Rwanda: The Preventable Genocide
International panel of eminent personalities

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INTRODUCTION

1. The International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events was created by the Organization of African Unity. As the genocide was unprecedented in African annals, so is the Panel. This is the first time in the history of the OAU that Africa's Heads of State and Governments have established a commission that will be completely independent of its creators in its findings and its recommendations. We are honoured by the responsibility that has been entrusted to us.

2. Throughout our work, which began with a meeting in Addis Ababa in October 1998, we have attempted to function in a manner worthy of this honour and consistent with the gravity of the subject matter. The expansive and comprehensive mandate within which we operated appears in full as the first appendix of this report, but we want to reproduce a key portion of it here:

The Panel is expected to investigate the 1994 genocide in Rwanda and the surrounding events in the Great Lakes Region...as part of efforts aimed at averting and preventing further wide-scale conflicts in the... Region. It is therefore expected to establish the facts about how such a grievous crime was conceived, planned and, executed; to look at the failure to enforce the Genocide Convention in Rwanda and in the Great Lakes Region; and to recommend measures aimed at redressing the consequences of the genocide and at preventing any possible recurrence of such a crime.

3. We are conscious of the great expectations that have awaited this report and are grateful at the same time for the realism that has tempered those expectations. Hardly any person to whom we have spoken thinks that the genocide was a simple event or expects that, in some magical way, this Panel will divine simple lessons for the future. On the contrary, in the very course of our investigation, we watched as regional complexities throughout the nations of the Great Lakes Region added complicating new dimensions to our work. The 1994 genocide in one small country ultimately triggered a conflict in the heart of Africa that has directly or indirectly touched at least one-third of all the nations on the continent. This does not mean that we are dealing with an exclusively African phenomenon, however. On the contrary, while it is not reasonable to assign the responsibility for all of Africa's present problems to external forces or ancient historical roots, our work for this report underlines the perils of ignoring external or historic realities. Of course, there would have been no genocide if certain Rwandans had not organized and carried it out; there is no denying that fundamental truth. But it is equally true that throughout the past century external forces have helped shape Rwanda's destiny and that of its neighbours. Sixty years of colonial domination and the later spread of globalization are integral aspects of the Rwanda story. The truth, as we will see repeatedly in our analysis, is that both the so-called international community and history have had powerful and decisive impacts on Rwanda specifically, and on the Great Lakes Region in general.

4. It is important that we articulate our conviction on a central matter. From the start, we have been acutely conscious of another dimension of our great responsibility in preparing this document: We are an international group asked by the Heads of State of Africa to speak out on an African calamity. A small library of books, reports and studies of the Rwandan genocide has already been published, and it is certain that many more will emerge. But what is notable about the existing material is how much of it has been produced by non-Africans, let alone by non-Rwandans. These works reflect the reality that a genocide, almost by definition, becomes the world's property. Nevertheless, we have made a conscious effort to present a report from an African perspective, aimed at both African and international audiences.

5. We have also understood from the outset that the credibility of our findings depends on solid, demonstrable evidence, and we have scrupulously attempted to follow that precept. We adhered to the usual research protocols. We met with, listened to, and had extensive dialogues with 270 people in 10 countries, representing every facet of this tragedy: academics; United Nations officials; representatives of Rwandan, neighbouring, and several other governments; survivors; accused perpetrators; refugees; and human rights groups. We have read the burgeoning literature mentioned above. We have had access to many original documents, and we commissioned studies of our own where there were vacuums to fill.

6. We have also had experiences that are almost impossible to convey in words. Rwanda has transformed certain of its killing fields into memorial sites, and we visited some of them. We confronted the twisted remains of literally thousands of people still lying in the very classrooms and churches where they had been mercilessly slaughtered only a few years before. It was easy to see, especially in the schools, how many of the murdered were young children. We were left numb. There was nothing to say. We met with victims and heard their almost unbearable stories. We want to share one such experience here because, for all of us, hearing it ranked among the most traumatic episodes of our lives. We were taken to Rwanda's capital, Kigali, to visit a little facility called the Polyclinique de l'Espoir, - the Polyclinic of Hope. It provides basic services for women who were brutalized, physically and sexually, during the genocide. The clinic grew slowly because so many female victims were still terrified after their ordeal, and many were ashamed of what had been inflicted on them. But over the ensuing few years, more than 500 women have used its services. We had already met a number of these women when the clinic supervisor asked us to enter a small room at the back. In this tiny room, we heard from three survivors - three women, sitting side-by-side on a steel cot, who spoke of their tribulations as if in the desperate hope that somehow we could do something. One was a young woman who had been raped repeatedly over several days and then abandoned. She was now HIV-positive and saw no reason for living. The second was a woman who had been beaten and sexually mutilated, and who lived in terror because her attackers, who had been and continued to be her neighbours, still passed freely by her home every day. The third was a woman who was imprisoned, lashed to a bed for several months, and gang-raped continuously. Her final words to us were the stuff of nightmares, vivid, awful, impossible ever to forget. She said, with a chilling matter-of-factness: "For the rest of my life, whether I am eating or sleeping or working, I shall never get the smell of semen out of my nostrils."

7. The Panel decided to recount this experience here for two reasons. First, it conveys a sense of the outrages against humanity that were commonplace during the genocide, and we have deliberately chosen to report such abominations only sparingly in the pages that follow. Secondly, this report is a direct outcome of such experiences. We freely acknowledge that it has been impossible to do our task without being profoundly shaken by the subject matter. Our experiences in Rwanda – the witnesses to whom we listened and the memorial sites we visited – often left us emotionally drained. This is not a report that could be produced with detachment. For those seeking bureaucratic assessments or academic treatises, there are other sources. The nature of these events demands a human, intensely personal, response, and this is very much a personal report from the seven of us. Readers have a right to expect us to be objective and to root our observations and conclusions in the facts of the case, and we have striven rigorously to do so. But they must not expect us to be dispassionate.

8. Invariably, we were asked the obvious question by all who did not take part: How could they have done it? How could neighbours and friends and colleagues have slaughtered each other in cold blood? Could it happen to anyone? Could we have done it? How could an ordinary man kill innocent women and children? To answer these chilling questions, we first listened hard to Rwandans telling us their stories. From there, our technique throughout our work was to use empathy as a tool to help us understand the many actors who were involved. We tried to make sense of the world from their perspectives in order to fathom their motivations and actions. We used this approach for everyone, whether the secretary-general of the United Nations or a local official in a Rwandan village, and we hope we gained certain insights as a result.

9. But when it came to trying to understand the actual act of killing, we confess our total failure. We acknowledge from the outset this failure. We have grasped the insidious process by which people were stirred up. We understand how they were manipulated and how they came to accept the demonization and dehumanization of others. We studied the literature, some of it highly controversial, that attempts to account for collective human breakdowns in which ordinary citizens turn into monsters. We have arrived at a certain comprehension of the complex series of factors at work. But we do not pretend for a moment that we have reached any understanding of the act of one neighbour or one Christian or one teacher actually hacking another to death. Perhaps, some day, answers will emerge. But for now, we are able to offer little illumination on the first questions that so many people reasonably ask.

10. In fact, as the following pages frequently acknowledge, there are many aspects of this story that defy our understanding. Almost the entire world stood by and watched the genocide happen. Influential outsiders worked closely with the perpetrators. The victims were betrayed repeatedly by the international community, often for the most craven of reasons. At times, examining other atrocities throughout history and throughout the world, we have had much cause to wonder about humankind's humanity. Still, in the end, we remain satisfied that the genocide in Rwanda was an aberration, that killers are made, not born, and that such tragedies need never happen again. It is in the world's hands to make sure that it will never happen again. It is to that conviction that our report is dedicated.

Rwanda: The Preventable Genocide

CHAPTER 1

GENOCIDE AND THE 20TH CENTURY

1.1. Ours has been a century to test one's optimism about the human condition. On the one hand, for the first time in history, human ingenuity has evolved to the point where there is, in theory, the capacity to provide every person on earth with a healthy and materially comfortable life. On the other hand, there is the human capacity for destruction and evil.

1.2. We now understand that the 20th century was the most violent in recorded human history, and that no one people had a monopoly on causing pain and misery to any others. The Second World War, which ended just 55 years ago, was a catastrophe each member of this Panel can personally recall. Reconstruction required unprecedented massive investment through the Marshall Plan to create the prosperous, stable, western Europe of recent decades. Yet even today, conflicts rage in the Balkans and the former Soviet Union, an uneasy truce prevails in Northern Ireland, and western European governments have engaged in wars in Iraq and the former Yugoslavia. Similarly, there has barely been a single decade since its independence in which the United States has not been involved in military conflict.[1]

1.3. Violence, of course, was at the heart of Europe's early empires, as well. It was the ultimate source of imperial control. Always an implicit threat, violence was often enough an active curse, and not a single colonial power was exempt from its use. Throughout the 19th and 20th centuries, on every continent where Europeans and Americans chose to impose their domination, savage brutality was always available to bring unwilling subjects to heel. This phenomenon was neither subtle nor hidden; on the contrary, it was based on a central premise of the "civilized world" for much of the past two centuries. Typically, Charles Darwin himself believed that, "At some future period not very distant... the civilized races of man will almost certainly exterminate and replace throughout the world the savage races." Adolf Hitler grew up in a world where this view was commonplace, as did the Christian missionaries and German and Belgian officials who ruled Rwanda for a half-century. Here was the very core of the justification for European imperialism: the assumed right of the "superior race" to dominate the rest.[2]

1.4. The culture of violence that characterized so much of the colonial rule and its aftermath and that operated with such complete impunity for so long, is relevant to the story of Rwanda. But we must draw a vital distinction here: Genocide is of a different nature, a different order of magnitude, than even the unspeakable horrors we have so far been discussing. The world has known an unending torrent of violence, repression, slaughter, carnage, massacres, and pogroms (official, organized, persecutions or massacres of minorities). Terrible as they all are, none is on a par with genocide. The world recognizes this fact, and so do the members of this Panel.

1.5. It is no tribute to our era that we are becoming experts on the phenomenon of genocide. Indeed, the very term was unknown before it was coined in 1944 by legal scholar Raphael Lemkin, a Polish-Jewish immigrant to the United States, to describe the Nazis' near-successful attempts to exterminate the Jews and Roma of Europe. It was Hitler whose actions made the world add the question of genocide to the international agenda. After lengthy debate and ample compromise, on December 9, 1948, the United Nations General Assembly unanimously adopted the Convention on the Prevention and Punishment of the Crime of Genocide (known more commonly as "the Genocide Convention," and reproduced in full in Appendix I of this report.) The convention's key clause is contained in the definition that appears in Article 2: genocide is committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

1.6. Those who commit genocide have deliberately set out not just to murder others. They are not merely guilty of crimes against humanity – forms of criminality and inhumane acts beyond simple murder. Genocide goes further, to the ultimate depths of human perversity. Its aim is to exterminate a part or an entire category of human beings guilty only of being themselves. Genocide is explicitly intended as a "final solution" – an attempt to rid the world of a group that can no longer be tolerated. In a genocide, attacks on women and children are not unfortunate by-products of conflict, or collateral damage, in the bloodless jargon of military bureaucracies. On the contrary, women and children are direct targets, since they ensure the future of the group that can no longer be allowed to survive.

1.7. For some 40 years after the Genocide Convention was adopted, it was hardly more than a formality of international law. As one authority puts it, "It was soon relegated to obscurity as the human rights movement focussed on more 'modern' atrocities: apartheid, torture, disappearances."[3] The past 15 years have changed all that. A renewed wave of particularly grisly atrocities in Cambodia, the Balkans, and the Great Lakes Region of Africa put the phenomenon of genocide back in the headlines, while the international community's new-found focus on the criminal prosecution of human rights violations propelled the Genocide Convention to a prominent place on the public agenda. International criminal tribunals established by the United Nations Security Council are at this moment dealing with the crimes committed in recent years in the former Yugoslavia and Rwanda and are creating history as they proceed.

1.8. While the International Criminal Tribunal for Rwanda (ICTR) has been highly criticized on many levels, in the long run it may be remembered for some ground-breaking precedents it has created with respect to international human rights law that are bound to influence the proposed new International Criminal Court. It has been, after all, the first international tribunal to convict for the crime of genocide; the Nuremberg tribunal did not have the mandate to convict for the crime of genocide. Jean Kambanda, Rwandan Prime Minister during the genocide, was also the first person to plead guilty to the crime of genocide before an international tribunal, although he has since recanted his confession.

1.9. In addition to the crime of genocide, the ICTR has made significant strides in the area of women's human rights, which this Panel enthusiastically welcomes. One man has been convicted for the crime of rape as a part of a systematic plan, not as genocide but as a crime against humanity. It is also notable that the ICTR has indicted the first woman ever to be charged by an international tribunal and the first to be charged with the crime of rape. Pauline Nyiramusuhuko was minister of Family and Women's Affairs in Rwanda during the genocide and has been charged with rape in the context of command responsibility. The allegation is that she was responsible because she knew that her subordinates were raping Tutsi women and failed to take measures to stop or to punish them.[4]

1.10. Specialists in the field are watching the proceedings of the ICTR with great interest and hope. For, as we explored the research for this report, we learned to our surprise that the very concept of genocide is far more controversial than we had previously understood. For one thing, many of these experts are critical of the various shortcomings of the original Genocide Convention. For another, despite the convention, to this day, the UN has never formally charged any government with genocide. And finally, critics point out that the convention has failed to prevent genocide, although the duty to do so is set out in its terms. Put bluntly, are states required, as a question of legal obligation, to take action up to and including military intervention in order to prevent the crime from occurring?[5] Paradoxically, it is this precise obligation that constrained many states from describing the catastrophe in Rwanda as a genocide.

1.11. What the Genocide Convention badly lacks, as the secretary-general of the International Commission of Jurists explained to the Panel, is a trigger mechanism which results in firm, appropriate action that prevents such atrocities ever being perpetrated by mankind again. At present the convention is almost purely reactive, in effect only providing for action after the crime has been committed, by which time it is too late for the victims and, indeed, for humanity in general. As in the case of Rwanda, countless inexplicable atrocities were allowed to occur before any action was taken under the convention. Even then, the convention merely says that states may call upon the UN to take such actions as they consider appropriate. As was demonstrated in Rwanda, what the UN considered appropriate action did anything but prevent or suppress the genocide.[6]

1.12. Genocide experts constitute a serious, dedicated, and growing group consisting primarily of human rights activists, survivor groups, legal authorities, and academics. They write books and articles on the subject, produce journals of genocide research, and devote themselves to the prevention of future genocides. They also debate at length and disagree about the precise definition of genocide, which proves to be a far more complicated and nuanced exercise than most of us would imagine. And the exercise matters, for the definition determines which acts of inhumanity deserve to be labelled genocide.

1.13. A recent volume called Century of Genocide, for example, includes no fewer than 14 case studies of what the editors consider genocides in the 20th century alone.[7] Theirs is a highly controversial list. Other authorities take exception to some of the choices made, and offer cases that this book omits. Century of Genocide begins with the German annihilation of the Hereros of south-west Africa in 1904, and ends finally with Rwanda nine decades later.

1.14. Yet it ignores the Congo, although a recent study makes a persuasive case that King Leopold of Belgium committed genocide when, as personal ruler of the entire Congo a century ago, he was responsible for the death of ten million Congolese – fully half the entire population of the territory when it was given to him by his fellow European leaders.[8] Literally dozens of other examples can be given of atrocities being described as genocide, each with its passionate champion.

1.15. It is not for this Panel to judge the appropriateness of using the word genocide to describe the various atrocities of our century, with the obvious exception of Rwanda. We are concerned, however, that the currency of the concept not be debased too frivolously by its trivialization. Any massacre is deplorable; so is any violation of human rights. But very few constitute genocide. If any atrocity can be considered an act of genocide, and if we cry genocide after every injustice, then words will lose their meaning and the gravity of the offence will soon wane. For all of humanity's evil deeds, genocide is not yet a commonplace occurrence on this earth, and we feel strongly that such words and concepts be carefully husbanded and used with the greatest care. That is why we encourage the pursuit of a definition that is comprehensive and functional.

1.16. In the end, however, we harbour no illusions that universal agreement will be found on this visceral issue. After all, there are still Holocaust deniers who refuse to acknowledge Hitler's crimes, Khmer Rouge leaders who have never admitted to their own genocidal actions and, we regret to say, Rwandans who refuse to acknowledge the genocide of 1994.

1.17. We can, however, make our own position clear. This Panel has no doubt whatsoever that the tragic events of April to July 1994 in Rwanda constitute a genocide, by any conceivable definition of that term. The chapter of this report that describes this period explains our position in detail. But whatever else the world agrees or debates, whatever crimes other Rwandans have committed at any time in the past decade, whatever the case in Burundi, we insist that it is impossible for any reasonable person to reach any conclusion other than that a genocide took place in Rwanda in 1994, and that it was surely one of this century's least ambiguous cases of genocide. That is why this Panel was created. Unless agreement is first reached on this basic premise, no peace will ever come to the soul of that troubled country.

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[1] Howard Zinn, A People's History of the United States, 1492-Present (New York: Harper Perennial, 1995 edition).

[2] Sven Lindquist, Exterminate All the Brutes (New York: New Press, 1996). Translated from Swedish by Joan Tate.

[3] William Schabas, “The Greatest Crime,” Washington Times, Dec. 7, 1998.

[4] "Woman Charged with Rape by Rwanda Genocide Tribunal," Pan African News Agency, August 13, 1999.

[5] Ibid.

[6] Adama Dieng, “Views And Suggestions Concerning the 1948 Geneva Convention On Genocide,” paper presented to IPEP, March 1, 2000.

[7] Samuel Totten, et al. (ed.), Century of Genocide: Eyewitness Accounts and Critical Views (New York: Garland Publishers, 1997).

[8] Adam Hochschild, King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa (Boston: Houghton Mifflin, 1998).

CHAPTER 2

THE ROOTS OF THE CRISIS TO 1959

2.1. One question more than any other dominates all analyses of the Rwandan genocide: Could it have been prevented? Ultimately, we reached the extremely disturbing conclusion that the international community was in fact in a position to avert this terrible tragedy entirely or in part. But in exploring the background of the tragedy, we discovered three important truths that confront anyone wanting to understand Rwanda properly. First, there are hardly any important aspects of the story that are not complex and controversial; it is almost impossible to write on the subject without inadvertently oversimplifying something or angering someone.

