcribed by the first intellectual holder of this Code, Mgr Alexis KAGAME (*Kagame: 1943; Kagame: 1952*). Later, some expatriates followed suit, translating these texts into French *M. d'Hertefeldt and A. Coupez: 1964; J. Vansina: 1962, J.J. Maquet: 1954; M. d'Hertefeldt, A.A Trouwborst, and Scherer: 1965*). It is in these historical documents that we will find the answers to the above questions that we will discuss. The additional information had to be sought in numerous historical, poetic, literary documents and in surveys carried out among elderly people still alive.

Main research results: Towards the end of the 20th century, we all witnessed a monstrous event that swallowed up thousands of human life. We have all called it "*genocide*". Rwandans traditionally call it since the 15th century "*ITSEMBATSEMBA*" which translates in English by the word "extermination". Why was it so easy to find a name for these acts of extermination? The answer is clear. Because Rwanda is a politically organized society experienced in the practice of exterminator. These practices are not founded in a vacuum. Formal texts that were transmitted from generation to generation the institutions cleverly designed in the UBWIRU (Esoteric Code) form a legal architecture that governed all forms of violence, including the negation of the lives of thousands of Rwandans by the policy of extermination. Briefly, *what about this inclination to the practice of extermination? In other words, why is Rwandan society inclined to this practice of extermination, "Itsembatsemba"? What are the legal instruments on which this hideous genocidal practice was based?*

1. Rwanda: a society inclined to the exterminating

The exterminating practices that have always taken place in the world have always been committed against a background of permanent violence that reigned in societies. Germany, for example, was traditionally aggressive and still involved in expansionist wars; he was a militarist and was a product of Nazism (*Angrand Beatrice: 2006; J. Snyder: 1984; Dale C. Copeland: 2000; Jack Levy, Joseph Gochal: 2001-2002*) The Amerindians were decimated by the Spanish, English and French peoples who were always busy waging wars of domination over other peoples (*Maria Yellow Horse Brave Heart et Lemyra M. DeBruyn, «The American Indian Holocaust: Healing Historical Unresolved Grief » [archive], sur le site de l'université du Colorado, p.60-82; Bachman, R., 1992*). The Chinese were exterminated by Mongols considered to be violent, savages, invaders, conquerors (*J.L Margolin: 2007; J.P. Roux: 2002; D. Farale: 2003*). It is therefore not surprising that Rwanda has championed the genocides in Africa of the Great Lakes, if we know that traditionally, pre-colonial Rwanda pursued an expansionist and hegemonic policy in the African Great Lakes region. Article 121 of the Code of Political Institutions of pre-colonial Rwanda, litera (a), clearly states by stipulating that "the essential principle of Rwandan society being to unify all countries under the King of the Banyiginya, could never have the final peace with neighboring countries" (*A.Kagame: 1952*). During the colonial period and under the governance of the Hutu, from 1959 to 1990, no genocidal act had been committed in Rwanda. The latter resumed with its pre-colonial practice since 1990 by implementing and remaining faithful to its exterminating, expansionist and hegemonic policy in the Great Lakes region.

Traditional Rwandan society has inherited violence in all its forms in contemporary Rwanda. There is violence, because men are influenced in such a way that their current somatic and spiritual development is less than their potential development. To use Johan Galtung's words,

"therefore anything violent which enlarges the distance between the potential and the actual or makes it difficult to shorten that distance (*Galtung: 1995*)." This violence is physical and psychological depending on whether the individual or a group of individuals were made to suffer physically to the point of killing them or exterminating an entire group of people (family, clan, etc.) as an extreme form of this violence. The violence in this Rwanda is psychic, because it is directed against the psyche. To this type of violence belong lies, brainwashing, and various forms of indoctrination, manipulation, and threats etc ... which aim to diminish spiritual capacities. Kagame A., describing his ethnic brothers, points out that Rwandans have "a lying language, that lies and cunning are the virtues of the monarch and therefore of his subjects (*A.Kagame: 1949; A. Kagame: 1951*). Father Pagès noted that the Tutsi are inclined to lack frankness (*P. Pagès: 1927*). H. Meyer, when he was known as one of the best friends of the Tutsi, writes in this regard: "Laziness and cowardice are their two unpleasant traits, in addition to their tendency to lie (*H. Meyer: 1984*) ". And to continue that "the mututsi never says what he thinks, or very rarely. You have to guess. It goes further: lying is not just a habit in the face of strangers, it is a deeply ingrained bad habit that is practiced against everyone (*H. Meyer: 1984*). «And this is manifested today in all the information riddled with subjectivism and lies that is served to us.

It is therefore clear that contemporary Rwanda continues to perpetuate lies, brainwashing, various forms of indoctrination, threats, manipulation ... initiated, practiced and professed by the political leaders of former Rwanda.

We have to recognize one thing: "knowing how to disguise the truth, to give the change without arousing the slightest suspicion, is a science which the European lacks and which the Mututsi is proud to possess; the genius of intrigue, the art of lying are in his eyes arts in which they pride themselves on being very skillful: it is characteristic of all Mututsi and by contagion of all Munyarwanda (*S. Bushayija: 1958*)", said a Tutsi priest in 1958.