2.2. Secondly, in Rwanda, interpretations of the past have become political tools routinely used by all parties to justify their current interests. This is true at every stage, from the pre-colonial period to the genocide itself. For this reason, any discussion of these matters risks appearing to be biased towards one side or another and being dismissed accordingly. We want to stress that we have come to our task with few preconceptions and, conscious of the traps that awaited us, we have worked especially hard to ground our judgements on the best evidence we have uncovered.

2.3. Finally, we have found major disagreements among students of Rwandan history on questions of numbers. Time after time, conflicting figures are proffered: for the number of those who fled the country at independence, the number killed in various massacres, the total number eliminated during the genocide, and the numbers of killers and refugees who fled to the Democratic Republic of Congo after the genocide. At times, amazingly enough, these numbers differ by as much as hundreds of thousands, yet the authors are all recognized authorities in the field. All scholars agree, however, that the overriding reality was that large numbers of innocent people suffered at the hands of their fellow citizens and that the outside world did nothing to stop it. This reality, not discrepant figures, was for us the important issue to focus on.

Let us look briefly at the historical background. The first thing an outsider must understand is that there exists today two conflicting versions of Rwandan history, one favoured essentially by Hutu, the other reflecting the present government's stated commitment to national unity. The fundamental historical debate revolves around whether ethnic differences between Rwanda's Hutu and Tutsi existed before the colonial era. The two groups themselves disagree profoundly on this issue, and each can find certain authorities to support their position. Certainly, there were Hutu and Tutsi for many centuries. The former had developed as an agricultural people, while the Tutsi were predominantly cattle herders. Yet the two groups had none of the usual differentiating characteristics that are said to separate ethnic groups. They spoke the same language, shared the same religious beliefs, and lived side-by-side; intermarriage was not uncommon. Relations between them were not particularly confrontational; the historical record makes it clear that hostilities were much more frequent among competing dynasties of the same ethnic category than between the Hutu and the Tutsi themselves.

2.4. Even today, after all the carnage, one historian estimates that at least 25 per cent of Rwandans have both Hutu and Tutsi among their eight great-grandparents. Looking back even further, the percentage with mixed ancestry would most likely exceed 50 per cent.[1] These conclusions are inconsistent with the preferred Hutu version of history, which asserts that the Tutsi were treacherous foreign conquerors who had rejected and oppressed the Hutu since time immemorial.

2.6. But the view that ethnic differentiation began prior to the colonial era also contradicts the Tutsi version of history, which our Panel heard in Kigali from several persons and officials.[2] This position holds that Tutsi and Hutu lived in harmony until European colonialism created artificial divisions that led ultimately to the final genocidal catastrophe. In the new, post-genocide Rwanda, ethnic classification has officially disappeared, and even the terminology of ethnicity is forbidden. Officially, all Rwandans are again what they ostensibly once were: simply Rwandans.

2.7. Since history can matter greatly to a country's sense of itself, these conflicting views of the past should be reconciled. The most positive way would be to recognize the flaws in both versions. Using this quite conventional test, it seems most likely that it was under Mwami (King) Rwabugiri, the Tutsi who ruled during the late 1800s, that the chief characteristics of modern Rwanda were fixed. From that point, a powerful head of a centralized state provided firm direction to a series of subordinate structures that were ethnically differentiated under Tutsi domination. And while there was no known violence between the Tutsi and the Hutu during those pre-colonial years, the explicit domination of one group and the subordination of the other could hardly have failed to create antagonism between the two.[3] In short, it is clear that Rwandans have, in some way, regarded themselves as members of either one or the other ethnic group for well over a century now, and when we take into account the massive trauma of the past decade, it seems inconceivable to us that any future lasting peace for this country is possible if it fails to take that reality squarely into account.

2.8. Having said that, we now come to two of the great culprits in this tragic saga. From 1895 to 1916, Rwanda was a German colony. In 1916, in the midst of the First World War, Germany was forced to retreat from its east African territories and was replaced in Rwanda and Burundi by Belgium. For the next 45 years, the Belgians controlled the destinies of Rwanda, Burundi, and the Congo. Virtually all authorities (including both Hutu and Tutsi) agree that first Germany, but above all Belgium, organized the colony very much along the lines that Mwami Rwabugiri had drawn, though the colonizers made those lines far more rigid, inflexible, and self-serving. But the point to be noted is that they did not have to do so. The interpretation that the European powers were merely maintaining the status quo as they had found it ignores their power to impose on their new African acquisitions more or less whatever form of governance they chose.

2.9. This was the first defining moment in the modern history of the country, a building block upon which all others would stand and, eventually, fall. It served the purposes of the colonizers to recognize the King and the Tutsi rulers surrounding him and to assign to them significant – if always subservient – political power and administrative duties. Through the classic system of indirect rule, a mere handful of Europeans were able to run Rwanda in whatever manner they deemed most beneficial to imperial interests. They also shared the Tutsi aristocracy's interest in extending its control over the small Hutu kingdoms in the north-west that had resisted this fate until now and in bringing the other peripheral regions of the country more tightly under central command. At the same time, the colonizers did not hesitate to change any aspect of society they found wanting. These included making the King subject to his colonial masters and reducing the influence of the remaining Hutu sub-chiefs.

2.10. Colonizer and the local elite also shared an interest in endorsing the pernicious, racist notions about the Tutsi and the Hutu that had been concocted by missionaries, explorers, and early anthropologists in that period. The theory was based both on the appearance of many Tutsi – generally taller and thinner than were most Hutu – and European incredulity over the fact that Africans could, by themselves, create the sophisticated kingdom that the first white men to arrive in Rwanda found there. From the thinnest of air, an original racial fantasy known as the Hamitic hypothesis was spun by the first British intruders. It posited that the Tutsi had sprung from a superior Caucasoid race from the Nile Valley, and probably even had Christian origins. On the evolutionary scale then all the rage in Europe, the Tutsi could be seen as approaching, very painstakingly, to be sure, the exalted level of white people. They were considered more intelligent, more reliable, harder working, and more like whites than the "Bantu" Hutu majority.[4]

2.11. The Belgians appreciated this natural order of things so greatly that, in a series of administrative measures between 1926 and 1932, they institutionalized the cleavage between the two races (race being the explicit concept used at the time before the milder notion of ethnicity was introduced later on), culminating in identity cards that were issued to every Rwandan, declaring each to be either Hutu or Tutsi. This card system was maintained for over 60 years and, in a tragic irony, eventually became key to enabling Hutu killers to identify during the genocide the Tutsi who were its original beneficiaries.[5]

2.12. A version of the facts meant to underline the arbitrariness and foolishness of the identification exercise is repeated in many histories but, as is true of much about the country's past, is disputed by others. It contends that anyone who owned 10 cows was automatically designated a Tutsi, while the rest were deemed to be Hutu. A quite different account holds that the Belgians asked each Rwandan to declare for himself or herself, with 15 per cent identifying themselves as Tutsi, 84 per cent as Hutu, and one per cent as Twa, a group of potters and hunter-gatherers.[6] Whichever way ethnic identity was assigned, it became the basis for determining the allocation of many of the prizes the country had to offer: school places, civil service jobs, and the like.

2.13. The ramifications of the Belgian system could hardly have been clearer. Between 1932 and 1957, for example, more than three-quarters of the students in the only secondary school in the small city of Butare were Tutsi. Ninety-five per cent of the country's civil service came to be Tutsi. Forty-three out of 45 chiefs and all but 10 of 559 sub-chiefs were Tutsi.[7]

2.14. Official racism evidently was not a system about which the colonizers were in any way ashamed; nor was their spiritual partner, the Catholic church of Rwanda. Indeed, the two supported and reinforced each other in mutually beneficial ways. Although Catholic missionaries had arrived before the Belgians, large-scale conversions to Catholicism came only with the administrative reforms of the late 1920s. Hundreds of thousands of Rwandans converted, making the church the country's main social institution. When the King demonstrated an unacceptable determination to keep alive Rwandan traditions and customs and to resist the will of the administrators and missionaries, they united to depose him in favour of his son, who had been educated in mission schools and was likely to accept Christianity.[8] With the population's conversion, Belgium's interests were largely satisfied. They had created the Rwanda they wanted: centralized, easy to control, efficient, intolerant of nonconformity, and Catholic.

2.15. It is not possible to write about Rwanda without writing about the role of the Catholic church, which, since the arrival of the Belgians, has functioned virtually as the country's state church. That role, as evident during the genocide as it was in the colonial period, is one about which it would be hard to feel proud at any time.

2.16. Much of the elaborate Hamitic ideology was simply invented by the Catholic White Fathers, missionaries who wrote what later became the established version of Rwandan history to conform to their essentially racist views.[9] Because they controlled all schooling in the colony, the White Fathers were able, with the full endorsement of the Belgians, to indoctrinate generations of school children, both Hutu and Tutsi, with the pernicious Hamitic notions. Whatever else they learned, no student could have failed to absorb the lessons of ethnic cleavage and racial ranking.

2.17. Together, the Belgians and the Catholic church were guilty of what some call "ethnogenesis" – the institutionalization of rigid ethnic identities for political purposes. The proposition that it was legitimate to politicize and polarize society through ethnic cleavages – to play the 'ethnic card' for political advantage, as a later generation would describe the tactic – became integral to Rwandan public life. Ethnogenesis was by no means unknown in other African colonies and, destructive as it has been everywhere, no other genocide has occurred. But it was everywhere a force of great potential consequence and, in Rwanda, it combined with other factors with ultimately devastating consequences.

2.18. Until the end of the colonial period, Rwandan society resembled a steep, clearly defined pyramid. At the very top of the hierarchy were the whites, known locally as Bazungu; a tiny cluster of Belgian administrators; and Catholic missionaries whose power and control were undisputed. Below them were their chosen intermediaries, a very small group of Tutsi drawn mainly from two clans who monopolized most of the opportunities provided by indirect rule. Wherever the Belgians gave this group the latitude to exert control, they did so stringently, almost always leaving animosity behind in their wake.

2.19. The fact that just two Tutsi clans among many were privileged by colonial rule points to a central truth of Rwanda: It has never been valid to imply that a homogeneous Tutsi or Hutu community existed at any time.[10] From the past century through to the present, the Hutu and the Tutsi have always included various groups with different interests and perspectives. This reality was evident throughout the hierarchy. Below the small indigenous Tutsi elite were not only virtually all of Rwanda's Hutu population, but the large majority of their fellow Tutsi, as well. Most Tutsi were not much more privileged in social or economic terms than the Hutu. Although they were considered superior to the Hutu in theory, in practice most Tutsi were relegated to the status of serfs. Both had more than enough reason to resent the Tutsi chiefs who regularly imposed onerous obligations on the majority of the population, including taxes and the surrender of cash crops and unpaid labour. These compulsory activities could eat up half of an adult's working time, and failure to co-operate was dealt with brutally. In 1948, a UN delegation met with 250 peasants in Rwanda, 247 of whom reported that they had been beaten, many of them frequently.[11]

2.20. Nearly every well-known study of the Rwandan people emphasizes their respect for and deference to authority; some go so far as to describe a culture of blind obedience, and they cite this characteristic to explain why so many ordinary Hutu participated in the genocide.[12] In our view, this analysis is too simplistic. As we will show, there were a number of significant occasions over the decades under review when people did not hesitate to show their anger, frustration, and disappointment towards state authority. The characterization of Rwandans as natural followers minimizes the effects on a people of systematic manipulation, indoctrination, and coercion.

2.21.Certainly, no Rwandans appreciated the burdens so harshly forced on them. Most Tutsi shared the hardships of the Hutu; both were exploited by a privileged class. But to the Hutu, the oppressor was viewed not as a class, but as an ethnic group. Many Tutsi who were not among the elite contributed to this interpretation by flaunting the superior status conferred upon them by reason of ethnic identification. Many Tutsi looked upon the Hutu with open scorn, treated them with contempt and, in a variety of ways, humiliated them in social contacts.[13] The two groups virtually shared just one conviction: that the Twa were at the bottom of the Rwandan hierarchy. Whatever the objective similarities of Hutu and Tutsi, the cleavage between them had become commonplace in most aspects of Rwandan life by the end of the colonial era. The coming of independence created a perfect opportunity to bridge the gap between the two in the name of a larger Rwandan loyalty. But the chance was forfeited, as the downtrodden Hutu suddenly discovered the many convenient uses of the ethnic card. In the end, unlike that of most African countries where a single unifying nationalist movement had become predominant, Rwanda's independence was more of a repudiation by the majority of their despotic local overlords than of their harsh but remote European colonial masters.

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1. David Newbury and Catherine Newbury, "An Inquiry into the Historical Preconditions of the Rwandan Genocide," IPEP-commissioned paper, 1999, 10.

2 Presentations to IPEP Panel by various individuals and officials in Kigali.

3 David Millwood (ed.), The International Response to Conflict and Genocide: Lessons from the Rwanda Experience, Studies 1-4 (Joint Evaluation of Emergency Assistance to Rwanda, March 1996), Study 1, 21-25.

4. Gérard Prunier, The Rwanda Crisis: History of a Genocide 1959-1994 (London: Hurst and Company, 1997), 5-9.

5. Millwood, Study 1, 10.

6. Alison DesForges, Leave None to Tell the Story: Genocide in Rwanda (New York: Human Rights Watch, 1999), 37.

7. Ibid.

8. Alison DesForges, "Defeat is the Only Bad News: Rwanda under Musinga, 1896-1931," Yale University, Ph.D. thesis, 1972, 351.

9. Rakiya Omaar and Alex de Waal, "Genocide in Rwanda: US Complicity by Silence," Covert Action Quarterly, 52 (Spring 1995), 6.

10. Newbury and Newbury, 10 and 12.

11. Rene Lemarchand, Rwanda and Burundi (New York: Praeger, 1970), 123.

12. Prunier, 57, 59.

13. Ibid, 38-39.

CHAPTER 3

THE FIRST REPUBLIC 1959-1973

3.1. In almost every way, the events of the years 1959 to 1962 constituted a tragic series of wasted opportunities for Rwanda. The country badly needed a revolution. It needed to enter the bold new era of independence under vigorous leadership that would reflect the actual make-up of the country, with a democratic government, guaranteed rights for both the majority and the minority, a national identity that would take precedence over ethnic loyalties, and a commitment to public policies that would benefit all Rwandan citizens. None of this happened.

3.2. It was not as if these were uneventful years in the life of the country. Not even conservative Rwanda could ignore the nationalist winds of change that were blowing across Africa in the late 1950s. And for all their vaunted deference to authority, many Rwandans were in a rebellious mood. One view of Rwandan history insists that the movement for independence was largely engineered by the Belgians and the Catholic hierarchy in order to replace their erstwhile Tutsi collaborators with a more co-operative Hutu administration.[1] This interpretation makes the Rwandans nothing but pawns in a European game. In fact, the so-called Rwandan Revolution of 1959 to 1962 was assisted by these outsiders, but it was hardly imposed by them.

3.3. It is certainly true that both the colonial power and the church in these years, seeing the inevitability of majority Hutu domination, had completely transferred their loyalties from the Tutsi to the Hutu. There would be an election sooner or later, the Hutu would win, and interest in the question of minority rights was, in those days, reserved for colonies where the minority was white. In almost no time, Rwanda's Hutu found themselves warmly embraced by those who had only recently scorned them.

3.4. The Hutu were more than ready for their new champions. Their disaffection with the status quo cannot be doubted. The great mass of poor Hutu peasantry had grown increasingly resentful of its harsh exploitation by the Tutsi overlords, and the prevailing racial ideology extended that resentment to all Tutsi, not just the obvious class enemy. At the same time, a small, emerging elite of Hutu who had succeeded in gaining admittance to Catholic divinity schools was now demanding its share of the rewards monopolized by the Tutsi. That this new Hutu elite had little to offer its rural ethnic kin became an issue only in later years.

3.5. What these young, educated men wanted for themselves and others like them was to share in the privileges of westernization, above all, to have greater opportunities for education and appropriate employment. This was made abundantly clear by the nine frustrated drafters of the Bahutu Manifesto of 1957. That document, which was directed quite accurately against the 'dual colonialism' of the Belgians and the Tutsi, expressed particular resentment toward the 'political monopoly' of the Tutsi that had expanded into an economic and social monopoly. The manifesto's central passage highlights this: "The problem is basically that of the monopoly of one race, the Tutsi... which condemns the desperate Hutu to be forever subaltern workers."[2] That the Bahutu Manifesto used ethnic and even racist terminology was inevitable. It reflected the ideological language that the Belgians, the church, and the Tutsi leadership had all imposed on the Hutu.

3.6. There was to be no Rwandan revolution. It is technically true that within a mere three years a Tutsi-dominated monarchy under colonial rule gave way to a Hutu-led independent republic. But in practice, the changes mostly affected the top rungs of Rwandan society. A small band of Hutu, mainly from the south-centre and, therefore, not representative even of the entire new Hutu elite, replaced the tiny Tutsi elite. They were backed with enthusiasm by the Catholic church and their former Belgian colonial masters. Accepting the racist premises of their former oppressors, the Hutu now treated all Tutsi as untrustworthy foreign invaders who had no rights and deserved no consideration. The well-being of the peasant farmers, who comprised the vast majority of the population, was not a prominent consideration of the new leadership. In the remarkably tough and prescient words of a 1961 UN Trusteeship Council report, "The developments of these last 18 months have brought about the racial dictatorship of one party... An oppressive system has been replaced by another one... It is quite possible that some day we will witness violent reactions on the part of the Tutsi."[3]

3.7. Other than the change in the names and faces of the tiny ruling class, independence really produced only one major change for Rwanda: the introduction of violence between the two, increasingly divided, ethnic groups.