The type of violence that has still predominated in Rwanda is structural violence. Indeed, there is structural violence, when violence is integrated into the system itself and is expressed in relations of inequalities in the sharing of power and hence in inequality of opportunity. The resources are then distributed unequally. Inequality in the distribution of income and in educational opportunities, illiteracy, the concentration of health services in some sectors to the detriment of others are examples. But it is above all the inequality in decision-making power over the distribution of resources that is the most serious. Social injustice is the very condition of structural violence (*Balibutsa Maniragaba: 2000*).

On the basis of what has just been mentioned, it must be recognized that Rwandan civilization is a civilization of violence. All you have to do is agree to look at the historical realities of Rwanda, and you will be convinced that violence runs through all of Rwandan culture. We discover with Michel Elias that their everyday language is the symbol of violence itself, notwithstanding their hypocrisy. Their proverbs reflect excessive violence and aggression. All this contributes to the commission of acts of genocide (*itsembatsemba*). Michel Alias clearly observes it in these terms:

*"Rwandan [and Burundian] societies are overcome by a leprosy which eats away at them and gradually dissolves them. One of the most basic needs of any human society is not assured: collective security. It is the war of all against all. The forces of order have become agents of disorder, justice has lost all independence and participates in the conflict, the law is that of the strongest ... The coexistence of citizens is no longer managed, it is the savior - can individual generalized, the appropriation of wealth by raptors. Hundreds of thousands of dead, tides of displaced people and refugees, legions of orphans are characteristic of them. The whole productive apparatus is blocked, the state non-existent, the government without power, the moral forces discredited. Rarely in the history of mankind has we seen comparable chaos wiping an entire society off the map (*M. Elias: 1994*)."*

In Rwandan literature, the foundations of genocidal politics can be found in three major poetic genres in Rwanda: the Pastoral, the Warrior and the Dynastic. The significance of the latter is that he devoted himself to exalting the King and the reigning house (*A. Kagame: 1951*). It

reproduced all the events and information of the royal court. He celebrated the exploits of the monarch. Hence, Dynastic Poetry is an irreproachable and inexhaustible source of knowledge on the legal and political life of the Kingdom. It was therefore of great interest for a better understanding of the genocidal fact in the African Great Lakes region.

The specter of conflicting relationships runs through Rwandan culture and anyone who does not understand its nuances is very likely to make errors in value judgments believing that they are operating according to Western logic. It is important to regret that this continues through lies, brainwashing, various forms of indoctrination, manipulation, threats ... initiated, practiced and professed by political leaders.

In addition, to these two types of violence was added the cruelest: extermination, in the Rwandan language *itsembatsemba*. The contemporary fashioned vocabulary invented by Lemkin is genocide (*R. Lemkin: 1944; R. Lemkin: 1947*). He invented it in 1945 when the Rwandans wield it very easily in their exterminating practices, in their poems, in their music and in their legislation. EXTERMINATION is the action he uses in all circumstances. It has been narrated with pride and fervor in a multitude of poems since the 16th century (*A. Kagame: 1949*).

In the poem "Nothing consoles so much as to engender", the Rwandan poets declaimed:
"O liberators, son of the Sovereign, descendant of Rumeza,
In those who shed their blood in his favor, the reign is perpetuated ..."
"... may those who shed blood always be my masters! (*A.Kagame:1951*)"

These lines are still significant in that they show the bloodthirsty character of the Nyiginya dynasty. If not, how can we rejoice that its leaders, its superiors are the people broken in shedding the blood of the innocent? Once again, this tradition is ingrained in the culture of the Rwandans, because that is how they have always ruled Rwanda.

In poem 138, "No one as much as the King can be the providence of the Land", the Ade asserts that the King "has exterminated the enemy in the Land (*A.Kagame:1952*) ". The traditional Rwandan military code did not prevent strengthening the practice of extermination (*gutsembatsemba*) and emasculation (*guca ibinyita*) (*A.Kagame:1951*). Articles 176 (*A.Kagame:1952*), 196 and 197a of the aforementioned Code explicitly refer to this. Thus, genocide, in a society dominated by violence like Rwanda, is authorized and publicly supported because it is instituted by the governing power.

2. The Legal Architecture of Violence in Hamite Rwanda.

The strong violence that so ruined Rwandan society was tightly tied around a politico-legal architecture carefully designed by its rulers. Thus the esoteric Code, traditional penal law, traditional military law, war poetry, dynastic poetry.

2.1. The Esoteric Code

A. Definition

Many authors and researchers on the history of Rwanda claim that the Esoteric Code - *Ubwiru* was actually the fundamental law whose origin is *Imana y'i Rwanda* - the God of Rwandans, that no one could disguise or contradict, change or modify without repressive action (*M. d'Hertefelt, A. Coupez: 1964*). Whatever the cost, such actions had to have harmful repercussions on the political, legal, social and economic life of the country. The Esoteric Code contained the various ways indicating how to manage the state in all situations.

The originality of the Rwandan royal rites is underlined in the Bibliographical Encyclopedia "Society, Culture and History of Rwanda", in a few words: "Rwanda is distinguished by the firmness of the traditions which relate to the royal rites. These were contained in a text, called "*Ubwiru*", both form and substance of which were to be transmitted from generation to generation by a body of specialists (*abiru*) (*M. d'Hertefelt, D. de Lame: 1987*). "

The meaning of the term *Ubwiru* is not obvious. According to A. Kagame, *Ubwiru* means "inviolable secret"; but it is an explanation of the secrecy of the royal rites and the texts which relate to them, rather than of a definition strictly speaking. The etymology of this term therefore remains uncertain (*A. Kagame: 1943*). We can suggest a relationship between *ubwiru* and *ubwire*, nightfall,

understood as a dark veil covering the earth. *Ubwiru* would then mean what is hidden, "the veiled things". In other words, this Code was not known to everyone.

It is in fact a set of ceremonial magic rituals from ancient Rwanda. The functions of high priest were fulfilled by the king, assisted by *Abiru priests* in their various categories, including three main ones, called *Abiru-Bami, Priest-Kings*.

The texts of the rituals were entrusted to certain families, who ensured their memorization and transmission from generation to generation. It should be noted that this transmission was not necessarily made from father to son, because it was necessary, not only to show the required aptitudes, not only to learn the "profession" of priest, but also to be able to memorize texts, some of which are very important long, without ever modifying or forgetting the smallest detail - on pain of death, we are told. In practice, we identified, within the extended family, people who were not necessarily called to exercise properly priestly functions, but rather to serve as living archives: they learned by heart the texts including their families had charge. Control sessions were regularly convened by the king, in order to ensure that all the texts were in good condition.

By the very nature of the Rwandan Ceremonial, the functions were distributed according to the traditional code. For each ceremony, the King and the Queen Mother - the two poles of the same royalty - were the main officiants, assisted by the *Abiru priests* whose rites provided for by the texts pertained. Although he had female *Abiru*, none appear to have held any important priestly office. The three high priests, called priest-kings, *abiru-bami*, seem to have always been occupied by men.

The texts of *Ubwiru* were dictated to Alexis Kagame in 1945. In 1964, they were edited, translated into French and published in bilingual version by M. d'Hertefeldt and A. Coupez (*M. d'Hertefeldt, A. Coupez: 1964*).

In his writing "*Menya inzira z'Ubwiru mu Bwami bw'u Rwanda*" (Take note of the provisions of the Esoteric Code of the Kingship of Rwanda, NIZEYIMANA Jean Pierre quotes us the 18 ceremonial ways of the Esoteric Code of Rwanda (*J.P Nizeyimana: 2014*). These rituals were divided into three categories: a) rituals relating to the economic management of the country; b) rituals relating to the security and defense of the Nation; and finally the rituals relating to the political governance of the state. Of all the 18 rituals, as part of our research, we will basically retain the seven below:

- 1- : Inzira y'Urugomo = *The Way of Riot or The way of competition*
- 2- Inzira y'Inkiiko yabyaye umugaru = *The Way of the Troubled Frontier*
- 3- Inzira y'Urwihisho = *The Way of Hideout – at the Death of the King Enemy*
- 4- Inzira yo Kwasiira = *The Way of Drum Repairing*
- 5- Inzira yo Kwambika Ingoma = *The Way of Dressing the Drums (Enemy's Trophies)*
- 6- Inzira y'Inteeko = *The Way of the Offensive War Council*
- 7- Inzira y'Ubwimika = *The Way of the Royal Enthronement*
- 8- Inzira y'Ikirogoto = *The Way of the Royal Funeral*

We have chosen them because they deal with the sovereignty of the State, national defense and security, the High Command of the Armies, the treatment of captives during the war, the fate of foreign sovereigns captured or killed on the battlefields, the emasculation procedure, the decoration of the royal drum with the trophies or virility organs of enemy people fallen on the war field, the decoration and the gratification of war heroes....

B. Brief content

This esoteric code was both a constitution in the modern sense of the term, and a set of rules governing occult, mythical and magical (*imitsindo*) practices; and the application of its provisions required numerous appropriate divinatory consultations. This Esoteric Code of the Banyiginya dynasty was composed of poems covering all areas of interest to the dynasty. Each poem was entrusted to a family and passed from father to son through generations. All the bearers of these poems made up the college of *abiru* who were special advisers to power under the authority of a dean or great enthroned *mwiru*, necessarily from the Abatsobe clan. Matri-dynastic families (Abega for example) were excluded from knowledge of the esoteric code. The access to the Esoteric Code of Queen Mother Nyiramavugo II Nyiramongi of the Abega clan was the distant cause of the tragic

events of Rucunshu. The Esoteric Code being the soul of the Banyiginya political system, the Rwandan conflict is its emanation. Indeed, this Code had placed power above everything, even life.

Under this Code, the exercise of power was the exclusive prerogative of King Munyiginya, a prerogative which was passed from father to son. King Munyiginya exercised an absolute right of life and death over his subjects; he therefore had to put to death anyone who could claim it without fulfilling the conditions of the Esoteric Code. It should be noted in passing that killing in order to maintain power was a sacred duty for the Munyiginya monarch. He was strictly forbidden to abdicate. If the case were to arise, he had to kill himself; and thus allow power to remain in its lineage (*Kwitangira ingoma*). This is why, when a Tutsi monarch killed a Hutu king who resisted him, he had to mutilate him and adorn the drum - emblem of the dynasty - with his genitals to signify that the Hutu kingdom in question was, mythically and definitively, off. The Hutu were, as we have seen, reduced to the condition of sub-man in the service of their lord. This is the meaning of the following verses, taken from an old dynastic poem:

*"Harabaye ntihakabe
Hapfuye imbwa n'imbeba
Hasigara inka n'ingoma";*

This verse simply means, "*that after a bitter struggle, the dogs and the rats finally gave way to the cow and the drum*". In other words, the Hutu kingdoms were, ultimately, definitely conquered by the Tutsi. As we can see, it was the esoteric code that radicalized this situation forever (*C. Nkurunziza: 2006*).