3.8. Perhaps what is most distressing about these unhealthy developments is that there was nothing inevitable about them. The demands of the Bahutu Manifesto were really quite modest, mostly just a share of the spoils for the signatories themselves. Moreover, some Tutsi were quite prepared to recognize the justice of this demand and were ready to go forward to independence on the basis of some kind of power-sharing agreement. Moderation was the byword of two of the new political parties thrown up in the pre-independence excitement. Although one was primarily Hutu and the other primarily Tutsi, the leaders of both parties downplayed ethnicity and appealed to the common people of all backgrounds.[4]

3.9. The poisoned colonial legacy made it impossible for the voices of moderation to prevail over those of extremism and intransigence. The kind of nationalist movement common in so many other colonies, uniting different communal elements under one broad umbrella, failed to flourish in Rwanda. In 1958, a group of conservatives at the royal court arrogantly dismissed both the Bahutu Manifesto and any other basis for Tutsi-Hutu co-operation since, after all, the Tutsi had long before subjugated the Hutu by force.[5] Extremism bred extremism, and there were more than enough demagogues on either side who understood the short-run benefits of polarization. The less power to be shared, the greater the rewards for the victors, especially in a country where the state was far and away the greatest generator of such rewards.

3.10. The first violence occurred in late 1959. Already the political climate was tense, with the death of the King in mid-year in suspicious circumstances.[6] Under the leadership of Grégoire Kayibanda, a graduate of the Catholic seminary and co-signatory of the manifesto, a predominant Hutu party had emerged – Mouvement Démocratique rwandais/Parti du mouvement de l'émancipation Hutu, or Parmehutu. When Tutsi youth beat up a Parmehutu activist, Hutu rushed to exploit the moment. They retaliated, and civil war broke out.[7] The Belgians and church leaders were both blatantly partial to their new Hutu friends. The White Fathers gave strategic advice to some of the Hutu leaders and, in general, blessed their cause. At the same time, the senior Belgian military officer on the spot directed events on behalf of the Hutu, while his troops, when they were not passively standing by, were actually encouraging Hutu attacks against Tutsi.[8]

3.11. Houses were burned, and people were clubbed or speared to death. In this first outbreak of anti-Tutsi violence, several hundred people were killed – a large number for a small country. But for the most part, the Hutu attacks were aimed selectively not at all Tutsi, but at the rich and powerful ones who had both operated and benefited from the oppressive indigenous administration. For that reason, this series of events is most accurately regarded as a class uprising rather than as a first step toward genocide.

3.12. Huge numbers of Tutsi fled the areas of the most fierce fighting, some 10,000 taking refuge in neighbouring states. A later generation would find this figure small compared to the hundreds of thousands of refugees who were created through the Great Lakes Region in the 1990s, but it was a remarkable number by any standard – particularly since a mere handful of unwanted refugees can cause a panic in a host country.

3.13. And some of the exiled Tutsi did make up enormous refugee waves. They became an early example of a new reality that later would convulse the entire Great Lakes Region and many of its neighbouring countries. Conflicts that generate refugees can easily lead to conflicts generated by refugees.[9] Not all refugees remain passive victims; some turn into warriors. It was these guerrilla fighters who were famously called "inyenzi," or cockroaches, by the Hutu, a label that would be resurrected with a vengeance 30 years later. Between 1961 and 1967, Tutsi commandos operating from outside the country launched a dozen raids on Rwanda.[10] The impact was devastating for other Tutsi. After each incursion, reprisals were carried out by government troops against the Tutsi in the country. The most serious of these incidents occurred in December 1963, when an unsuccessful and ill-planned raid from Burundi led to a Hutu backlash that claimed more than 10,000 Tutsi lives in a four-day period.[11]

3.14. Before these incursions ceased, 20,000 Tutsi had been killed, and another 300,000 had fled to the Congo, Burundi, Uganda, and what was then called Tanganyika.[12] The nature of the reprisal attacks changed. Hutu government officials (senior officials were all Hutu) began accusing all Tutsi of being accomplices of the raiders. All Tutsi, in any event, were considered foreign invaders and, accordingly, all became fair game for the slaughters of these years; significantly, this included women and children. In that sense, as an aggressive and exclusivist Hutu solidarity was consciously being forged in opposition to these despised outsiders, we can see another building block in the long road to genocide. Indeed, the massacres briefly caught the attention of the outside world and were condemned as genocidal by such prominent western dissidents as philosophers Bertrand Russell in England and Jean-Paul Sartre in France.[13]

3.15. These protests changed little in Rwanda. Kayibanda and his fellow Parmehutu leaders remained in power until 1973. The deliberate widening of ethnic cleavages was the most obvious disappointment. With the full backing of the Catholic church, a conveniently twisted interpretation of democracy was propounded, based on the notion of “rubanda nyamwinshi,” meaning the majority people. Even though Kayibanda ruled as a dictator in a country that had never known democracy, since the Hutu formed a clear majority of the Rwandan population, by definition Hutu rule was deemed democratic rule.

3.16. The Tutsi were effectively banned from the upper reaches of the government and the military. Because the private sector was minute and international links negligible, the Tutsi's sole opportunity for advancement was the all-important public sector, where jobs were made available to ethnic groups in proportion to their numbers. The ethnic identity cards introduced 30 years earlier by the Belgians were retained, and these governed virtually all public and commercial relationships. Only the beneficiaries of this malevolent institution changed. Perhaps because of the massacres and exiles, or because some Tutsi managed to be re-classified as Hutu, or because Hutu were now in charge of gathering statistics, the percentage of recognized Tutsi in the population declined sharply. As high as 17.5 per cent in 1952, by the 1978 census, the Tutsi population had become a mere 10 per cent. The identification system formed the basis for a strict quota system, which, in turn, determined such key matters as school enrollments and civil service hiring.[14]

3.17. Although Rwanda was now a republic, President Kayibanda functioned very much like the Mwami of yore but, of course, as a Hutu on behalf of the Hutu. The government was authoritarian, elitist, and secretive; these values could hardly have been more out of sync with an Africa where socialism, revolution, and development were passionately debated. Only the reality of being a one-party state was shared with many other emerging independent nations. The sole values that counted were the intrinsic worth of being Hutu, "democracy" based on a demographic majority, following a moral Christian life, and the virtues of hard work over politics, especially any politics reminiscent of communism. Indeed, the majority of the population remained overwhelmingly poor, rural, hard-working, Catholic, and insular.

3.18. Despite heartfelt rhetoric about Hutu solidarity (as we have noted earlier about the Tutsi), the notion of a single Hutu people was a complete fiction. Not only was there a vast gulf between ruler and ruled, but within the elite as well there were different factions that were divided by regional background, among other ways.[15] The Hutu of the north and north-west always saw themselves, above all, as different from and better than the rest of their kin. They had developed something of an historical mythology of separateness, based on their late incorporation into the Rwandan state system.[16] By 1972, 10 years after the formal declaration of Rwandan independence, northern Hutu leaders had grown frustrated by the monopoly of power and government exercized by Kayibanda and his narrowly based Parmehutu. Desperate to hold on to office, the President saw only one viable stratagem. It was time to emphasize ethnic divisions once more – this time, to insist on Hutu solidarity at the expense of the Tutsi.

3.19. So-called Committees of Public Salvation were organized to make sure that ethnic quotas were being honoured in schools, at the country's one university (at Butare, opened a decade earlier), within the civil service, and even in private businesses. At the same time, a wave of anti-Tutsi pogroms erupted, some of them in the countryside involving the local peasantry. While the number killed was relatively small, and we stress the word "relatively," the general atmosphere of intimidation and terror led to yet another exodus of thousands of Tutsi from the homeland.

3.20. The terror failed, however, to save Kayibanda's presidency. In July 1973, General Juvenal Habyarimana, the senior military officer, seized power with a promise to restore order and national unity. The atmosphere of the country was so oppressive at that point that the coup was met with widespread popular relief, even by most Tutsi.

THE ROLE OF BURUNDI

3.21. Another event triggered the anti-Tutsi terror of 1972-73: the massive slaughter of Hutu by the Tutsi minority government in neighbouring Burundi, one of the worst atrocities in Africa in the post-colonial era. Just as the Rwanda of recent years cannot be analyzed sensibly apart from the Congo and the rest of the Great Lakes Region nations, so it cannot over the past four decades be understood in isolation from Burundi, its partner on a deadly seesaw. It is clear that 40 years of complex reactions and counter-reactions have contributed to the triumph, in both countries, of ethnic identities at the expense of larger national loyalties.

3.22. Under German colonialism, Rwanda and Burundi had been merged into a single colony called Ruanda-Urundi for administrative purposes. Later they became, first, League of Nations Mandate Territories and then United Nations Trust Territories under Belgian administration, and were separated once again. Both countries gained independence from Belgium in 1962. In each, the ethnic mix is about 85 per cent Hutu and 15 per cent Tutsi. Neither country experienced open conflict between the two groups before their movements for independence.

3.23. The interconnectedness of the two nations has been clear since independence, when events in Rwanda offered what one authority calls "a powerful demonstration effect on both Hutu and Tutsi in Burundi, causing enormous mutual distrust between them."[17] The ugly process that resulted in the proclamation of a Hutu republic in Rwanda offered inspiration to Burundi's Hutu politicians and nightmares to their Tutsi counterparts. Of all the factors that have sharpened the edges of Burundi's Hutu-Tutsi conflict, none has been more decisive than the 1960-1961 flight into Burundi of some 50,000 Tutsi refugees from Rwanda who had been rendered homeless by Hutu-instigated violence.[18] Burundian Tutsi determination to avoid a Rwanda-like scenario became an obsession.

3.24. In both countries, independence brought bitter and violent power struggles among factions of the ruling ethnic group and between all Hutu and Tutsi. The key difference is that, unlike Rwanda, Burundi has been ruled since independence by a sub-group of Tutsi. Another difference is that, given their minority status, the Burundian Tutsi rulers have felt compelled to deny the ethnic cleavage that Rwanda's rulers celebrated. Official Burundian ideology, like that of Rwanda under its post-genocide government, denies the centrality of ethnicity and insists, despite evidence to the contrary, that any internal divisions in Burundi have been invented by subversives.[19]

3.25. Since 1962, Burundi's Tutsi minority has dominated successive governments, the army and other security forces, the judiciary, the educational system, the news media, and the business world. In Rwanda, such domination was seen to legitimize the country's own rigid quota system. In Burundi, it has led to a state of almost permanent conflict. The decades-long struggle for power between the elites of the two groups has led to the deaths of hundreds of thousands of Burundians, most of them civilians. Repeated Hutu challenges to Tutsi domination have been followed each time by vicious reprisals by the Tutsi army and police against Hutu civilians that were invariably disproportionate to the original provocation. In the years between independence and the genocide in Rwanda, no fewer than seven giant waves of killings occurred in Burundi: in 1965, 1969, 1972, 1988, 1991, 1992, and 1993.

3.26. Victimization of the Tutsi in one country was first aggravated by, and then used to justify, persecution of the Hutu in the other country and vice versa. Each act of repression in the one state became the pretext for a renewed round of killing in the other. Such retaliation was fuelled by the constant refugee movements across the shared border, the inflammatory tales told by all who fled, and the eagerness felt by many of them to join in any attempts to wreak revenge from their new refuge. Perhaps refugees were also emboldened by yet another perverse, common characteristic of the two nations: In both countries, massacres by governments went largely unpunished, and a pervasive culture of impunity began to complement the growing culture of violence that was emerging.

3.27. It remains something of a mystery that the two countries have never been willing to go to war with each other. Instead, a vicious cycle of what one authority describes as "pre-emptive, internalized retaliation"[20] was established between the two. Rather than come to the defence of Rwandan Tutsi when they were attacked by their own Hutu government, the Burundian government would actually retaliate against its own innocent Hutu majority, and vice versa. This almost symmetrical massacre syndrome lasted until July 1994 when, for the first time, both countries were headed by de facto Tutsi governments.

3.28. In 1972 and 1973, any talk of peace or stability seemed wildly unrealistic as violence began in Burundi, initiated by the Hutu. In April 1972, "like a bolt out of the blue" as one authority describes it,[21] a violent insurrection in two Burundian towns led to the deaths of between 2,000 and 3,000 Tutsi, as well as a number of Hutu who refused to join the rebels. Between May and August, the Tutsi military government of Michel Micombero retaliated many times over. "What followed was not so much a repression as a hideous slaughter of Hutu civilians....By August, almost every educated Hutu was either dead or in exile."[22]

3.29. Such deliberate targeting went far beyond restoring peace and order. The ultimate objective was to systematically eliminate all Hutu who might at any time in the future threaten Tutsi rule:anyone with an education, civil servants, university students, and school children. The original Hutu outbreak persuaded many Burundian Tutsi that their very survival was in mortal danger; accounts of the horrors experienced during Rwanda's move to independence were easily resurrected. Hutu elites, present and potential, had proven themselves a threat that could no longer be tolerated. A definitive solution was clearly called for, and it worked to perfection. Conservative estimates put the total number of victims somewhere between 100,000 and 150,000.The next generation of Hutu insists the number was closer to 300,000, and few among their elite are willing to forget or forgive.[23] But the slaughter had precisely the intended effect. For the next 16 years, with Hutu leadership decimated, Burundi was calm; and peace and order eventually prevailed in Rwanda, too. It may be that the demonstration effect for once worked to positive ends.

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1. Prunier, The Rwanda Crisis, 50.

2. Ibid., 45.

3. Ibid., 53.

4. Ibid., 48.

5. Ibid., 47.

6. Filip Reyntjens interview.

7. Prunier, 48.

8. Millwood, Study 1, 29.

9. Howard Adelman, "Why Refugee Warriors are Threats", Journal of Conflict Studies, 18, no.1 (Spring 1998).

10. Reyntjens interview.

11. Prunier, 56.

12. Ibid., 62; Assemblée nationale de France, Mission d'information commune, (Paul Quilès, Président) : Enquête sur la tragédie rwandaise (1990-1994), Tome 1 Rapport, (France: Assemblée nationale, 15 décembre 1998), rapport no. 1271, 64.

13. Prunier, 65.

14. Prunier, 59. See footnote 19.

15. Joan Kakwenzire et al., "The Development and Consolidation of Extremist Forces in Rwanda 1990-1994," in Howard Adelman and Astri Suhrke, The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire (New Brunswick, USA: Transaction Publishers, 1999), 19.

16. Millwood, Study 1, 10.

17. René Lemarchand, The Burundi Genocide, in Samuel Totten et al. (eds.), Century of Genocide: Eyewitness Accounts and Critical Views (New York, 1997), 321.

18. Prunier, 55.

19. Millwood, Study 1, 62.

20. Helen M. Hintjens, "Explaining the 1994 Genocide in Rwanda," Journal of Modern African Studies, 32, no. 2 (1999): 279.

21. Lemarchand, 332.

22. Ibid., 323.

23. Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 59.

Rwanda: The Preventable Genocide

CHAPTER 4

HABYARIMANA'S REGIME: 1973-LATE 1980s

4.1. Juvenal Habyarimana ruled Rwanda for 21 years until his death in a plane crash, on April 6, 1994, that was the trigger for the genocide. For at least two-thirds of his presidency, the country was stable and peaceful and enjoyed an outstanding reputation in the world. The question that inescapably follows is simple: How did such a regime change and become the organizer and executor of genocide?

4.2. Certainly for the Tutsi in the country, the relief felt by Kayibanda's fall and Habyarimana's accession was not entirely unjustified. Tutsi were not about to become equals under any Hutu government of the time but, during the first 17 years of Habyarimana's regime, life became tolerable. He offered the Tutsi a modus vivendi. If they were strict about staying away from any of the levers of power and eschewed politics, government, and the military, they could otherwise live a mostly normal existence. This deal was well understood as non-negotiable.

4.3. The first positive consequence of the implicit deal between Habyarimana and the Tutsi was an end to violence. Physical harassment largely ceased and, for 17 years, there were no massacres of Tutsi. By itself, of course, such peace was a dramatic development, and it demonstrated that the Hutu and the Tutsi could live together in relative harmony when their leaders stopped their cynical manipulations.

4.4. During this period, much about Rwanda remained as it had been for some time. Identification cards, ethnic quotas, and spheres of exclusive ethnic concentration remained hallmarks of the society. Power at every level was still monopolized, now by the Hutu. There was neither a single Tutsi head of a prefecture nor a single Tutsi burgomaster until, curiously, the very end of the period. There was only a handful of Tutsi officers in the entire army, and officers were discouraged from marrying Tutsi women.[1] One Tutsi held a seat in a Cabinet of 25 to 30 ministers,[2] and two Tutsi sat in a Parliament of 70 members.

4.5. On the other hand, the private sector was now thrown open, and many Tutsi flourished as businesspeople, some becoming very successful and largely dominating international trade. In a small capital such as Kigali, there are few secrets, and it was well known that some Tutsi entrepreneurs had developed cordial relations and a certain influence with government officials. While ethnic quotas remained the rule, they were now loosely enforced, and Tutsi were known to have considerably more than their allotted nine per cent of the places in schools, universities, the professions, and even the civil service.[3] Life was hardly ideal for Rwanda's Tutsi, but it was incomparably better than it had been for some years.

4.6. The kind of ambiguity demonstrated in the treatment of the Tutsi was characteristic of Habyarimana's reign. Here was a harsh military dictatorship based on open ethnic exclusion and hailed by many outsiders as "the Switzerland of Africa": peaceful, stable, hardworking, and reliable. In the same way that the Tutsi were relatively better off than they had been during the previous decade, so Rwanda was relatively attractive compared with the competition. As one German missionary later recalled, "[In the early 1980s] we used to compare the nearly idyllic situation in Rwanda with the post-Idi Amin chaos in Uganda, the Tutsi apartheid in Burundi, the 'real African socialism' of Tanzania, and Mobutu's kleptocracy in Zaire, and we felt the regime had many positive points."[4]

4.7. After all, the coup that toppled the Kayibanda government was bloodless, with the exception of about 50 of its leaders,including the President himself. They later either were executed or died miserably in prison. There was a party system, but it had only one party, created by Habyarimana personally after he outlawed all others. His new Mouvement Révolutionnaire National pour le Développement (MRND) was explicitly recognised in the Rwandan constitution, which was changed to enshrine one-party rule as a core value of the country.[5] The structures of a totalitarian regime were put into place systematically. All officials were chosen from party cadres. The party was everywhere, from the very top of the government hierarchy to its very base.