2.6.2. Traditional criminal law

In the agro-pastoral society where the rearing of large cattle predominated, everyone sought to acquire them, either honestly or in some other way, including by theft. The robber who caught the thief "*flagrante delicto*" was authorized to kill him. If it was a mututsi who had stolen a head of cattle, but caught with his hand in the bag, he was sentenced to ordinary sentences. If the perpetrator of the theft was a relative or friend of the Mwami, there were times when the theft went unpunished (*J. Vanhove: 1941*).

Murder cases were the exclusive competence of the Mwami. If the murderer and the victim belonged to the same social class, the King ordered the exercise of private vengeance which led to endless conflicts between families and clans. If the murderer was a muhutu and the victim a Mututsi, two deaths were required in the muhutu's family. On the other hand, if a mututsi of any importance killed a Muhutu, neither he nor his belongings were worried (*J. Vanhove: 1941*).

The right of pardon did not exist. The King, however, had the power to stop direct revenge and offer compensation to the family of the deceased, but only if the deceased was a muhutu, since the Batutsi only allowed reparation by blood. Faced with these flagrant injustices and these inequalities in law, in a society where violence was enthroned, how could we avoid the crystallization of other forms of violence resulting from multifaceted and centuries-old frustrations? He who sows violence reaps hatred and destruction.

The death penalty was not awarded only to the people we have just discussed. Thus, were also liable to the death penalty: insurgents, real or supposed, against the vested authority; criminals or their relatives as well as thieves; monster children, unmarried mothers, pregnant daughters and children conceived during a period of mourning; the incestuous; girls with undeveloped breasts (*impenebere*); some twins; those who performed an act of life, culture or sexual intercourse during a period of national mourning for the Mwami (*R. Bourgeois, 1958*).

In principle, corporal punishment was of a collective nature. Any member of the criminal's family, even the whole family, could pay with their head the death sentence imposed on the convict; the penalty therefore struck the guilty and the innocent indifferently (*R. Bourgeois, 1958*).

It is therefore clear that such a legal system could only result in the development of a visceral hatred between the protagonists, which was always to give rise to victims; the oppressed always remaining on the alert so as not to suffer worse than they endured; and the oppressors resorting to the vilest methods to keep the oppressed in the grip. Every slip on the part of one of the parties must cause a stir, such as the behavior of this person who suffers from battered woman

syndrome. We still know the behaviors and reactions of people with this syndrome. Where will we get a renowned psychiatrist to help us treat a whole people who are suffering from it? It seems to me that the doctor will only be found among these people, because only he knows himself and knows him.

2.6.3. The Traditional Military Code.

To be convinced that violence was instituted in Rwanda and that attempting to destroy the life of the human person meant nothing in this society, one need only read the Code of Political Institutions of pre-colonial Rwanda. Indeed, Articles 188b, 190 and 193a provided for gratuities and decorations for any person who had been able to kill the greatest number of men.

Article 188, litera b stated:

"Any warrior who has slaughtered a seventh enemy will receive the honor called umudende (necklace of the septain).

Indeed, this Umudende decoration was an iron necklace from which bells hung in an even number: 2, 4 or 6, at chest height (A. Kagame: 1952).

Article 190, litera a and b provided:

"The warrior having killed his fourteenth enemy under the rule conditions, will receive the distinction called Impotore (torsade). This consists of a bracelet formed of an iron rod and a brass rod rolled one on top of the other in a regular twist.

Finally article 193, litera a and litera b stated:

"The warrior having slaughtered his twenty-first enemy, under the same conditions, will be the object of the grandiose ceremonial known as the Cremation of the Javelin and will thus become a national hero. The cremation of the Javelin (Gucana uruti) is decreed by the King and its ceremonial takes place on the highest mountain in the region where the hero lives.

Psychologically speaking, decorating the killers could only create, nurture and strengthen in Rwandan citizens a spirit that predestined them to be bloodthirsty. Nowhere, but nowhere else, was there a ceremony where the person was rewarded for having killed a lot of people. Although the law provided that the seven killed had to be foreigners, that the killed had to breathe their last breath on the battlefield and not elsewhere as a result of the wounds, it happened that, during the expedition, the Army has experienced defeat. To hide the military failure and not to become the laughing stock of the royal court because of the lack of trophies, the warriors, on their return, killed a good number of peaceful peasants (usually Hutu) who had to provide their heads and genitals for the triumphal parade of troops to the capital. Based on these kinds of trophies, efforts were made in the fighting to kill the enemy and not to take prisoners. Isn't it barbarism to cut off a man's organs of virility after killing him?

This practice of emasculating men was confirmed by articles 176 and 197-198a of the Code of Political Institutions of pre-colonial Rwanda. Indeed, according to article 197-a:

"The trophies taken from the remains of foreign kings must adorn, as a souvenir of the victories won, the drums - emblems of the dynasty".

Section 176 reproduces almost exactly this same provision. It should be noted that the drums - emblems of the dynasty referred to in these two articles were those which symbolized sovereignty, the supreme authority both in Rwanda and among the surrounding peoples of Great Lakes Africa. Is there more violence than this?

Article 69a institutionalized torture as a criminal sanction.

Finally, it was the rule in Rwanda that "whoever refuses to obey in principle an authority, even inferior, is liable to the death penalty", according to the axiom: *"ingoma nto yica nk'inini"* in other words "a drum (symbol of supreme authority "however small it may be, condemns just like an immense drum (P.C Mupendana: 2021)". To suffer the death penalty because one has lacked a little respect for a superior deserves it Sometimes, it even happened that one instigated a disrespectful act with the sole aim of innocently destroying the person. What could be done with this unlimited violence? It was not limited to the Military Code, because all the Law Rwanda's customary criminal law also enshrined it.

Traditional Rwandan military law has also not hindered the strengthening of the practice of extermination. Article 196 of the Code of Political Institutions of pre-colonial Rwanda is quite explicit on this subject. The said Code goes further, because it institutes another form of atrocity known as "trophies" (*ibinyita*, in Kinyarwanda); which means nothing but "emasculatation". Articles 176 and 197 deal with this in a precise and concise manner.

Article 196e states:

The annexation of a foreign country is carried out legally by the capture of its dynastic drum or in the long run by the radical extinction of its line, because the complete extermination of all the direct descendants of the last reigning puts the country in the 'impossibility of legally resuscitating his dynasty.

Article 176 in turn states:

If the expedition cost the life of a foreign king or an independent wren, his trophy will precede the armies, carried in a basket, following the ceremonial prescribed by the esoteric code of the dynasty (way of the trophies).

Finally, section 197a determines that:

"The trophies taken from the remains of foreign kings must adorn, as a souvenir of the victories won, the drums emblems of the dynasty".

There is no need to dwell on the practice of extermination, as it has been sufficiently illustrated in the previous paragraph. On the other hand, it is appropriate and very important to draw our attention in a separate paragraph to the practice of emasculatation.

Finally, we will not forget the institution of *Umucengeri* and *Umutabazi*, which had to be resorted to whenever a war expedition was to be launched against a foreign state. When it was to be an armed raid incursion, it did not require recourse to the liberator. The armed incursion was either decided by the king in private, or by a marches commander to achieve a limit objective and that for a period not exceeding the duration of two days (A. Kagame: 1952). The official expeditions engaged the honor of the whole State while the armed incursion engaged the responsibility of whoever decided it (*L. de Lacger: 1939*).

The official expedition required the spillage of blood. When it was directed against a foreign state with the aim of annexing it, it was absolutely necessary that it be preceded by an offensive liberator (*umucengeri*) (*L. de Lacger: 1939*).

Umucengeri was a hero appointed by divine consultation to replace the king and go voluntarily to shed his blood on the battlefield in order to give Rwanda the right to annex a territory bought at the price of royal blood (*P.C Mupendana: 2009*). Sending an offensive liberator was seen as a form of declaration of war.

Apart from the offensive liberator, in practice in Rwanda there was a defensive liberator - *umutabazi*-. *Umutabazi* was a hero designated in the same way to shed his blood in the place of the king in order to save the independence of the Country threatened by a foreign state (*P.C Mupendana: 2009*). "The custom linked to the designation of liberators was very developed among the peoples of the Great Lakes (*A. Kagame: 1972; A. Kagame: 1975; A. Coupez, Kamanzi Th: 1962*).

In conclusion, Rwandan military law held that life was of no value unless it was put at the full disposal of the Mwami. He alone could decide the life of each of his subjects.

2.6.4. War poetry

It is a literary genre very popular with Rwandans. Each male Rwandan, in the days of the monarchy, had his self-eulogy poem held as his real name, which was recited during popular or family demonstrations. The self-eulogy recounts the author's alleged war facts, of whether they are true or false. The important thing is the poetic character of the work, its length, and the way in which it is declaimed. According to A.COUPEZ and Th. KAMANZI (*A. Coupez, Kamanzi Th: 1962*):

Icyiivugo, derived from + *vúg*- "to speak" including the reflective classifier and literally meaning piece where one speaks about oneself, *autopanegyric*. They are quoted by brandishing their spears, screaming at the top of their lungs, as if to impress the enemy. (...)

The author unreservedly boasts of real or imaginary exploits, of which the genre convention admits the exaggeration. (...)

The properly poetic part of the text is followed by another, called *ibigwi* (whose singular *ikigwi* means place where one has killed), which consists of a dry and precise enumeration of victories (*E. Shimamungu: 2007*).

War poetry bears the name *-ivugo* / δ , which derives from the verb *-vúg*, to speak, accompanied by the reflective infix. It properly designates a piece where one speaks about oneself; depending on the context, we translate it as self-panegyric or deeds. Every Rwanda has its panegyric self, which is as personal to it as its name and can possibly replace it. He declaims it in the vigils of arms which precede or follow the combat, and in combat when he kills an enemy. Cadets in training use them to encourage each other in their war dances. It is also included in the recreational evening's program. The narrator stands, arms raised, brandishing his weapon if the circumstances are right.

Rushing the flow at a furious pace, he tries to utter as many words as possible in a single breath, without even respecting the normal delimitation of the sentences. The descending intonation of the Rwandan language forces him to start from a very high register to reach with the limit of his breath that of tonal lowering (*A. Coupez, Kamanzi Th: 1962*).