4.8. Twice in this period, Habyarimana submitted himself to the public's scrutiny in presidential elections. Fortunately for him, under the constitution, there could be only one candidate, and in both 1983 and 1988 the President was triumphantly re-elected with 99.98 per cent of the vote.[6]

4.9. Control was the obsession of the regime. The domination of the state was firmed up in even the remotest corners of the land and in virtually every aspect of life. The country was divided into 10 prefectures run by centrally-appointed prefects, then into some 145 communes, each headed by a burgomaster, and finally into cells or "collines." [7] Communes had, for the most part, an average of between 40,000 and 50,000 residents. The burgomasters influenced their lives in every aspect, from mediating conflicts over property, to hiring and firing commune staff (including the communal policemen who were at the burgomasters' command), to finding places in secondary school. The burgomaster was the ultimate authority at the local level, and every one was appointed and could be removed by the President personally.

4.10. The communes were sub-divided into 5,000-person sectors and then into 1,000-person cells; and though there were elected councillors at each level, in reality they were primarily there to execute the decisions of the burgomasters.

4.11. Rwanda became a byword for efficiency, one of the reasons, of course, that foreigners admired it so uncritically. This characteristic has endured from pre-colonial times, through the genocide itself, and remains true today. Yet efficiency is merely a tool and, under Habyarimana, Rwanda came close to being a textbook case of efficiently dictatorial government. Identification cards included place of residence and, while travel was tolerated, changing addresses was frowned upon and, in any event, needed official authorization. Each commune submitted frequent reports of births, deaths, and movements in and out, while each burgomaster sent information to agents of the government's pervasive secret service about any strangers seen in his district. “Collines” made up the country's main geographic and social points of reference and, at every moment, each was visibly rife with centrally-appointed administrators, chiefs, security agents, policemen, and local party cadres of all kinds.

4.12. Rwanda's one-party status was similar to that prevailing in many African countries during these years. Many African governments at the time insisted that real democracy was only possible within a single governing party that could contain and reconcile all opposition views. Tanzania under Julius Nyerere was the best-known model of this political structure. Trade unions were expected to be a component of the ruling coalition. Local human rights organizations were largely unknown. Rwanda fit the one-party mould with the added local twist that it practised demographic democracy: since the Hutu constituted 85 per cent of the population, a Hutu government was inherently democratic.[8]

4.13. As in most one-party states, the fate awaiting those Rwandans who did not accept the rules was clear to all. Dissenters were few and far between, and the few nonconformists were subjected to arbitrary arrests, torture, and long stretches in wretched prisons without benefit of trial. The justice system was independent in name only. There was a small, almost exclusively Hutu intellectual elite, including academics at the country's only university, on whom the government could count for active support or, at the least, acquiescent silence. Job loss was the price of speaking out. Press freedom was tightly controlled.

4.14. The hierarchy of the Catholic church remained a firm, reliable bulwark of Habyarimana's republic, literally until the end. More than 60 per cent of Rwandans were Catholic. To all intents and purposes, separation between church and state barely existed. Though Tutsi had always made up the majority of the Catholic clergy and still did, seven of the nine bishops in place at the start of the genocide were Hutu; and church leaders were active in both state and party structures at all levels, including the very top. As virtually every study of the period pointedly notes, the archbishop of Kigali, Mgr. Vincent Nsengiyumva, a Hutu from the north, was a close and trusted colleague of the President.[9] The personal confessor of the President's wife, Agathe, and known for wearing Habyarimana's portrait pin on his cassock, Nsengiyumva served as an active member of the central committee of the ruling MRND party until Rome forced his reluctant resignation from the committee in 1989.

4.15. As we have seen, church and state had historically maintained mutually beneficial working relationships, a phenomenon that was strengthened throughout Habyarimana's long regime. The churches provided additional symbolic legitimacy to the state, which, in turn, facilitated church activities. Both emphasised the principle of obedience and increased dependency on the structures of authority. Together they co-operated in "extending control over the population, regulating their behaviour and integrating them into the economy and the political realm." [10] They shared key social values as well, including those that had direct impact on state policy. Although Rwanda was described by all as a country with too little land and too many people, birth control, for example, was anathema both as public policy and private practice. In time, Habyarimana was able to use the common acceptance of the country's steady population growth as an excuse for refusing to allow the return of refugees who had fled during massacres of the Tutsi that were organised by the previous government. Only toward the end did he appear to relent on the issue but, by then, it was too late.

4.16. Almost 20 per cent of the population were affiliated with various Protestant denominations, none of which had an institutional position in the regime. The Anglican hierarchy and the Baptists were supportive generally, however, and the president of the country's Presbyterian church was a member of an MRND committee in his prefecture.[11]

4.17. Few of the structural characteristics of the Habyarimana regime distinguished it from its predecessor, although there were some significant differences. Ethnic policies aside, the Habyarimana government was very much in the mainstream of contemporary Africa. Unlike the conservative and insular Kayibanda, Habyarimana was a modernizing leader who opened the country to the outside world. He travelled outside the country frequently, establishing close relationships with other members of the Francophonie, especially among its African members and France itself, as well as with his fellow leaders in the Great Lakes Region.[12] Zaire's Mobutu became something of a mentor, private sector investment was welcome, and foreign aid was encouraged. Although the population remained overwhelmingly rural, the capital city of Kigali, a tiny town of 15,000 at independence, grew into a small urban centre of 250,000 by the early 1990s.

4.18. Impressive economic strides were made. Compared with the other four Great Lakes Region nations – Zaire, Burundi, Uganda and Tanzania – Rwanda saw a significant increase in GNP per capita during the first 15 years of the Habyarimana government. Comparisons with its four immediate neighbours cast an even better light on Rwanda, which had the lowest GNP per capita among the five when the regime began and climbed to the highest, by a substantial amount, before it ended.[13] At independence, only two countries in the world had a lower per capita income than Rwanda. A quarter-century later, it was 19th from the bottom,[14] a ranking that meant the country, while still staggeringly poor, was making progress at the same time as its neighbours languished.

4.19. The economy diversified. In the period from 1962 to 1987, agriculture declined to 48 per cent of total GNP, from 80 per cent.[15] Beginning with a base of subsistence farming, Belgium had constructed a colonial economy on a foundation of export crops that were wholly dependent on price fluctuations in the international commodity markets. Coffee, tea, and tin prices substantially determined the health of the economy, accounting for fully 80 per cent of foreign exchange earnings.[16] Through the first decade or so of the Habyarimana government, prices for all three were relatively high. For a very poor country, Rwanda could almost have been said to be booming. As a result, the mortality rate went down, health indicators improved, and more children went to school. The government co-operated in such productive development projects as reforestation and land reclamation, draining marshes and lowlands, and greatly increasing production of crops.

4.20. Led by the World Bank, the outside world saw Rwanda as an African success story.[17] Its good road system and reliable supplies of electricity, water, and telephones made it a favourite of the ever-booming international aid community. Rwanda was not only the land of a thousand hills, went the local joke, it was also the land of a thousand aid workers.[18] Foreign aid, which represented less than five per cent of GNP in the year of Habyarimana's coup, exploded to 22 per cent by 1991.[19] Like so many poor countries with enormous needs, Rwanda had revenues that were preposterously small. Soon enough, foreign aid constituted more than three-quarters of the state's capital budget and a significant share of the operating budget as well.[20]

4.21. Clearly the data were reflective of the remarkable international confidence in the President's apparently benevolent despotism. Juvenal Habyarimana may have been a military dictator but, as one German missionary said approvingly, he ran a "development dictatorship."[21] Why was this not regarded as a contradiction in terms? The concept, after all, implied a fundamental divorce between development and politics, especially democratic politics. According to this proposition, development workers and representatives of aid agencies, stayed out of politics. It was possible, the theory held, for a country to develop satisfactorily regardless of the level of democracy, justice, or equality that its citizens enjoyed.

4.22. If one dismissed as "political" such practices as ethnic quotas, ethnically-based identification cards, the absence of multi-party democracy, disregard for human rights, a subservient judiciary, and the brutal suppression of dissent and free speech, Rwanda seemed to be working just fine. In fact, some international institutions seemed oblivious to most of the elementary realities of Rwandan society. In several reports of the 1980s and early 1990s, the World Bank actually referred to "the cultural and social cohesion of its people."[22] It is true that ethnicity rather than colour was the all-important variable in Rwanda (although extremists among both the Hutu and the Tutsi regarded one another as virtually separate races). However, whatever its form, the function of social categorization was the same: to exclude, to divide, to breed hatred, and to de-humanize. To our knowledge and to their shame, not a single aid agency ever challenged the government to change these practices. In its silence, the morally influential world of international aid joined the Catholic church to legitimize the Habyarimana regime and made it easy, in turn, for the government to believe it could count on their blessings irrespective of its policies.-

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1. Peter Uvin, Aiding Violence: The Development Enterprise in Rwanda (West Hartford, Conn.: Kumarian Press, Inc., 1998), 35; Filip Reytjens interview.

2. Ibid.

3. Prunier, 75.

4. Herbert Keiner, "Allmählich schwand die Bewunderung für 'Habis' Regime," Frankfurter Rundschau, 5 November 1992, cited in Ibid., 81.

5. One party rule was enshrined in Article 7 of the 1978 Constitution, Ibid., 76.

6. Ibid., 78.

7. Millwood, Study 1, 15.

8. Jean-Pierre Chrétien, "The Political, Economic and Social Factors that Contributed to the 1994 Genocide in Rwanda," IPEP-commissioned paper, 1999, 8.

9. Prunier, 83 (note 75); Des Forges, 44.

10. Timothy Longman, "Empowering the Weak and Protecting the Powerful: The Contradictory Nature of Churches in Central Africa," African Studies Review (1998), 41, no 1, 55.

11. Millwood, Study 1, 17; Des Forges, 44.

12. Patrick de Saint-Exupery, "Rwanda: les pages blanches d'une enquête," La Nouvelle Relève, no. 376 (31 janvier 1999.

13. Millwood, Study 1, 34.

14. Prunier, 78.

15. Ibid.

16. Des Forges, 46; Assemblée nationale, Mission d'information commune, Tome 3, vol 1 Auditions, 164.

17. Uvin.

18. Alain Hanssen, Le désenchantement de la coopération (Paris: L'Harmattan, 1989), cited in Prunier, 79.

19. Ibid.

20. Uvin, 22.

21. "ein Entwicklungsdiktatur," a "development dictatorship," Herbert Keiner, cited in Prunier, 77.

22. For example, see World Bank, "Rwandese Republic, A Third Power Education Project Staff Appraisal Report, " (Washington, D.C.,: Education and Manpower Development Division, Eastern and Southern Africa Regional Office, 1986), 2; World Bank, "Rwanda Agricultural Strategy Review," (Washington D.C.,: Agriculture Operations Division, South Central and Indian Ocean Department, Africa Region, 1991), 3, in Uvin, 44.

CHAPTER 5

ECONOMIC DESTABILIZATION AFTER 1985

5.1. After 1985, things started going wrong again for Rwanda, its government, and its people. The economic, political, and social fabric of the nation began to unravel. All the building blocks that had been set in place began to crack. Some had been set in the colonial past; some were imports; and some were internal constructs for which neither history nor the outside world could be deemed responsible. Over the decades, these blocks had joined to form an organic whole, the foundation of modern Rwanda. By the second half of the 1980s, that foundation began to disintegrate. Instead of trying to rebuild in a more inclusive and constructive way, the Hutu elite chose a course that would soon cause the entire edifice to collapse. We want to describe briefly the key markers on the road to disaster.

Economic problems

5.2. There are countless poor countries in the world with economies in shambles, yet there have been only a handful of genocides. Neither poverty nor economic collapse alone caused the Rwandan genocide. We surely can say, however, that poverty increases social stress and that economic crises increase instability, and that these conditions make people more susceptible to the demagogic messages of hate-mongers. In Rwanda, a poor people became poorer in the late 1980s, with enormous consequences that inadvertently played into the hands of ethnic manipulators.

5.3. Dependence on commodity markets controlled by powerful interests in rich countries took its toll in these years, when coffee, tea, and tin prices all plummeted. As Rwandans watched helplessly, resources were transformed into major liabilities. Large US coffee traders were pressuring their government to abandon the system of quotas established under an international coffee agreement, regardless of the consequences for poorer coffee-growing countries. Following a fateful meeting of producers in mid-1989, coffee prices dropped by 50 per cent.[1] The losses were felt at every level of Rwandan society, causing widespread discontent. Growing inequality between most rural and some urban dwellers exacerbated the frustration of peasant farmers.

5.4. A drought in the south in 1989 brought further distress. State policies served only to worsen the situation. Here was an overwhelmingly agricultural population where so many small farmers were producing cash crops for export that they could no longer feed themselves. Many families could not afford food, and several hundred people died of hunger while many more came under extreme duress. It was clear to all that the drought was not solely responsible for the famine, but that political and economic policies were equally to blame. Confidence in the government declined dramatically. After decades of strict control and careful manipulation by one of Africa's most highly-centralized and well-organized states, the Rwandan people had earned a reputation for docility and deference to authority. Now, however, this considerably exaggerated submissiveness gave way to anger and protest.

5.5. Government earnings from coffee exports declined from $144 million in 1985 to $30 million in 1993.[2] A giant expansion in military capacity, triggered by the civil war that began in 1990, further skewed public finances. Already dependent to an unhealthy extent on international assistance, the Habyarimana government reluctantly concluded that it had little choice but to accept a Structural Adjustment Programme from the International Monetary Fund (IMF) and World Bank in return for a loan conditional on the rigid and harsh policies that characterized western economic orthodoxy of the time. The premise was that Rwanda needed economic shock therapy. The World Bank believed that most of the country's economic woes were externally induced and not the result of domestic mismanagement. Yet the conditions it was imposing were identical to those it demanded of countries that had been blatantly corrupt and incompetent.

5.6. Although in the end, not all the components of the program went ahead, those that were introduced managed to add to the existing misery. Devaluation was particularly resisted by the government, but it was a strict condition of the loan, presented by the international agencies' experts as a step along the road to increased consumption levels, greater investment, and an improved balance of trade. Not surprisingly, devaluation achieved exactly the opposite. Prices rose immediately for virtually all Rwandans who, by now, were at least indirectly linked to the commercial economy. Government social programmes were slashed dramatically, while the costs of school fees, health care, and even water increased. Civil servants' wages were frozen.

5.7. In one way or another, almost every family suffered a substantial reduction in income. By the early 1990s, according to one analysis, 50 per cent of Rwandans were extremely poor (incapable of feeding themselves decently), 40 per cent were poor, nine per cent were "non-poor" and one per cent – the political and business elite, foreign technical assistants, and others – were positively rich.[3] US Agency for International Development (USAID) 1993 data place 90 per cent of Rwanda's rural population and 86 per cent of the total population below the poverty line, which put Rwanda ahead of Bangladesh and Sudan, earning it the dubious distinction of having the highest poverty figure for the entire world. The World Bank, we should acknowledge, disagrees that it was responsible for exacerbating Rwanda's economic woes, though not with its usual confidence. In 1994, it stated that "it is difficult to analyze the effects of the adjustment programme on the incomes of the poor because overall economic conditions worsened and everybody was worse off."[4]

5.8. The agreement between the international financial institutions and the government of Rwanda was reached in mid-September 1990; the programme began shortly after. In the interim, the country was invaded and a civil war ensued; yet at no time was consideration given to the likely political or social repercussions of economic shock therapy to a country engaged in armed conflict. Rather, following the usual guidelines, the World Bank team reviewing Rwanda's economic situation excluded all "non-economic variables" from their calculations and simulations.[5] The result was that, at a time of profound instability within Rwanda, the international community ended up de-stabilizing the country further.

5.9. Even apart from the economic collapse, real problems had been evident behind the positive economic figures that had so gratified the self-satisfied aid agencies. Somehow, in the land that foreigners mythologized as "the Switzerland of Africa," awkward data consistently received limited attention, although it was readily available. As a result, it has been too little noted that, even before the 1990 civil war and the 1994 genocide, Rwanda was one of the world's least-developed countries. According to the United Nations Development Programme, Rwanda in 1990 ranked below average of all of sub-Saharan Africa in life expectancy, child survival, adult literacy, average years of schooling, average caloric intake, and per capita GNP.[6]

5.10. By the end of the 1980s, rural land was being accumulated by a few at the expense of the many, and the largely Catholic population was increasing. The number of peasants who were land-poor (less than half a hectare) and those who were relatively land-rich (more than one hectare) both rose. By 1990, over one-quarter of the entire rural population was entirely landless; in some districts the figure reached 50 per cent. Not only was poverty on the rise, but so was inequality.[7]

5.11. Besides adding to societal tensions, this phenomenon had another major social impact as well. Without land and a dwelling, Rwandan youth could not marry. The land-poverty crisis created an entire cohort of males into their thirties with no family responsibilities and, often, no work and little hope. Since most Rwandans were Hutu and most Hutu were rural dwellers, most of the young men in these circumstances were naturally Hutu as well.

5.12. As in every age and every part of the globe, such rootless young men turn into big trouble looking for the right opportunity; they are made-to-order recruits for possible violence. Lacking all conviction, these are the young men who become mercenaries and paid killers for whichever side grabs them first. The new political parties rushed to take advantage of this convenient pool of idle, bored males for their militias or youth wings. The law may have constrained the army from recruiting youth under 16, but there were no fetters whatsoever on the parties' activities.