This kind of poetry is learned from childhood, and in the course of a family celebration, one may be surprised that a 12-year-old child, also authorized to declaim his deeds, recites the *icyivugo* he has learned for example at school (without even reporting it, because piracy is also allowed in this kind of creation) like this:

*Inshyikanya-ku-mubili
Ya rugema ahica
Icumu lyera ikigembe
Naliteye Umuhima kuli Gakirage;
Akirangamiye ubwiza
Ndalimugabiza liramugasha
Nk'ubukombe bw'intare
Mbonye ko limubaga ndamushinyagulira
Nti: "Aho si wowe wenyine,
N'uw'i Bunyabungo
Ni uko namugize (A. Kagame : 1972)*

This can be translate as the following:

*The Body-Striker
(race) of the Sight-at-the-deadly-places
Javeline with a white blade
I threw it against a Muhima, in Gakirage
While he admired its perfect beauty
I delivered him to her mercy and she devoured him
Like a male lion in full force
Seeing that she was butchering him, I laughed at him
By saying, "Well! You're not the only one!
That of Bunyabungo
I treated him the same.*

This artistic verbal violence does not go beyond the stage of declamation. The facts don't have to be real, and the composition can be owned by someone else as well. In the days of the monarchy, the *ibivugo* recounted the facts that had really happened and for which honorary distinctions were given: the one who had killed 7 people received from the King the *umudende* "necklace of the septaine", the one who had killed some. 14 received the *Impotóre* "the torsade"

(bracelet of value), the one who had killed 21, received the supreme distinction *gucaana uruti* "burn the javelin" or cremation of the javelin", a ceremony, during which the hero burned the wood of his spear.

Today, this poetic genre, included in war poetry by A. Coupez, still exists, but does not have the primeur which was granted to it at the time of the monarchy. No Rwandan can tell you that he has a personal panegyric self. The panegyrics composed today have been emptied of their substance, in particular by the declamation of fictitious acts of war, or of which the contents are not strictly speaking "warriors". Indeed, the act of killing today constitutes a crime which is punishable by law and one cannot boast of having killed someone in public, especially when it is true. The genre has been led astray from its primary objective of telling the feats of arms. However, it has not lost its poetic character nor its content of speaking about itself. The eulogy today is no more than a "warrior ode". Among the self-eulogies, the warlike ode is no more than a fiction. The genre has profoundly changed, it has been transformed, while retaining the essential functions of speaking about oneself and the poetic character of the text.

This poetry was not only an artistic literary work, but also a source of information on the great decisions which were taken by the King. With this poetry, one could know in a chronological way the succession of great events, of the great legislative reforms in matters of the conduct of war operations...

2.6.5. Dynastic poetry

Some will ask why we preferred to consult Rwandan dynastic poetry to show the exterminating character in Rwandan culture. This question will have its good *raison d'être*. Indeed, almost everywhere in the world, it is the poets who have always been the first educators of peoples, their philosophers and often also their first legislators and their historians. The *Iliad*, the *Works and Days* of Hesiod, or even the philosophical theorems of Parmenides or the primitive portions of the Koran, written by the companion of the Prophet on the shoulder blades of sheep... were written in verse. Furthermore, where all popular tradition was oral, versification was an excellent mnemonic device, even regardless of the artistic merit of the poetry (*P. Charles: 1951*). Thus, dynastic and esoteric poetry constituted the sources of traditional law in Rwanda and throughout the Great Lakes Region.

In Rwandan literature, three major poetic genres were distinguished: the Pastoral, the Warrior and the Dynastic. The significance of the latter is that he devoted himself to exalting the King and the reigning house (*A. Kagame: 1951*). It reproduced all the events and information of the royal court. He celebrated the exploits of the monarch. Hence, Dynastic Poetry is an irreproachable and inexhaustible source of knowledge on the legal and political life of the Kingdom. It therefore represented a great interest for a better understanding of the genocidal fact in Africa of the Great Lakes.

Analysis of the vast majority of dynastic poems shows that Rwandan society has been, since the 15th century, in essence, a society dominated by violence; a violence that goes as far as exterminating families, clans, different people, those in power. It would therefore not be wrong to assert that it is this culture that continues to mourn Rwanda and the Great Lakes Region of Africa and to exterminate relentlessly and without mercy of populations, or entire ethnic groups.

Anyone who conducts research on Central Africa and ignores the ancient literary forms of the peoples of this region, will find it difficult to understand what is going on there. Thus in Rwanda, all the political philosophy (hegemonic, exterminating and expansionist) of the Tutsi is crystallized in dynastic poetry, pastoral poetry and war poetry. Recall that where the whole popular tradition was oral, versification was an excellent mnemonic process, even regardless of the artistic value of the poetry. Not surprisingly, even in societies endowed with writing, poetry in many cases traced the social fact. One need only read the poets of the Middle Ages in the West to be convinced of this.