5.13. There seems to us an obvious lesson in this analysis for the international financial institutions. The issue does not concern economics, but the politics of economics. There is no such thing as an economic programme that is purely neutral and has no political or social impact. Just as the aid agencies believed that human rights were somehow distinct from development, so the World Bank and the IMF considered politics and economics separable spheres. This proposition makes no more sense now than it did then. It is true that some scholars who agree that economic factors helped create an environment in which genocide could occur do not attribute all Rwanda's economic troubles to the adjustment programme. Yet even they consider it "irresponsible in the extreme" for the international financial institutions to have ignored the overall circumstances of Rwanda at the time. "Even if the adjustment programme did not contribute directly to the tragic events of 1994, such a reckless disregard for social and political sensitivities in such a conspicuously sensitive situation would unquestionably have increased the risk of creating or compounding a potentially explosive situation."[8] As one major study concluded, "... the priorities of aid in the early 1990s were largely unrelated to the challenges of increasing polarization, inequality, hatred, and violence Rwanda was facing at the time. Thus, important opportunities to use aid to induce a response away from increasingly violent conflict through the strategic use of incentives and disincentives were missed."[9]

5.14. At the same time, aid increased significantly as the rich world came to the rescue of one of its favourite aid destinations, and certain traditional truths about the aid enterprise remained the rule. Probably more than two-thirds of all project costs everywhere go to fund the salaries of foreign experts, the construction of project infrastructures, and vehicles. Most development aid, in other words, ends up in the hands of the richest one per cent of people in society, those for whom it is least intended.[10]

5.15. Few Rwandans felt the benefit of foreign assistance. As one student of development aid in rural Rwanda put it, as far as farmers are concerned, most projects "benefit only those who promote them and those who work for them."[11] In its annual report for 1992, USAID stated: "In the past two years ...people have attacked local authorities for launching [foreign-funded] development projects that brought little or no benefit to the community, for being personally corrupt, and for being inaccessible to and scornful of citizens in general." Clearly, the degree of malaise had become serious indeed: "People are refusing to do compulsory community labour and to pay taxes. They are refusing to listen to the burgomaster and even lock him out of his office or block the road so he cannot get there."[12]

Intra-elite conflict

5.16. The military dictatorship frustrated the ambitions of many within the Rwandan elite. Pressure for democratization from both within and outside the country forced Habyarimana to accept multiparty politics. New formations created new sources of intra-elite tensions, while the small clique of north-western Hutu who dominated the organs of state grew increasingly anxious about losing their control and dominance in the state and its institutions.

5.17 As the Habyarimana years rolled on, complacency, arrogance, widespread corruption, and distance from the people inexorably increased. The small faction of insiders was called the Akazu ("little house"), or sometimes "le Clan de Madame," since its core was the President's wife, family, and close associates. The favouritism they showed towards their old regional loyalties, always a characteristic of the Habyarimana years, became increasingly flagrant. Whether in terms of educational places, government work, or aid projects, the northern regions derived benefits from government policies out of all proportion to their population.

5.18 But the Akazu also was the centre of a web of political, mercantile, and military machinations. Beyond favouring the north, Habyarimana's in-laws, his wife's brothers, were involved in various kinds of illicit and corrupt activities, including currency transactions and generous commissions on government contracts.[13] Much development aid actually ended up in their deep pockets. In the words of André Sibomana, a Catholic priest and perhaps the ruling clique's most courageous and effective foe, "We had evidence that he or his wife were diverting funds allocated to buying food for the population to import luxury items instead, for example, televisions, which were sold at vastly inflated prices."[14] Now, as the economic collapse significantly reduced the available spoils of power, the Akazu decided its only serious option was to reduce the number of its competitors.

5.19. For the President's wife and her family, the movement toward power sharing was simply a challenge to their privileges. Once Habyarimana could not resist the pressure to negotiate sharing power, not just with other Hutu, but with the hated Tutsi invaders of the Rwandan Patriotic Front (RPF) as well, the conscious decision was taken to resist this threat using any means available. Many observers were well aware of the greed of the Akazu and did not doubt their fanatical determination to maintain their privileges. But, as members of this Panel can understand perfectly well, few could even contemplate the lengths they would go to do so.

5.20. For the rest of the political class, regional grievances were at the heart of most discontent. Non-northerners wanted a larger share of government positions, but Rwandan leaders were too clever to be caught fighting publicly over their own enrichment. Soon the Akazu was using the tried-and-true ethnic card to divert attention away from differences among the Hutu. Meanwhile, the frustrated Hutu outsiders discovered that democracy was an appealing battle cry and one cheered on by westerners who had rediscovered the virtues of democracy for poorer countries when the Cold War ended.

5.21. The majority of people watched the new competition among elites with growing alienation, since none of it seemed to have any connection with their lives. What rural Rwandans wanted was not more self-seeking politicians, but policies and programmes to alleviate their severe distress. What they got from their leaders was a proliferation of largely irrelevant new political groups and the insistence that the real predicament was the treachery of their Tutsi neighbours. The most significant consequences of the so-called democratization movement were profoundly unintended: the movement ended up inciting malevolent forces within society while alienating even further the majority of the population.

5.22. Once again, Rwandans confounded those who persisted in seeing them as almost mindlessly obedient to authority. Anti-government demonstrations and strikes were held in 1990, and even the Catholic church felt obligated to express publicly its dissatisfaction with government policies. On the other hand, with only a few laudable exceptions, it must be recorded that the leadership of church and state remained tightly bound throughout these eventful years, earning the former the nickname in anti-government circles of "the Church of Silence." [15]

5.23. Growing discontent had to be dealt with by using both carrots and sticks. At first, Habyarimana used the October 1990 invasion by the Tutsi-dominated RPF as an excuse to terrorize Hutu opponents (see next chapter). But as the RPF advanced, it seemed more prudent to try to woo them with concessions, though it was always evident that the government begrudged every opening it was forced to offer. Habyarimana's one-party dictatorship was replaced with a swarm of 15 parties. In at least one, the Liberal Party, Tutsi felt at home. Another, the Coalition pour la Défense de la République (CDR), was a radical anti-Tutsi group, many of whose members were extremists even by Rwandan standards. All seem to agree, however, that, at the very least, the right wing of the MRND had close ties to the new CDR and used it to spread extremist Hutu propaganda. The other new parties consisted largely of Hutu from outside the north-western regions who had been cut out of the inner circles. Few observers fail to note that what distinguished the MRND from most of the new parties was that it had power, while the others wanted it.

5.24. By 1992, the level of anti-Tutsi violence, both rhetorical and physical, was escalating significantly. With massacres, terrorism, and street demonstrations increasing, Habyarimana could not resist the pressure to agree to a coalition Cabinet, with the position of Prime Minister going to the largest opposition party. Tensions between Habyarimana's MRND and its opponents never disappeared, however, especially since the MRND never stopped accusing the opposition of collaborating with the RPF enemy as the two-year old civil war continued to dominate the energies of the country's elites.

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1. Millwood, Study 1, 19.

2. Newbury and Newbury, 26.

3. Uvin, 117.

4. World Bank, "Rwanda: Poverty Reduction and Sustainable Growth," Report 12465 (16 May 1994).

5. Michel Chossudovsky, "IMF-World Bank policies and the Rwandan Holocaust," in The Globalisation of Poverty, Impacts of IMF and World Bank Reforms (London: Third World Network and Penang and Zed Books, 1997).

6. UNDP, Human Development Report, 1990.

7. Des Forges, 45.

8. David Woodward, The IMF, the World Bank and Economic Policy in Rwanda: Economic and Social Implications (Oxford: Oxford University Press, 1996), 25; also Andy Storey, "Economics and Ethnic Conflict: Structural Adjustment in Rwanda," Development Policy Review, 17, no.1 (1999/03); Andy Storey, "Structural Adjustment and Ethnicity: A framework for analysis and a Case-study of Rwanda," 1998.

9. Michel Chossudovsky and Pierre Galand, "L'usage de la Dette Extérieure du Rwanda," (1990-1994), La Responsabilité des Bailleurs de Fonds, Analyse et Recommandations," Projet RWA/95/005 Réhabilitation des Capacités de Gestion de L'Economie (CAGE), Ottawa (1997), 2.

10. Uvin, 123.

11. Cited in Ibid.

12. Cited in Ibid, 126.

13. Filip Reyntjens, "Rwanda: Genocide and Beyond," Journal of Refugee Studies, vol. 9, No. 3, September 1996.

14. André Sibomana, Hope for Rwanda (London: Pluto Press, 1999), 25.

15. Prunier, 132; Hugh McCullum, The Angels Have Left Us: The Rwanda Tragedy and the Churches (Geneva: World Council of Churches, 1995).

CHAPTER 6

THE 1990 INVASION

6.1. Refugees have been at the heart of the crisis in central Africa for the entire past decade, beginning on October 1, 1990, when the children of Tutsi refugees who had been forced to flee to Uganda and were not permitted to return re-emerged as the trained soldiers of the RPF and invaded Rwanda. Even those sympathetic to the invaders' cause acknowledge that the attack triggered a series of pivotal consequences that ultimately led, step by step, to the genocide. In the words of one human rights group, "...it is beyond dispute that the invasion ...was the single most important factor in escalating the political polarization of Rwanda." [1]

6.2. While such consequences were unintended, they were by no means all unpredictable. It is our view that the invasion of October 1, 1990 ranks, along with the Belgian policy of institutionalizing ethnicity and the triumph of the ethnic extremists in the early 1960s, as one of the key defining moments in Rwandan history.

6.3. The fighting force did not materialize out of thin air. It was the end product of a series of decisions taken over many decades and in several countries. The RPF were the children of the hundreds of thousands of Rwandans who had been targeted by the anti-Tutsi pogroms that punctuated the Hutu take-over of the government in the early 1960s. The refugees fled to the four neighbouring countries of Burundi, Zaire, Uganda, and Tanzania. As we have observed earlier, while conflicts generate refugees, it is equally true that refugees can generate conflicts.

6.4. The experience of the Tutsi who escaped to Uganda makes this point dramatically. For the first few years, life was hard but quiet. By the end of the 1960s, Ugandan President Milton Obote, looking for a convenient scapegoat against whom to unite his party, singled out the 200,000 Rwandan Tutsi for persecution. As a result, the Tutsi exiles welcomed Idi Amin when he took power in 1971; he, in turn, rehabilitated them, and some Tutsi joined his army. [2] With the overthrow of Amin, the return of Obote, and the 1980s civil war, Rwandan refugees once again found themselves handy victims. As many as 6,000 may have been killed during this period. Obote publicly identified Ugandan rebel leader Yoweri Museveni and the Rwandans as people with common "Tutsi/Hima" origins as opposed to "Bantu" (Hutu) ones, unhistorical concepts that even now, as we will see, are causing divisiveness among Africans in many parts of the continent. [3]

6.5. Many Tutsi chose not to be helpless victims, joining Museveni's National Resistance Army (NRA) against their common foe. By the time the NRA took over in 1986, a remarkable 3,000 of its 14,000 men were Rwandans, many of them with high rank.[4] Although large numbers of these Tutsi had not been in Rwanda since they were children, and others had actually been born in Uganda and had never stepped foot in Rwanda, they were still seen as foreigners in Uganda and caused Museveni acute embarrassment as he began knitting his strife-torn country together again.

6.6. Life steadily became more difficult for Rwandans in Uganda. Promises of massive naturalizations were not kept. Army promotions were blocked. The most senior military officer of Rwandan nationality, who had actually become Uganda's deputy commander-in-chief and deputy minister of defence, was removed from his posts in 1989. Finally, Rwandans were explicitly forbidden by the Uganda Investment Code from owning land in Uganda. Returning "home" was beginning to seem an attractive choice to increasing numbers of the exiled leadership.

6.7. Habyarimana's policies were equally significant in the exiles' decision to fight their way back to Rwanda. Until the late 1980s, his unyielding position was that the refugees were not his concern: Rwanda was too poor and had too little land to accommodate the enormous exiled community. So far as he was concerned, that was the end of his responsibility. As pressure for democratization increased, however, pressure on Habyarimana to moderate this stance arose from foreign donors, UN agencies, and Uganda. Visits between Habyarimana and Museveni initially led nowhere, notwithstanding the latter's argument that it was in Habyarimana's own interests to address the grievances of the Rwandan Tutsi in exile.

6.8. Finally, the two governments agreed to establish a joint commission on Rwandan refugees in Uganda to determine how many wanted to return and what capacity Rwanda had to absorb them; a Rwandan national commission was struck as well. But observers still doubted Habyarimana's good will as he continued adamantly to refer to the Tutsi outside the country as emigrants instead of refugees, implying a voluntary decision to leave Rwanda.

6.9. Whether it was a charade or not, the commission functioned. In fact, a visit to Rwanda by a group of refugees was scheduled for October 1990, but by that time, it was already too late. Rwanda's inflexibility and unreliability had reinforced the arguments of the militants against the moderates within the Tutsi leadership in Uganda. On October 1, 1990, the fateful invasion began when several thousand soldiers, mostly well trained and well armed from their years with Museveni, crossed the border into Rwanda. [5]

6.10. Inevitably, there are many questions about the invasion's timing, motives, appropriateness, and consequences. Equally inevitable are profound differences of opinion. This matters, since part of the propaganda war still being waged today revolves around the legitimacy of the invasion of October 1, 1990, and, therefore, the legitimacy of today's government.

6.11. Even Hutu who opposed Habyarimana, for example, and disavowed ethnic categorizations must have resented the attack. What right had this band of unknown soldiers to invade a sovereign country with the aim of taking over its government by force? Most of the invaders had probably not even been born in Rwanda, had no known roots in the country, certainly had no support from the majority of Rwandans, may or may not have had any among their own people, and were backed by a state with whom Rwanda had formal diplomatic ties.

6.12. After all, even the RPF agreed, during the subsequent Arusha negotiations, that anyone who had been away from Rwanda for more than 10 years had no further claim on property that might once have been their family's. So what entitlements were held by those who had been away for 25 or 30 years, whose families had fled when they were as young as three (as was the case for Paul Kagame, Museveni's former deputy head of military intelligence, who became commander of the RPF forces), or who had been born in Uganda and were in Rwanda now for the first time in their lives? How could one begin to trust a group of armed, foreign, invaders who pretended to represent all Rwandans, when everyone knew that the group was overwhelmingly Tutsi in composition and entirely Tutsi in leadership?

6.13. We have to say that these seem like very sensible questions to us, and it is little wonder that Habyarimana and his followers could easily appeal to the vast majority of Rwandans to unite against the outsiders. The crime of the Hutu leaders, however, was their cynical and deliberate decision to play the ethnic card, rekindling smouldering embers of inter-ethnic hostilities and opportunistically escalating the level and intensity of anti-Tutsi animosities.

6.14. The timing of the RPF invasion lent credence to their divisive strategy. Habyarimana was demonstrating, however reluctantly, a new openness towards both multiparty democracy and the exiles. This bolstered his sagging popularity and undermined the RPF's credibility as a more attractive alternative. The outsiders were claiming to stand for a new democracy and the right of exiles to return, and yet they launched their invasion just when both were high on Rwanda's public agenda.

6.15. The RPF response was straightforward enough: They were Rwandans and had a right to return to their native land. They would have preferred to do so in a more gradual, systematic way, working co-operatively with the government to ensure that returnees could be settled properly. Clearly, Habyarimana did not have the slightest intention to make any such arrangement, and, therefore, the exiles had no choice but to use force. Refugees and warriors had to become refugee-warriors, even if they were bound inevitably to generate new conflicts and, perhaps, new refugees. Given the Habyarimana record, this argument is certainly understandable.

6.16. In the end, the invasion went ahead because of the conjunction of events in both countries; Uganda pushed while Rwanda pulled. In Uganda, Tutsi exiles had suddenly found themselves unwelcome, and their leaders were losing their status. They had come to think of Rwanda as their parents' home and of themselves as Ugandans. Now they discovered their Ugandan countrymen of the past 30 years regarded them as pushy foreigners. It was time to return. From their close contacts at the top of Uganda's government, they understood that Museveni could not actively support their plans or even openly endorse them, but that he would not be embarrassed or unhappy if they went ahead, taking their Ugandan weapons with them.

6.17. At the same time, the RPF was convinced that Habyarimana knew an invasion was inevitable and was discussing refugees and democracy only to buy time to increase his military strength and to line up support from his allies. But at the moment, his government seemed an easy target, given the conflict between the Akazu and other Hutu for the spoils of office and considering the difficulties caused by the economic crisis. October 1, 1990, a day when both Habyarimana and Museveni happened to be in New York for a UN summit on children, the RPF struck with a large, well-organized force led by former senior officers of Museveni's NRA. [6]

6.18. The civil war launched that day lasted, with long periods of cease-fire, for close to four years. Its final three months coincided with the period of the genocide, which was halted only by the ultimate triumph in July 1994 of the refugee-warriors over the "genocidaires" (the French word for perpetrators of genocide, widely used even by English-speaking Rwandans). By that time, hardly anyone seemed to remember that an eight-point political platform had been issued by the RPF prior to the invasion. [7] Even in 1990, it had been mostly important as a public relations document.. Its drafters had observed Museveni's shrewd appeal to a wide range of potential supporters in Uganda.

6.19. The RPF programme was designed with an eye to appeal not only to Rwanda's Tutsi, but also to the many Hutu alienated from Habyarimana's government. To the Hutu, it promised democracy and an end to corruption and nepotism. To the Tutsi, it offered national unity, a national military, and an end to a system that generated refugees. The large majority of citizens who had suffered because of the economic slump and the Structural Adjustment Programme would be assured a self-sustaining economy and improved social services. The final point was commitment to a progressive foreign policy.

6.20. The RPF's expectations that Rwandans would embrace them as saviours from the Habyarimana regime were swiftly dispelled. Their troops' advances through the north and north-east, combined with the government's cynical anti-Tutsi propaganda, produced a massive movement of terrified Hutu into settlement camps in the centre of the country. In a short time, close to 300,000 Rwandans, mostly Hutu, had been driven from or had fled their land to become "internally displaced persons" (the term used to distinguish refugee groups who do not flee across national boundaries) within their own country. [8] In early 1993, another large-scale RPF attack led to a further million, again mostly Hutu, being displaced. The food their productive lands had provided to urban Rwanda was sorely missed, and the growing scarcity contributed to inflationary pressures on other food supplies. Equally disastrous was the fact that the camps became another fertile source of recruitment for politicians who were busily organizing their own militias, armed groups of civilians, largely rootless young males, who owed their loyalty only to those who trained, armed, fed, and commanded them.

6.21. The remarkable internal displacement may not have been foreseeable, but several other consequences of the RPF invasion were surely predictable at the time. The influence within the government of its radical Hutu and hardcore military factions was likely to be reinforced. Almost certainly, the Rwandan army would be expanded. Existing economic problems were bound to be exacerbated. As had happened without exception after each military invasion into Rwanda by Tutsi exiles during the 1960s, there would very likely be violent reprisals against innocent Rwandan Tutsi. And finally, it was always at least possible, if not probable, that history would repeat itself and an opportunistic and threatened government would once again awaken the sleeping dogs of ethnic division.