The poem below, composed in the 16th century, describes the different methods of conquering power by the Tutsi. This poem, which has been told at the Royal Court for centuries, reads as follows:

*"The Country I inherited to create it,
To unify and DOMINATE it,
By dictating my law to his current masters,
And continue to enslave them by giving them COWS,
Since it is from the Lord that I hold this land
May he grant me a long reign
And a power that expands
By my continuous descent,
It's not just by guns
That we can assert ourselves:
Let us attract by the RUSE those to whom I will give cows,
This is the instruction:
COWS are the foundation of our power
Who receives only one becomes sewn to the donor
He behaves like a child!
Milk is milking it ties it up,
They drink and it's a bond of alliance
Cows increase the number of subjects
And you broaden your domain,
So you become victorious!
When you tease a native prince,
Let him come and accept the cow you donate,
He is the one who brings you his subjects
And you make alliances with them.
By granting the cows to the best of them,
You diminish the authority of the Prince
From then on jealousy comes to live in her
Because you are equal to his subjects.
If he intervenes to hold them back,
They flee to the donor of the cows;
If the weak have recourse to you,
You show him your strength by defending him
So you tempt those who feel weak
To protect and reassure them.
As for the Prince's government,
You make it tumble down,
In this way you take away his greatness,
And without choice confides in you.
The Prince once defeated
His family submits
You bring them in and make your exploits sing,
You encourage their neighbor to attack them in turn
And you bring these countries together
You distribute the cows there.
If there is still one that is stronger,
That you can start a fight against him,
Looking for his alliance
By giving him a WOMAN as a gift
And when you call on him,
He comes with his armies:
The more it gives you to extend your domain
The stronger you become than him.*

*If a disagreement arises between you,
You incite those whom he has conquered against him;
When he came to your aid
At the time of good understanding,
You take away his domain and his armies
You become like the midday sun,
Like a blazing fire from which we flee
You become the owner of his home.
Please maintain the instructions:
The cow is not pushed aside,
It attracts men.
The palaces of foreign kings
Are not entitled to our sun,
As soon as it shines, they slip away,
Become like ashes while
That we are sparkling.
The emblem drum bequeathed to us by the Basindi
Stand firm and ground his hopes,
We dedicated the day and the night
For him we have crushed the native princes (A. Kagame: 1949).*

This poem contains very important key words or principles which guide until today the political philosophy and the foreign policy of the Tutsi wherever they are. These principle words are:

- 1- The COW symbolizes recourse to corruption.
- 2- RUSE is a way of obsessing others for the simple purpose of manipulating them and using them for their cause.
- 3- The WOMAN must intervene for several reasons: clouding, espionage, revenge and murder.
- 4- ZIZANIA (INTRIGUES) is their most important weapon, especially when they are about to attack or subjugate one of the allied powers. While they are tearing each other apart, the Tutsi intervene in favor of one of them and gradually annihilate them one after the other to end up dominating them all.
- 5- VENGEANCE is specific to the Tutsi. If you have faced a Tutsi and you have gained the upper hand loyally over him, be sure, sooner or later he will have to take revenge or use all his means to liquidate you.
- 6- EXTERMINATION is the action he uses in all circumstances. Although in this poem this characteristic is lyrically expressed, in other poems it is narrated with pride and fervor.

The poem "*Since God gives us an occasion for rejoicing*", composed in 1875 to celebrate the victory of the King against Kabego, the Kinglet of Ijwi Island, shows us how the concepts of "*exterminate*" and "*avenge*" are regularly on the books lips of the Aedes of the Royal Court. Now, we know that "*umwera uturutse ibukuru, bucyu wakwiliye hose*", that is, the behavior of superiors, without delay is adopted by all.

The following verses reveal once again the exterminating practice of Tutsi power:

*"You uprooted the murderers of your Family:
You destroyed the descendants of Nsibura, [...],
Your javelin is wreaking dreadful carnage among the islanders!
They were exterminated in bewilderment,
Claiming to be victims of the attack of a King descending from the heavens..."*
(A.Kagame: 1951)

It is clear that the Aède officially declares that the King and his Army uprooted and annihilated the descendants of Kinglet of Ijwi, avenged the King's parents and goes so far as to confirm that after an unnamed carnage, the King has exterminated all his opponents. It is therefore

not surprising that the whole nation, especially those in power, took as a fighting ideology the "extermination" of any social group considered enemy of the royal court. The poem 71 "*O lightning front!*" tells us in a parabolic way about the exterminating practice of the Rwandan kings:

*["...] Of this formidable Karinga, he told us,
The future heir cares only for me!
I see he's already shattered peoples' lives,
While his beard only dawns,
This conqueror of multitudes,
Hero who disconcerts the "Oxen",
Those they threaten only wake up to moan!
The people whom he defeats no longer satisfies his wisdom, [...],
The one he has not yet killed has become miserable! [...](A.Kagame: 1951)"*
*"O front that sows mortality!
Heroes whose javelins are still in their youth! (A.Kagame: 1951)*

In the poem 90 "To reproduce in his children" we see this exterminating practice in the declamation of the deeds attributed to each monarch as they succeeded one another. Thus Kigeli I Mukobanya is considered "the armed javelin fighter"(A.Kagame: 1951), while Mibambwe I Sekarongoro I Mutabazi I is "the hero with the bloody complexion (A.Kagame: 1951); the Front-watered-in-blood ". Ruganzu II Ndoli is "the avenger" who "killed his enemies to extermination" (A.Kagame: 1951). As for Mutara I Nsoro II Semugeshi, he is "the exterminating shield of rebels" and the one who "adorned the Karinga seven times with trophies (A.Kagame: 1951)". Kimenyi II Nyamuheshera is described as "the hero whose shield satisfies the Nyamiringa; whose javelin exterminates the Bahunde(A.Kagame: 1951)... ". Cyilima II Rujugira, "The Annexor of Foreign Countries... killed Mutaga and extinguished anyone who could avenge him (A.Kagame: 1951)." Mibambwe III Mutabazi II Sentabyo "is the Triumphant Front of Foreign Countries (A.Kagame: 1951)" while his successor Yuhi IV Gahindiro "sowed untimely death among the wrens and none of them left an offspring" because they were "uprooted by fire".

The present poem which narrates the deeds of the Rwandan kings of the precolonial period is rich in exterminating ideology. This poem which aims at the perpetuation of culture and the perpetuation of exterminating acts in Rwandan society deserves special attention.

The table below shows how the Nyiginya dynasty has always promoted a bloodthirsty, exterminating, not to say genocidal, vengeful and domineering policy. We can see this in the names of war that have been attributed to the various Rwandan monarchs since the 15th century:

Name of the King	Date of enthronement ¹	Qualification given to him ²
Kigeli I Mukobanya	1500	The Avenger
Mibambwe I Sekarongoro I Mutabazi I	1526	The battler armed with the javelin; the killer of the Bugoyi wren.
Yuhi II Gihana II	1543	-
Ndahiro II Cyamatare	1580	-
Ruganzu II Ndoli	1590	The avenger; the exterminator
Mutara I Nsoro II Semugeshi	1617	The exterminator, the trophy grabber
Kigeli II Nyamuheshera	1644	The Exterminator
Mibambwe II Sekarongoro II Gisanura	1671	The killer of the wrens, The cutter of the organs of virility
Yuhi III Mazimpaka	1698	-

Cyilima II Rujugira	1725	The Annexer of Foreign Countries; the entire line extinguisher
Kigeli III Ndabarasa	1753	The raid specialist
Mibambwe III Mutabazi II Sentabyo	1780	The Triumphant of Foreign Countries
Yuhi IV Gahindiro	1785	The pest of foreign countries; the royal lineage extinguisher
Matara II Rwogera	1835	The exterminator of foreigners

Poem 123 "Royalty is the privilege of one lineage" declares the Tutsi race as a race of God called to dominate other races. In addition, he does not hide the determination of the Tutsi to continue their policy of exterminator. He does not forget to stress that any defeated Hutu king must be emasculated and his virile organs must adorn the Royal Kalinga Drum. The author of this poem puts it in rather pathetic terms:

*"Kingship is the privilege of a single line,
Race of God!
The illusioned, deprived of this royal prerogative from birth,
This wealthy chosen one exterminated them,
And with their remains the Kalinga is adorned. (Sindayigaya: 1945) " [...]
Nowhere do I hear about kinglets:
This plague of enemies has exterminated them
And the drums are decorated with their trophies. When he thinks of independent
princes,
He cannot rest or be sleepy;
He can't go a single day without taking it;
And without turning it into a massacre of extermination.
When there is an offspring of them,
He does not let him grow up a! the risk of getting up again:17!
He inquires about his hiding place and goes there to uproot him (Sindayigaya:
1945).
[... "]*

One might think that this hideous exterminating practice was solely a matter of politics, yet it is surprising to find it enshrined in the Code of Political Institutions of pre-colonial Rwanda and the Esoteric Code. The extermination in question is still carried out through the emasculation which we will discuss in another article.

CONCLUSIONS

The exterminating practices which have always taken place in the world have always been committed against a background of permanent violence which reigned in different societies. Rwanda, on the other hand, had a well-developed genocidal ideology. He inherited violence in several forms: physical violence, psychological violence. This violence is physical depending on whether the individual or a group of individuals is being made to suffer physically. It reaches its peak when it seeks to proceed with the extermination of an entire group of people (family, clan, ethnic group, etc.) as an extreme form of this violence. It is also psychic, because it is directed against the psyche. To this type of violence belong lies, brainwashing, and various forms of indoctrination, manipulation, and threats etc ... which aim to diminish spiritual capacities. Here, we resort more to the language, because the Tutsi especially in the Rwandan society understood that "the lance of language defeats the spears of a troop of shock", that is to say the language kills more people than the war.

The other type of violence that has still predominated in Rwanda is structural violence that takes place when violence is embedded in the system itself and is expressed in unequal power-sharing relationships and hence, in the inequality of opportunity, unequal distribution of income,

educational opportunities, illiteracy, the concentration of health services in certain sectors to the detriment of others, social injustice.

In addition, to these three types of violence was added the cruelest: extermination, in the Rwandan language *itsembatsemba* and in the contemporary vocabulary of genocide. The latter was invented by Raphaël Lemkin in 1945 when Rwandans, since the 16th century, use it very easily in their daily practices. The genocide was narrated with pride and fervor in a multitude of poems. Hence the conclusion that genocide, in a society won by violence like Rwanda, is authorized and publicly supported because it is instituted by the governing power.

In Rwandan literature, we find the foundations of the genocidal policy in three major poetic genres in Rwanda: the Pastoral, the Warrior and the Dynastic. The specter of conflicting relationships runs through Rwandan culture and anyone who does not understand its nuances is very likely to make errors in value judgments believing that they operate better according to Western logic.

The strong violence that so ruined Rwandan society was well tied up around a politico-legal architecture carefully designed by its rulers. Thus traditional penal law, traditional military law, war poetry, dynastic poetry and finally the esoteric code. Anyone wishing to settle any dispute, or prosecute an individual for a crime committed in Rwanda, is advised to know these African specificities. Oddly enough, the judges, investigators, the prosecutor and his agents knew nothing about these realities. Which was one of the roots of the failure of the ICTR.

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