6.22. This is exactly what happened. The invasion gave an ethnic strategy immediate credibility. The carefully inculcated fears about Tutsi conspiracies – fears about alleged plots to regain control of the republic and launch merciless attacks on all Hutu – that had been dormant for so many years were deliberately revived. The nation was reminded that the Tutsi were, from the first, the "other"; they were all alien invaders. Was it therefore not self-evident that all Tutsi were accomplices of the invaders? Any question of class or geographical division among Hutu had to be submerged in a common front against the devilish intruders. It was not difficult for the government to exploit its own failures in order to rally the majority behind them. In a country where so many had so little land, it took little ingenuity to convince Hutu peasants that the newcomers would reclaim lands they had left long before and on which Hutu farmers had immediately settled.

6.23. Almost immediately after October 1, 1990, the government retaliated. Some 8,000 Tutsi and perhaps a few hundred Hutu were arrested throughout Kigali. Thousands were forced into the national stadium for questioning. [9] Many were held for months. By early 1991, ethnic violence had crossed thresholds that had not been approached for many years. In response to an RPF raid on a district jail, local Hutu militias massacred hundreds of Tutsi pastoralists. This was only the first in a series of anti-Tutsi pogroms, culminating in March 1992 with the cold-blooded massacre of 300 Tutsi civilians in the south.

6.24. For their part, whether or not they were acting in counter-retaliation, the invaders showed little restraint in dealing with Hutu civilians in the areas they "liberated," a pattern they have followed throughout the past decade. Although it was a disciplined fighting force, the RPF had major grievances to settle with the Rwandan Hutu. The fury of the RPF invaders only increased as they observed the escalating rhetoric being used against them. At the same time, their numbers were expanding as dramatically, with the addition of raw young recruits who had none of the discipline of the soldiers who had come through the wars of Uganda. As the fighting continued, the RPF terrorized peasants, who fled their small plots, ending up in squalid camps for the internally displaced. [10]

6.25. Although the precise numbers are in question, RPF troops committed crimes against humanity as they advanced through the country. [11] Whether their leaders explicitly ordered such behaviour, implicitly condoned it, or simply failed to stop it, is not clear to us. But the fact remains there was a great deal of abuse, all of which is anathema to this Panel, and we condemn all cases of it without equivocation.

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1. African Rights, 1062.

2. Prunier, 67.

3. Ogenga Otunnu, "Rwandese Refugees and Immigrants in Rwanda," in Howard Adelman et al, Path of a Genocide, 19.

4. Prunier, 70.

5. Prunier, 43; Des Forges, 48.

6. Prunier, 100.

7. Ibid., 74.

8. Millwood, Study 1, 50.

9. Africa Watch, Centre Internationale des droits de la personne et du développement démocratique, Fédération internationale des droits de l'Homme, Union interafricaine des droits de l'Homme et des peuples, Rapport de Ia Commission internationale d'enquête sur les violations des droits de l'Homme au Rwanda depuis le 1er octobre 1990 (7-21 janvier 1993), 91-92.

10. Prunier, 321-323.

11. Des Forges, 701; Rapport de la Commission internationale d'enquête.

CHAPTER 7

THE ROAD TO GENOCIDE: 1990-1993

THE TRIUMPH OF ETHNIC RADICALISM

7.1. Violence and extremism swiftly burgeoned in the hothouse atmosphere that soon prevailed throughout Rwanda. Old patterns re-emerged. There had been no punishment for those Hutu who had led the massacres of the Tutsi in the early 1960s and 1972-73, and the careers flourished of those who organized cruel repression of opponents throughout the first decade and a half of the Habyarimana regime. Now, in the wake of the October 1, 1990, invasion, impunity flourished for the demagogues who were deliberately fuelling the latent animosity toward those they considered perfidious outsiders, a category including not just the Tutsi refugee-warriors of the RPF but every Tutsi still in Rwanda, as well as any Hutu alleged to be their sympathizer.

7.2. But that does not mean that planning the genocide was initiated at that moment. It is important to understand that there is for the Rwandan genocide no "smoking gun." So far as is known, there is no document, no minutes of a meeting, nor any other evidence that pinpoints a precise moment when certain individuals decided on a master plan to wipe out the Tutsi. As we have already seen, both physical and rhetorical violence against the Tutsi as a people indeed began immediately after October 1, 1990, and continued to escalate until the genocide actually started in April 1994. Without question this campaign was organized and promoted, and at some stage in this period these anti-Tutsi activities turned into a strategy for genocide. But that exact point has never been established.

7.3. This fact is reflected in all the major studies of the genocide. Virtually all authorities are notably imprecise or ambiguous in stating when systematic planning and organizing can be said to have begun. Moreover, even within this imprecision, there is also disagreement. One authority says the plot was hatched soon after the October invasion. [1] Another says "dress rehearsals" for genocide began with the formation of death squads in 1991.[2] Genocide, argues another, "began to look to the hard-line Akazu circles like both an attractive and feasible proposition" by late 1992. [3] The plan "was drawn up by January 1994," states another. [4]

7.4. What we do know, however, is that from October 1, 1990, Rwanda endured three and a half years of violent anti-Tutsi incidents, each of which in retrospect can easily be interpreted as a deliberate step in a vast conspiracy culminating in the shooting down of the President Habyarimana's plane on April 6, 1994, and the subsequent unleashing of the genocide. But all such interpretations remain speculative. No one yet knows who shot down the plane, nor can it be demonstrated that the countless manifestations of anti-Tutsi sentiment in these years were part of a diabolical master plan. It seems to us from the evidence most probable that the idea of genocide emerged only gradually, possibly in late 1993 and accelerating in determination and urgency into 1994.

7.5. Many hoped that these crucial issues would be illuminated at the International Criminal Tribunal for Rwanda, set up after the genocide to try senior figures accused of genocide. And indeed, the tribunal has concluded that genocide had been planned and organized in advance, but with no more precision than that. Jean Kambanda, Prime Minister of the government during the genocide, pleaded guilty to genocide and confessed that the genocide had been planned in advance. But for somewhat mysterious reasons that we discuss in a later chapter, his confession was brief and general, and he shed no new light on the many details that are lacking; moreover, he has now recanted his original confession. [5]

7.6. The fact that the Rwandan government reacted vigorously to the invasion in itself proves nothing about genocidal intentions. What government anywhere would have done otherwise? Habyarimana never had any doubt that Uganda's President Museveni was behind the invaders, a conviction that was shared and reinforced by his Zairian colleague, President Mobutu. In his meeting with the Panel, Museveni denied responsibility for the invasion. Others surely had the right to be suspicious of the complicity of at least some faction of his government and army. Uganda may or may not have actively co-operated in planning the invasion, but at the very least, it must have allowed the exiles to plan and execute the invasion of a sovereign neighbouring state that was launched from Ugandan soil and used Ugandan weapons. It is clear that Habyarimana and his advisers immediately understood what the RPF and Uganda had just handed them – an opportunity to consolidate their eroding support and to mobilize international backing for the war the invaders had begun.

7.7. It is very important to recall that, up to this point, the Tutsi had not been singled out for abuse by the government in some 17 years. Now, as news of the invasion broke, it appears that even many Tutsi were initially unsympathetic to the invaders. [6] Unexpectedly the government had a perfect opportunity to unite the country against the alien raiders. They rejected it.

7.8. As this report will repeatedly emphasize, different identities, ethnic or otherwise, do not in themselves cause division or conflict. It is the behaviour of unscrupulous governing elites that transforms differences into divisions. In the simple phrase of one scholar of such conflicts, those who choose to manipulate such differences for their own self-interest, even at the risk of creating major conflict, are "bad leaders." [7] Fatefully, Rwanda's bad leaders chose the path of division and hate instead of national unity. Five days into the invasion, the government announced that Kigali had been attacked by RPF forces. [8] In fact, the alleged attack on the capital was a fake. The heavy firing that could be heard across the city had been carried out by Rwanda's own government troops. The event was carefully staged to provide credible grounds for accusing the Tutsi of supporting the enemy, and the Minister of Justice proceeded with that accusation. Hurling the epithet "ibyitso" (accomplices), he asserted that the Kigali attack could not have been organized without trusted allies on the inside. [9] Who was better suited to this than the Rwandans who happened to be of the same ethnic group as the invaders? Arrests began immediately, and eventually about 13,000 people were imprisoned. [10] They included some Hutu opponents of the regime, whose arrests were meant to either silence or intimidate them into supporting the President. Thousands of detainees were held for months, without charge, in deplorable conditions. Many were tortured, and dozens died. [11] Organized massacres of the Tutsi soon followed.

7.9. French forces had been summoned by Habyarimana when the invasion began. They arrived on the very night of the staged attack, and probably rescued the Habyarimana regime from military defeat. [12] Not surprisingly, the government's version of those early events – the faked attack on the capital – was widely believed, and it was successful in achieving another goal as well: to gain help from other friendly foreign nations. For the next three years, French troops remained in varying numbers to support the regime and its army. [13] The Belgian government also sent troops, but it was sensitive to its controversial background in Rwanda, and its soldiers stayed only a month until any possible threat to Belgian nationals had passed. [14] Zaire's Mobutu eagerly agreed to offer military support, grasping the opportunity to be a player on the African scene after the end of the Cold War, which had cost him much of his American support. But his troops were soon sent home for indiscipline. [15]

KILLING

7.10. Massacres of the Tutsi began at the very outset of the ensuing civil war and, in a real sense, they did not end until the RPF victory of July 1994. After the war, a major debate broke out – and continues still – over who knew what about the events unfolding in Rwanda. In our view, this is not a serious debate. The major actors in the drama, the world that mattered to Rwanda – most of its Great Lakes Region neighbours, the UN and the major western powers – knew a great deal about what was happening, and they soon learned that the events were being masterminded at the highest level of the state. They knew that this was no senseless case of "Hutu killing Tutsi and Tutsi killing Hutu," [16] as it was sometimes dismissively described. That world knew that a terrible fate had befallen Rwanda. They even knew, and reported, that some individuals in Rwanda were talking openly of eliminating all Tutsi. [17]

7.11. Early in 1993, four international human rights organizations had come together as an International Commission of Inquiry and issued a well-documented report that came close to declaring that genocide was a serious future possibility. [18] In truth, many governments routinely ignored the findings of non-governmental organizations, as the four agencies discovered to their dismay. Only months later, however, in August of the same year, the United Nations Special Rapporteur on Summary, Arbitrary, and Extrajudicial Executions issued another report based on his own mission to Rwanda, and it largely confirmed the conclusions of the earlier investigation. Indeed, the Special Rapporteur concluded that the massacres that had already taken place seemed to conform to the Genocide Convention's definition of genocide: "The victims of the attacks, Tutsi in the overwhelming majority of cases, have been targeted solely because of their membership in a certain ethnic group and for no other objective reason." He also reported that violence was increasing, extremist propaganda was rampant, and the militias were organized. [19]

7.12. The situation, in other words, was abundantly clear. The only thing that was not clear was exactly how far the plotters were prepared to go. Large numbers of observers had little doubt that many massacres were virtually inevitable if not deterred somehow. But would the radicals take the unthinkable, quantum leap to a full-blown genocidal attack against every Tutsi in the country?

7.13. The fact is that the overwhelming majority of observers did not believe a genocide would be launched. More precisely, they could not bring themselves to harbour such a belief. The report by the UN Special Rapporteur broaching the subject was either ignored or downplayed. As members of the Panel wrestled with this vexing question, we came finally to understand that it was literally unthinkable for most people to believe that genocide was in fact possible; it was simply beyond comprehension that it could be possible. Each case of modern genocide has taken the world by surprise – even when, in retrospect, it is clear that unmistakable warning signs and statements of intent were there in advance for all to see. In the early 1990s, the very rarity and singularity of the phenomenon of genocide put it beyond contemplation.

7.14. Even conceding this, however, we are left with the remaining perplexing question: How is it possible that the awful horrors that were not in dispute were not sufficient to mobilize world concern?

7.15. There is a record of atrocities, all of which was publicly exposed throughout the early 1990s by credible human rights organizations. [20] Massacres of Tutsi were carried out in October 1990, January 1991, February 1991, March 1992, August 1992, January 1993, March 1993, and February 1994. [21] On virtually each occasion, they were carefully organized. On each occasion, scores of Tutsi were slaughtered by mobs and militiamen associated with different political parties, sometimes with the involvement of the police and army, incited by the media, directed by local government officials, and encouraged by some national politicians.

7.16. As we have already pointed out, it is true that no single meeting or document can be identified as the recognized, explicit, first step in planning the genocide. But looking back, as the story unfolds through 1991 and into 1992, it becomes difficult to avoid seeing a pattern emerging through these successive slaughters. It appears that the radicals and military worked together trying out different techniques of killing. As the experiments progressed, their leaders learned two lessons: that they could massacre large numbers of people quickly and efficiently (a fact that was reported to the UN Secretariat in a now-famous fax in January 1994, [22] which we will discuss later); and that, based on the reactions they had elicited to date, they could get away with it.

7.17. Between outright massacres, a reign of terror prevailed. Murder, rape, harassment or imprisonment could befall any Tutsi at any time. Early in 1992, a secret society calling itself "Amasasu" (bullets) was created within the Rwandan army by extremist officers who wanted to pursue the RPF with greater ferocity. Soon they were handing out weapons to the militias organized by the CDR, as well as to the extremists in the MRND, and working hand-in-hand with another arm of the death squads.

7.18. The death squads were formed as early as 1991. By the following year, their existence was public information. A 1992 exposé by the magazine Umurava described in detail the infamous "Zero Network," a death squad patterned on the Latin American model and made up of a mixture of off-duty soldiers and MRND militiamen, [23] seemingly a branch of the Akazu and the secret police. The exposé revealed the Zero Network's intimate connections to Habyarimana and its responsibility for the death squads. Its leaders included three of Habyarimana's brothers-in-law, his son-in-law, his personal secretary, the head of military intelligence, the commander of the Presidential Guard and Colonel Théoneste Bagosora, director of the defence ministry and a feared activist in the Hutu Power movement (to be discussed later). In the remote event that diplomats in Kigali failed to report the information contained in Umurava's exposé to their respective governments, in October 1992 two Belgians held a press conference at the Senate in Brussels to reveal the secrets of the Zero Network. [24] Some months later, the report of the four human rights organizations, referred to above, stated that "the responsibility of the Head of State and his immediate entourage, including his family, is gravely engaged" in the work of the death squads. [25]

THE MEDIA

7.19. At the same time, however, public life in Rwanda in the early 1990s was thriving as never before. As one aspect of the move towards party democracy, the Habyarimana government in the early 1990s substantially relaxed state controls on the media. Almost instantly a vibrant press emerged. Hutu critics of Habyarimana and his northern clique were able to express themselves publicly for the first time. Increasing corruption among the elite was exposed by a new breed of remarkably courageous journalists, many of whom paid severe penalties for their convictions.

7.20. But liberty soon took a back seat to licence. A constant barrage of virulent anti-Tutsi hate propaganda began to fill the air. It was designed to be inescapable, and it succeeded. From political rallies, government speeches, newspapers, and a flashy, new radio station, poured vicious, pornographic, inflammatory rhetoric designed to demonize and dehumanize all Tutsi. With the active participation of well-known Hutu insiders, some of them at the university, new media were founded that dramatically escalated the level of anti-Tutsi demagoguery. [26]

7.21. For the few, a radical newspaper called Kangura was begun in 1990. [27] For the many, a hip radio station was created in mid-1993 and it instantly became a popular favourite. Radio-Télévision Libre des Mille Collines (known as RTLMC or RTLM) was funded and owned by Akazu members; it involved close relatives of the President, two Cabinet ministers and top militia leaders. The station's cheeky style and bright music attracted local as well as expatriate listeners – none of whom, it appears, were alarmed by its scurrilous contents. [28] But Rwandans understood perfectly well its impact and influence. [29] Ferdinand Nahimana, one of a new generation of Rwandan historians to emerge in the post-colonial period, was the driving force behind the station. Here was one of many examples of a Hutu intellectual who used his skills for the cause of ethnic hatred. He was later indicted by the International Criminal Tribunal for Rwanda for his role in fomenting hatred of the Tutsi through RTLMC.

7.22. An analysis of RTLMC's role by Article 19, an organization that promotes free expression, suggests that the genocide would have occurred with or without the station, and that banning it would have had little impact on the course of events. "RTLMC was an instrument, not the cause, of genocide," they concluded. "[It] did not provoke the genocide, but rather was one element in a pre-meditated plan for mass slaughter... [It] played the specific role of conveying orders to militias and other groups already involved in the slaughter." [30]

7.23. This may well have been true during the months of the actual genocide, and we also agree that RTLMC was not the cause of the genocide. Clearly the genocide would have occurred whether or not the station had existed. But we must not minimize the station's significance. Without a doubt, it played a prominent role in keeping passions at a fever pitch during the final months before the genocide. Because the station went so far in its verbal abuse of the Tutsi and in provoking the Hutu against them, it significantly raised the bar of permissible hatemongering. Under any sensible criminal code, RTLMC would have been silenced soon after it went on the air. It is a travesty that this never happened.

7.24. But it is also true that RTLMC had lots of company. More than 20 papers regularly published editorials and obscene cartoons rooted in ethnic hatred, and the official Radio Rwanda moved steadily from neutral reporting to open brainwashing. [31] Led by Kangura, propaganda was spread that the Tutsi were preparing a genocidal war against the Hutu that would "leave no survivors." Despite their total exclusion from positions of power in government or the military, the Tutsi were, Kangura insisted, the real rulers of Rwanda. This was shrewd propaganda by the radicals, since it implicitly criticized Habyarimana for being "soft on the Tutsi."

7.25. It was also Kangura, three months after the October 1990 invasion, that first published the notorious "Ten Commandments of the Hutu." [32] These "rules" were deliberately inflammatory, calculated to incite divisiveness and resentment. They specified that any Hutu who married or was involved with Tutsi women or who did business with any Tutsi at all was a traitor to his people, and they insisted on the need to maintain Hutu purity and to avoid contamination from the Tutsi. The danger of contamination by Tutsi women was a much-repeated aspect of the Hutu campaign that was often accompanied by explicit pornographic cartoons. It was the kind of propaganda that white racists had commonly and effectively used in the American South and South Africa.

7.26. As time passed, anti-Tutsi propaganda became more and more flagrant and frequently included explicit calls for massacres, direct verbal attacks on the Tutsi, lists of names of enemies to be killed, and threats to any Hutu who might still be associating with Tutsi. Far from eliciting condemnation by Habyarimana or his followers, these fanatical voices were supported, both morally and financially, by many at the highest levels of Rwandan Hutu society, including the government itself. Of 42 new journals that were founded in 1991, 11 had direct links to the Akazu. [33]

A MILITARIZED SOCIETY

7.27. The militarization of Rwandan society after the 1990 invasion took precious little time. It is possible to see this process as further evidence of a genocidal conspiracy. But it can hardly be forgotten that the country had just been attacked. The need to increase its military capacity was hardly controversial. The Rwandan army grew at a frenetic pace, from a few thousand soldiers to 40,000 in about three years. [34] By 1992, the military consumed almost 70 per cent of the Rwandan government's entire small budget. [35] Development funds that largely financed other expenditures in effect made the military costs possible. And with a little help from its French and other friends, military expenditures soared as well, climbing from 1.6 per cent of GNP between 1985 and 1990 to 7.6 per cent in 1993. [36]

7.28. Here was yet another step on the Rwandan road to tragedy. There is no evidence the Habyarimana were contemplating genocide when the RPF attacked in 1990. But it is indisputable that they instantly exploited the opportunity to isolate and demonize the Tutsi. With the invaluable help of foreign aid plus French military co-operation, more troops with more weapons made it possible to monitor and control the population more thoroughly.

7.29. There was an assumption that the emergence of new political parties – the process simplistically equated with democratization – would curtail the attacks on innocent civilians. This proved naive. As with the media, so with politics: unaccustomed freedom of association came perilously close to anarchy. Formal political democracy had to function in a society devoid of the culture of democracy. Disorder spread. In fact, assaults on civilians and political figures of all stripes increased sharply following the establishment of the coalition government in 1992, and continued until the genocide. The MRND's militia, the dreaded interahamwe, who came to play such a notorious role in the years to follow, and the followers of the extremist CDR party disrupted rallies by opposition parties, blocking traffic and picking fights; their opponents responded in kind. [37] The interahamwe were particularly vigilant in harassing opposition politicians and other government critics, but their essential nihilism led them as well to rapes, robberies, and general lawlessness. In the two years leading to the genocide, bomb attacks began to occur throughout the country.

7.30. Weapons find vacuums with unerring accuracy, and they soon found Rwanda. Weapons proliferation throughout the world and certainly in Africa is one of the curses that must be faced by those who seek to prevent conflict. The power-sharing negotiations that culminated in the Arusha cease-fire accords were to designate Rwanda a "weapons-free zone." It would be more accurate to describe Rwanda both just before and after Arusha as a free weapons zone. Some have described the country during those years as an arms bazaar for Hutu supremacists. [38] Youth militia were pointedly given free guns by their political patrons, new machetes imported from China were widely distributed, and the government decided to supply weapons to local Hutu officials for "self-defence." Kalashnikov assault rifles, hand grenades, and other small arms were as easy to come by as fruits and vegetables and in exactly the same places – local markets. Shortly before the genocide, anyone in Kigali with the equivalent of US$3.00 could buy a grenade in the main market, and we know from subsequent events that a roaring business was conducted. [39]

7.31. The atmosphere of fear and violence and the sense that a volcano was just waiting to erupt was especially palpable in Kigali. Hutu militia youth, young men with no obvious sources of income, jetted around the capital on noisy motorbikes whipping up rallies of other idle young men. [40] No one in the capital, including the diplomatic corps and the foreign technical experts, could fail to find the feeling ominous and threatening. Everyone who cared to know perceived that even bigger trouble was brewing.

THE BURUNDI EFFECT

7.32. As we indicated above, as Rwanda continued to slip into a state of chaos throughout 1993, an old and deadly nemesis re-emerged after a lengthy period of passivity. The very last thing the country or any of its inhabitants needed was the return of the Burundi-Rwanda "parallel massacre syndrome," which we examined in an earlier chapter. As we saw, one of the most violent episodes in the history of independent Africa transpired in Burundi in 1972, when that country suffered an orgy of carefully targeted murders. Unlike Rwanda, Burundi after independence had removed ethnic identities from citizens' identification cards. Disappointingly, the history of the past four decades demonstrates that this made Burundians no less susceptible than Rwandans to ethnic manipulation by unscrupulous leaders.

7.33. Turmoil of a fierce kind resumed in Burundi in the years after 1988. Serious but modest attempts at democratization and greater ethnic equity resulted repeatedly in violence by both sides. Among the elites of the two ethnic groups, it remained an article of faith that each was conspiring to eliminate the other. Despite the many years of relative calm, little was required to ignite the flames of discord.

7.34. In 1988, 1990 and 1991, massacres led to the deaths of thousands of Tutsi officials and Hutu civilians, and tens of thousands fled the country. [41] In 1992, a coup attempt by rebellious soldiers was put down. Under President Pierre Buyoya, himself an army major who had come to power in a coup, attempts at reform continued, and the first free and fair election in Burundi's history was held in June 1993.

7.35. For all the official propaganda about the irrelevance of ethnicity, an overwhelmingly Hutu electorate defeated the Tutsi incumbent Buyoya, and elected a Hutu president, Melchior Ndadaye. Four months later, in October 1993, Ndadaye was assassinated during an attempted coup, resulting in one of the worst massacres in Burundi's bloody history. In many areas, Hutu local authorities led attacks on Tutsi, while the Tutsi-dominated army launched massive reprisals. Although the Tutsi-dominated army played a key role in slaughtering Hutu civilians, both sides engaged in massacres. An estimated 50,000 people, divided between the two ethnic groups, were murdered while between 800,000 and one million Hutu refugees fled into Rwanda, Tanzania, and Zaire. [42] The world barely took note.

7.36. The calamity in Burundi was tailor-made for the ruthless opportunists of the Akazu and their network in neighbouring Rwanda. Although they had been successful, since the RPF invasion in 1990, in uniting the Rwandan Hutu against the Tutsi "outsiders," the reality was that most Rwandans had never known anything but Hutu rule. The Tutsi had been completely cut out of political power for over 30 years, but the RPF invasion was exploited as indispensable evidence of their insatiable ambition.

7.37. Now, three years beyond the invasion, with the civil war in abeyance as a result of progress at the Arusha negotiations, a fresh new weapon was delivered into the hands of the Rwandan radicals. The assassination of Burundi's democratically elected Hutu President – openly celebrated by some Rwandan Tutsi – and the appalling massacres that followed offered final proof to the Hutu that power sharing between the Tutsi and the Hutu was forever doomed; the Tutsi could never be trusted. Hutu extremists saw only one sure way to guarantee that Rwanda's Tutsi could not carry out their historic aspiration to rule the country unilaterally and to wipe out as many Hutu as was necessary to accomplish this objective. The Hutu must act first. The final solution planned for the Tutsi was thereby justified as nothing more than self-defence on the part of the intended Hutu victims.

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1. African Rights, Death, Despair, p. xix; Des Forges, p. 95.

2. Filip Reyntjens, "Rwanda; Genocide and Beyond,' Journal of Refugee Studies, V 9, No. 3, September 1996.

3. Prunier, pp. 168-169.

4. Timothy Longman, "State, Civil Society and Genocide in Rwanda," in Richard Joseph (ed.), State Conflict and Democracy in Africa (Boulder, Colorado: L. Reinner, 1999), p. 352.

5. ICTR, The Prosecutor versus Jean Kambanda, 97-23-S, 4 Sept. 1998.

6. Des Forges, 49.

7. Michael Brown (ed.), The International Dimension of Internal Conflict (Cambridge, Mass.: MIT Press, 1996).

8. Prunier, 102.

9. Des Forges, 50.

10. Ibid., 49.

11. Ibid.

12. Ibid., 50; Prunier, 101-102.

13. Millwood, Study 1,41.

14. Ibid, Study 2, 21.

15. Ibid., Study 1, 41.

16. Prunier, 140.

17. Des Forges, 121.

18. Report of the International Commission of Inquiry into Human Rights Abuse in Rwanda, March 1993.

19. Report of the UN Special Rapporteur on Summary, Arbitrary and Extrajudicial Executions, August 1993.

20. For example, see reports from Africa Watch (1992), African Rights (1994) and Fédération internationale des droits de I'Homme (1993).

21. Des Forges, 87.

22. Ibid., 150.

23. Prunier, 168.

24. Ibid; Reyntjens, "Rwanda: Genocide and Beyond".

25. Report of the International Commission.

26. Jean-Pierre Chrétien, Les médias du génocide (Paris: Khartala, 1995), 17.

27. Chrétien, Médias, 25.

28. Johannes Zutt, "Children and the Rwanda Genocide," IPEP-commissioned paper, 1999, 7.

29. Frank Chalk, "Radio broadcasting in the incitement and interdiction of genocide: The case of the Holocaust and Rwanda," paper presented at the conference on "The Future of Genocide", Association of Genocide Scholars, June 1999.

30. Uvin, 101.

31. Chrétien, Médias, 50.

32. Ibid., 169.

33. Ibid., 45.

34. Filip Reyntjens interview.

35. Assemblée nationale, Mission d'information commune, Tome 3, vol. 1 Auditions, 165; Des Forges, 122.

36. Uvin, 56.

37. Reyntjens interview.

38. Human Rights Watch, Arming Rwanda (January 1994) , 28.

39. Ibid.

40. Gourevitch, We regret to inform you, 93.

41. Arming Rwanda, 28.

42. Reyntjens interview; René Lemarchand, Burundi. Ethnic Conflict and Genocide, 2nd edition, (Cambridge, UK: Cambridge University Press and Woodrow Wilson Center Press, 1996), p. xiv.

CHAPTER 8

THE ARUSHA PEACE PROCESS

8.1. Efforts to resolve the civil war began soon after the 1990 invasion. It was the Belgian government that made the first honourable if futile moves in this regard, but the Organization of African Unity, Tanzania, the United Nations, the US, and France all played roles. France, with its unique standing in Kigali, was important in pushing Habyarimana to negotiate. The French government had concluded that "the RPF might win militarily but [could not win] politically. The government could not win militarily, though it might command the numbers to win politically. A negotiated settlement was the best way for France to salvage its interests in Rwanda." [1]

8.2. A series of negotiations ensued, and cease-fires were agreed upon, but a pattern quickly emerged: the President would agree to proposals made under pressure at the negotiating table, but he would retract them later, when his own hardliners applied countervailing pressures. [2] At the same time, Habyarimana was being pushed to reach accommodation with the new political parties. The idea of power sharing with either the internal opposition or the outside invaders, let alone with both, remained unthinkable to the Hutu radicals, whose determination not to accept the results of the peace processes hardened as the processes themselves progressed. Privately, Habyarimana was as reluctant as his extremist faction to accept compromise with his enemies. Under constant pressure, however, and as the civil war moved into its second year, Habyarimana decided that he had no alternative but to cooperate. A real coalition government was formed in April 1992 – an historic first for Rwanda – and its first act was to agree formally to negotiations with the RPF to be held across the border in Arusha, Tanzania. [3]

8.3. In many ways, the Arusha process was an extraordinary one. [4] The RPF delegation was led by its president, but the official government delegation appeared to be leaderless. The ruling MRND party was represented, but that delegation also included two members of the opposition MDR who had become ministers – one of them the Foreign Minister – in the new coalition government. This added insult to injury for the ruling clique; not only was it forced to accept negotiations, it did not even have monopoly on the process that unfolded. The radicals were also present in the person of Colonel Théoneste Bagasora, who was to become perhaps the chief architect of the genocide, but who was already known in Arusha for his involvement in appalling human rights abuses and his connection to the fanatical CDR party. [5]

8.4. Arusha was an African initiative in which both the OAU and several African states played a central role. The President of Tanzania was the facilitator of the process. But western nations were involved as well, including just about every party that should have had some presence. All told, this included Belgium, Germany, France, and the US; the relevant regional actors – Tanzania, Uganda, Zaire and Burundi; as well as the appropriate regional and international organizations – the UN, the UN High Commission for Refugees and, perhaps most importantly, the OAU. The OAU was instrumental not only in bringing the parties to the bargaining table, but also in setting an agenda that addressed the root causes of the conflict. As one scholar commented, this reflected a new willingness by the OAU "to transcend the previously sacrosanct prohibition on involvement in the internal affairs of member states and to develop mechanisms for conflict resolution to facilitate that involvement." [6] Tanzania's role in Arusha was later widely judged to have been that of an effective honest broker.

8.5. In a series of separate negotiations, all the major issues were tackled: the establishment of the rule of law and a culture of human rights, power sharing in all public institutions, the transitional arrangements that would obtain until elections were held, the repatriation of refugees, the resettlement of internally displaced persons, and the integration of the two opposing armies. The sensible operating premise was that if the fundamental causes of the civil war between the RPF and the government could be resolved, then the uncivil war – the parallel conflict being waged simultaneously by Hutu radicals against Tutsi and anti-Habyarimana Hutu – would stop as well.

8.6. This proved to be the premise that would eventually undermine the entire agreement. It is widely agreed that the Arusha process was impressively managed with respect to the civil war, but given the circumstances of the time, it is difficult to see how the uncivil war could have been dealt with more effectively. In the end, the process could not resolve the greatest problem of all. [7] That was the tragic irony of Arusha: the massacres against the Tutsi civilians were not directly addressed during the long months of negotiations in Tanzania, yet at the very same time in Rwanda, Hutu Power's massacres continued, prompted by the fear that the Arusha process might succeed and deliver genuine power sharing. [8]

8.7. In Arusha itself, there was reason for both optimism and doubt, sometime simultaneously. For example, a cease-fire agreement was reached and went into effect in August 1992, but within two months Habyarimana was publicly repudiating it as "a piece of trash... which the government is not obliged to respect." [9] As it happens, however, it was not the government that violated the cease-fire. Seven months after it began, a major RPF attack killed hundreds of civilians, mostly Hutu, and drove hundreds of thousands more into camps in and around Kigali. The rebels justified their decision to attack by pointing to a recent massacre of several hundred Tutsi, and it was certainly true that the brutal realities of Rwanda had little relationship to the negotiations being held across the border. But the parties returned to the bargaining table, and in August 1993, a new cease-fire was negotiated along with a remarkably detailed and ambitious new peace agreement. Under severe pressure from the international community, including a threat to cut off foreign aid, Habyarimana reluctantly signed.

8.8. Bad faith remained a real possibility. Still, a deal had been done. There was to be a "broad-based transitional government" pending free elections for a Parliament in which the Prime Minister would be supreme and the President a figurehead. The key question was who to include in the BBTG, and the RPF's answer was categorical. They simply refused to accept inclusion of the CDR on the grounds that the radical Hutu party was not only responsible for the most outrageous physical and rhetorical attacks against the Tutsi of Rwanda, but that it had refused to sign the ethical code included in the Arusha accords that prohibited the creation of political parties based on ethnicity.

8.9. At the time, all the major third parties involved in the Arusha process, both western and African, believed it was tactically necessary to include the CDR in the power-sharing agreements. [10] They strongly urged the RPF to accept this imperfect arrangement in order to make the accords work, but with no success. Some insisted, as the Americans and Tanzanians did, that the CDR would destroy any agreements arrived at unless they were included. Others argued that in principle, it is madness to expect a group mortally threatened to embrace those that want to wipe them out. This debate took central stage again after the genocide, and rages to this day.

8.10. In fact, the entire Arusha process functioned as proof to the radical ringleaders that they had no choice but to ratchet up their conspiracy even further and to follow it through to a conclusion that seemed increasingly logical. That they were being forced to share power with other Hutu was insult enough. That Arusha went further and gave formal recognition and a place in the government to the Tutsi RPF was intolerable.

8.11. What was even worse, on the all-important question of military strength, the accords seemed a complete capitulation by the government team to the RPF. Outside observers shared this view. The two parties agreed to integrate the two armies, Habyarimana's 35,000 Forces Armées Rwandaises (FAR) and the RPF's 20,000 Rwandan Patriotic Army (RPA), into a single force of 19,000. Of the total, 60 per cent were to be FAR and 40 per cent RPA. The officer corps was to be split fifty-fifty. [11] Given the size of the two armies, this meant that more than two-thirds of the FAR troops faced demobilization. Little or no attention was paid by the negotiators to questions of severance pay (which would have been astronomical), job re-training or civilian integration. As a result, large numbers of young Hutu men, poorly educated, with little land and few prospects, trained only to be hard-boiled soldiers, were suddenly to join the ranks of the unemployed.

8.12. It was a reflection of the confusion and lack of consensus on the part of the government negotiators that they were prepared to make such a concession, and it was at the least imprudent for the RPF to have insisted on these terms despite much friendly advice to the contrary. [12] It is hard to think of any agreement more perfectly calculated to enrage virtually everyone in Rwanda with whom the RPF would need to work. It was one thing to say that an 85-per-cent Hutu population did not mean that Hutu rule equalled democracy. It was another to say that the Tutsi, with less than 15 per cent of the population, should be entitled to almost half the army. Even moderate Hutu, caught in an impossible tug of war between the two sides, found that objectionable. No one in the army, whether hardliners or not, whether at the top or bottom of the hierarchy, would ever accept such a move. Indeed, the government's military advisers in Arusha made their disdain for the agreement abundantly clear at the time, and observers had little doubt that they would do all in their power to prevent its implementation. [13]

8.13. The heartbreak of Arusha is that it was a serious, thoughtful, comprehensive initiative to solve the conflict before it escalated further. Yet in the end it failed. While it did negotiate two cease-fire agreements lasting many months, most of the substantive agreements that were meant to address the causes of the conflict were never implemented. There were three reasons: the imbalance of the military agreements, the intransigence of the Hutu radicals, and the increasing polarization of the country.

8.14. We are skeptical that it was ever possible for the process to have worked in a way that would have been acceptable to the Akazu and averted the genocide. Even experts in conflict resolution disagree fundamentally about how the Arusha process might more successfully have been conducted, [14] and our own view is that the Hutu radicals were never prepared to accept any limits on their power and privileges. In the end Arusha had exactly the opposite consequences from the ones intended. Searching for ethnic equity and democracy, the negotiations succeeded in persuading the Akazu that unless it acted soon, its days of power were numbered.

8.15. From their perspective, they were the big losers at Arusha. The agreement would seal their fate unless they took drastic action to re-establish their supremacy. The more it appeared that power and the limited spoils of office would have to be shared not only with other Hutu parties, but also with the RPF itself, the more determined were the Akazu insiders to share nothing with anyone. The Akazu occupied key positions in the Presidential Guard, FAR, and both the MRND and CDR political parties, and they controlled the interahamwe and impuzamugambi militias as well as the radio station RTLMC. They were set to play their spoiler role with a vengeance, and now moved to accelerate their plans.

8.16. With their prodding, and given the hothouse atmosphere spreading through the country, polarization by ethnicity increased dramatically. The new parties began to split, with a Hutu Power faction emerging in each. Arusha had been predicated on what one expert, leaving aside the radicals, describes as a tripolar landscape: the Habyarimana party, the new parties, and the RPF. [15] All three were represented at Arusha, and all were to share power through the various mechanisms agreed to, precluding a winner-take-all outcome. From the middle of 1993, the rules of the game changed. Recalling the bad old days prior to independence, when moderate groups favouring compromise and national unity were rejected in favour of ethnic exclusivity, the opposition parties split in two wings, one in effect siding with the RPF, the other with the ever-radicalizing MRND. In the process, the landscape became bipolar rather than tripolar, with both sides pursuing strategies of overall control. This explains the repeated obstacles that both set up from January 1994 onwards to prevent putting into place the transitional power sharing institutions approved at Arusha. It is this impasse which contributed to discrediting such political solutions and made the logic of violent confrontation seem increasingly irresistible. [16]

8.17. Those exploiting Hutu fears of Tutsi domination and treachery received a huge boost in October 1993 with the assassination in Burundi of its newly elected Hutu President by the Tutsi-dominated army. Vast numbers of Hutu were killed or fled across the border into Rwanda. Certainly this heightened the determination of the radicals, radicalized moderates, and added to the poisoned atmosphere that pervaded the country. But we disagree with those who argue that this terrible incident was a precondition of the genocide and made it inevitable. The plotting, planning, and propaganda were all well underway before the assassination. Moreover, the genocide was never inevitable. At any time either before or during the genocide, the deployment of a well-equipped international peacekeeping force with a strong mandate could at the very least have forced the conspirators to modify their plans, thereby saving countless lives. [17]

8.18. As for the Arusha process, the inability to deal with Hutu Power and the increasing polarization of the country doomed it to eventual failure, as some predicted at the time. Although the eight months following the final signing were spent on various frustrating attempts to implement the political provisions of the accords, in truth they were stillborn. Aside from the potentially critical intervention of the UN, which we will look at below, it was understood by many even at the time that key actors in Rwanda had no intention of allowing the agreement to be implemented. Former US Assistant Secretary of State for Africa Herman Cohen has revealed that the CIA issued an analysis in 1993 that the extremists would never allow Arusha to go ahead. In January 1994, a human rights organization reported that, "Many observers believe there is little chance the peace accord, which calls for the integration of the armies, will be implemented." [18] Leading OAU officials told the Panel that extremist Hutu "sabotaged the agreement." Another participant-observer told us that the Hutu military officials in Arusha were immensely unhappy with the agreement to integrate the two armies and vowed to do whatever was necessary to prevent or stall its implementation.

8.19. No modus vivendi was possible in a country in which powerful forces were simply unprepared to countenance compromise of any kind and had the means to sabotage any agreement that was reached. With the very notion of compromise increasingly discredited, there was to be no truce for Rwanda; and it seems impossible to believe that, by this date, there was any deal that would have avoided the final outcome. Only the international community could have done that, and it consciously chose to reject that choice.

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1. Howard Adelman, "The Arusha Peace Process and the Rwanda Genocide," IPEP-commissioned paper, 1999, 8.

2. Millwood, Study 1, 40.

3. Filip Reyntjens, L'Afrique des grands lacs en crise, Paris, (Paris: Karthala, 1994), 248-256.

4. Bruce Jones, "The Arusha Peace Process," in Adelman et al., Path of a Genocide, 150.

5. Bruce Jones, "Civil War, the Peace Process and Genocide in Rwanda" in T.M. Ali et al. (eds.), Civil Wars in Africa, Roots and Resolution (Montreal: McGill-Queen's University Press, 1999), 56.

6. Adelman, "Role of Non-African States."

7. Adelman, "Arusha Peace Process."

8. Prunier, 170.

9. Des Forges, 177.

10. Millwood, Study 1, 44; Prunier, 193.

11. Jones, "Arusha Peace Process", 143.

12. A knowledgeable observer who met with the Panel but prefers to remain anonymous.

13. Jones, "Arusha Peace Process," 150.

14. Filip Reyntjens, Rwanda. Trois jours qui ont fait basculer l'histoire, (Paris: L'Harmattan, 1995), 17-18.

15. Ibid.

16. Adelman, "Arusha Peace Process," 19.

17. Assemblée nationale, Mission d'information commune, tome 3, vol. 2 Auditions, 327.

18. Human Rights Watch Arms Project, Arming Rwanda, January 1994, 5.

CHAPTER 9

THE EVE OF THE GENOCIDE: WHAT THE WORLD KNEW

9.1. No controversy about the genocide is more vexing than whether the world knew it was coming yet failed to take decisive steps to prevent it. A great deal has been written on this one topic alone. Our position, as we have already indicated, is clear. There can be not an iota of doubt that the international community knew the following: that something terrible was underway in Rwanda, that serious plans were afoot for even more appalling deeds, that these went far beyond routine thuggery, and that the world nevertheless stood by and did nothing. That does not mean the world knew that by 1992 or 1993, genocide was being systematically plotted and organized. In fact it seems to us likely that hardly anyone could quite bring themselves to believe this was the case.

9.2. After all, even in the early 1990s Rwanda remained one of the darlings of the international community. Habyarimana himself, after 20 years of power, had cordial personal relations with politicians and diplomats all over the world. It was simply impossible for these people to think of him as some kind of madman presiding over an evil regime; he seemed nothing like that at all. Indeed, he had powerful friends and champions throughout the western world.

9.3. The most steadfast were from France, and included President Mitterrand, his son, and many other important diplomats, politicians, officers and senior civil servants. In Kigali, Habyarimana had a strong, loyal ally in French Ambassador Georges Martres, whose dedication to the interests of the regime led to the joke in local diplomatic circles that he was really the Rwandan ambassador to France.[1] But Martres' role was no laughing matter. As one scholar tells us, "According to officials in the Ministry of Foreign Affairs and the Ministry of Co-operation, Ambassador Martres never reported on the rise of extremists, Hutu power, and the continuous violence during his tour in Rwanda from 1990 until 1993."[2]

9.4. Even after the genocide, Martres recalled that Habyarimana "gave the impression of a man of great morality. President Habyarimana prayed regularly and went to mass regularly...generally, the image President Habyarimana presented to President Mitterrand was very favourable." Yet Martres well knew the Rwandan reality. Christophe Mfizi, a former Habyarimana associate, who in 1992 exposed the existence of the Zero Network, personally briefed Martres on the details.[3] Nothing changed Martres' views. This unquestioning support of the regime by French officials sent the conspirators the signal that they could get away with just about anything.

9.5. We have seen earlier that the economic crunch of the late 1980s seriously reduced the available spoils of office just as the first demands for democratization and power sharing were being heard. As resentment grew towards the northern Hutu faction that dominated the government and Rwandan society in general, so the ruling elite began to fear that they would lose their positions of supremacy. The event that transformed a difficult situation into a full-blown crisis was the RPF invasion of October 1, 1990. After that, events moved with bewildering speed and escalating horrors, much of it on the public record. A full list of such incidents would take dozens of pages. But it is useful here to note some of the key events that were known publicly before the end of 1993.[4] The following list includes items of two kinds: steps that were taken toward the genocide, and the eventual public exposure of those steps.

October 1990
– RPF invasion
– Eight thousand Tutsi and moderate Hutu detained
– Three hundred Tutsi slaughtered in Kabirira
– De Standaard (Belgium) reports massive arrests of Tutsi

December 1990
– Radical Hutu paper Kangura publishes "Ten Commandments of the Hutu"

January 1991
– Five hundred to 1,000 Tutsi slaughtered in Kinigi
– Le Monde (France) reports the circulation of racist anti-Tutsi propaganda

February 1991
– US State Department reports arbitrary detention of 5,000 Rwandan civilians
– Le Monde reports continuing anti-Tutsi propaganda

April 1991
– Le Monde reports on anti-Tutsi propaganda contained in Kangura newspaper

May 1991
– Amnesty International reports the October 1990 detainment of 8,000 persons and the torture and rape of civilians

October 1991
– In three different incidents, 31 Tutsi are arrested and either never return or are beaten

December 1991
– Attacks on Tutsi continue

January 1992
– Government military budget increases dramatically

March 1992
– Radical Hutu CDR party forms
– Three hundred Tutsi massacred in Bugesera
– Human Rights Watch reports on massacres in Kabirira (1990) and in the north-west (1991)
– US State Department reports on the January 1991 massacre in Kinigi

April 1992
– Habyarimana begins military training for his party's youth wing, who are transformed into the militia known as interahamwe; CDR soon follows with its own militia, the impuzamugambi

June 1992
– The New York Times reports the October 1990 detention of 8,000

September1992
– Rwandan government distributes guns to civilians in two communes

October 1992
– De Standaard reports terror against the Tutsi
– Radical Hutu death squads and exposes Zero Network

November 1992
– Habyarimana declares the Arusha cease-fire agreement with RPF is a only a scrap of paper

December 1992
– Rwandan human rights organizations report massacres of Tutsi and human rights violations against them
– Africa Watch reports government troops are on killing sprees

January 1993
– Three hundred Tutsi and other political opponents massacred in the north-west
– Le Monde reports accusations against Rwandan army of gross human rights violations against Tutsi
– International commission of four human rights organizations conducts mission in Rwanda, interviewing hundreds and excavating mass graves

February 1993
– RPF violates cease-fire; one million in the north-west are displaced
– Government distributes more guns to civilians
– More violence, rape, detainment, and torture of Tutsi
– International Commission of Inquiry on Human Rights Abuse in Rwanda, made up of members of four organizations, reports more than 2,000 Tutsi murdered on ethnic grounds since RPF invasion; three major massacres of Tutsi by government-supported civilians; extremist, racist rhetoric widespread; militia groups formed. The press release raises possibility of genocide, but the word is absent from final report
– Le Monde covers human rights report
– US State Department reports on Bugesera and Bagogwe massacres, disappearances of Tutsi youth, and expansion of army

March 1993
– One hundred and forty-seven Tutsi killed; hundreds more beaten
– International Commission of Inquiry presents its report in Brussels and Paris
– Le Monde discusses French military assistance and political support to Rwanda in light of International Commission's findings
– Belgian paper reports on Commission report and Habyarimana's rejection of it

May 1993
– Radical Hutu wing splits from opposition MDR party
– MDR leader murdered

June 1993
– Akazu-backed extremist radio station RTLMC begins broadcasting
– Human Rights Watch publishes report on massacres in north-west in January and February 1993; other killings in February and March; arming of civilians; and several massacres carried out by civilians with government support

August 1993
– UN Special Rapporteur on Summary, Arbitrary and Extrajudicial Executions issues report based on mission to Rwanda, largely confirming report of International Commission of Inquiry. Concludes that recent massacres seem to fulfill the Genocide Convention definition of genocide; violence is increasing; extremist propaganda is rampant; and militias are organized

September 1993
– Judges and human rights activists attacked
– Bombs explode in Kigali

October 1993
–De Standaard reports on questions in Belgian Parliament about Akazu members' involvement in violence and corruption

9.6. All these events, we remind readers, happened prior to 1994. We also stress that this catalogue is minimal; it could be expanded. In its comprehensive study of the genocide, Leave None to Tell the Story, Human Rights Watch lists 30 pages of early warnings that begin where our list ended, five months prior to April 6, 1994. All these data reflect three important truths:

1) Violence was rampant for years before the genocide and was escalating perceptibly.
2) This state of affairs was well known.
3) It was also well known that the situation was not the product of chance.

9.7. Beginning with the response to the 1990 RPF invasion, the violence had been government-initiated and provoked. As we have earlier argued, progressively over the next two years it took on the characteristics that ultimately distinguished the genocide from "ordinary" terror and made it in so many ways a remarkably faithful successor to the indisputable genocides of our century. By the time it was finally unleashed, the violence was deliberate, planned, organized, sophisticated, and coordinated. It was motivated by that which distinguishes genocide from crimes against humanity or mass murder: A clique of Rwandan Hutu consciously intended to exterminate all Tutsi in the country, specifically including women and children so that no future generations would ever appear. If the rest of the world could not contemplate the possibility that they would go that far, it was certainly known that they were prepared to go a great distance indeed.

9.8. Already by late 1992, virtually all the key protagonists existed, often "as shadowy counterparts of official institutions." The fanatical Hutu party, the CDR, had been hived off from the ruling MRND in March, perhaps with the connivance of Habyarimana and his clique. Soon each produced its own militia group: the MRND transformed its youth wing into the now infamous interahamwe; the CDR called its group the impuzamugambi. The Rwandan army (FAR) had its Amasasu secret society, the Akazu and the secret service had their Zero Network death squads, and radical Hutu had their house intellectuals. The Amasasu, extremist officers who felt that the fight against the RPF was not being carried out with the necessary energy, handed out weapons to the interahamwe and impuzamugambi who, in turn, worked hand-in-hand with the Zero Network, which included both civilian and military assassins.[5] For the next year, these elements built links, continued their terror campaigns, and worked to undermine the ongoing Arusha peace talks.

9.9. It was during this period, in November 1992, that Leon Mugesera, an influential member of Habyarimana's party, addressed local MRND militants with a message explicitly presaging the genocide: "The fatal mistake we made in 1959 was to let them [the Tutsi] get out... They belong in Ethiopia and we are going to find them a shortcut to get there by throwing them into the Nyabarongo River [to carry them northwards]. I must insist on this point. We have to act. Wipe them all out!"[6]

9.10. The murder of Burundi's Hutu President Ndadaye by Tutsi soldiers the following October propelled the movement to its next and penultimate stage. What better witnesses to Tutsi villainy than the flood of Hutu refugees into Rwanda that followed? Countless Hutu moderates were radicalized, giving up at last on the possibility of a united country. The conspirators were not slow to exploit their opportunity.[7]

9.11. As one analyst put it, "The movement known as Hutu Power, the coalition that would make the genocide possible, was built upon the corpse of Ndadaye."[8] Hutu Power as an explicit organizing concept had been announced earlier at a provincial meeting, but it really took off at a mass rally in Kigali on October 23, two days after the Burundi assassination.[9] Members of several political parties were present, attesting to the new reality that ethnic solidarity trumped party allegiances. Political life, in these last turbulent months before the genocide, was re-organized strictly around the two opposing ethnic poles. Hutu who opposed Hutu solidarity were seen as the enemy. Anyone who was prepared to work with the Tutsi in a transitional government was an inyenzi, or a puppet of the Tutsi.

9.12. The diplomatic community in Kigali followed these developments closely. The Belgians, French, and Americans had the best sources of information, but as we were told by a knowledgeable observer, Kigali was a small town, the elite was tiny, everyone knew everyone else, everyone had the same information, and all kept their governments back home informed. The only question was what each one chose to believe.

9.13. We began this chapter with a catalogue of some of the many atrocities committed against the Tutsi between the 1990 RPF invasion and late 1993 that were widely recognized at the time. To convey a sense of the atmosphere in Rwanda in the tumultuous few months leading to the genocide, what follows is highlights from November 1993 until Habyarimana's plane was shot down on April 6, 1994. It is in the light of these incidents that we will later examine the small, poorly equipped, and largely impotent military mission that the UN Security Council approved for Rwanda in October 1993.[10]

- In November 1993, the Belgian ambassador reported to Brussels that radio station RTLMC had called for the assassination of the Prime Minister, who was not in the Hutu Power camp.

- On December 1, a local human rights organization, reporting on recent massacres of and human rights violations against Tutsi, quoted the assailants as saying that "this population is an accomplice of the Inkotanyi [the RPF army] because it is mostly Tutsi, and its extermination would be a good thing."

- On December 3, several FAR officers, announcing that they were filled "with revulsion against these filthy tactics," wrote to UN Commander General Romeo Dallaire about a "Machiavellian plan" that Habyarimana personally was hatching with officers from his home region. Drawing attention to several incidents of recent killings of civilians, they warned that, "More massacres of the same kind are being planned and are supposed to spread throughout the country... and that opposition politicians were to be assassinated."

- On December 27, Belgian intelligence reported that, "The interahamwe are armed to the teeth and on alert...each of them has ammunition, grenades, mines and knives...They are all waiting for the right moment to act."

- Beginning in January 1994, Habyarimana repeatedly delayed implementation of the transitional government that had been agreed to at Arusha.

– On January 11, General Dallaire sent his controversial fax to his superior, General Baril, at the UN Department of Peacekeeping Operations in New York. It was prompted by a meeting the previous day between Belgian UNAMIR officers and an interahamwe commander-turned-informant known in UN correspondence only as "Jean-Pierre" (his surname was Turatsinze). Although he opposed the RPF, Jean-Pierre had informed the UN officials that he "disagrees with anti-Tutsi extermination...cannot support the killing of innocent persons." Until UNAMIR appeared, he maintained, the principal aim of the interahamwe was to protect Kigali from RPF. "Since UNAMIR mandate he has been ordered to register all Tutsi in Kigali. He suspects it is for their extermination. Example he gave was that in 20 minutes his personnel could kill up to 1000 Tutsis." Jean-Pierre offered to take UNAMIR officials to caches of guns. According to Dallaire's faxed cable, Jean-Pierre said that the interahamwe had 1,700 men scattered in groups of 40 around the capital, each of whom had been trained in "discipline, weapons, explosives, close combat and tactics...he informed us he was in charge of last Saturdays [sic] demonstrations which aims were to target deputies [members of Parliament] of opposition parties coming to ceremonies and Belgian soldiers. They hoped to...provoke a civil war. Deputies were to be assassinated upon entry or exit from Parliament. Belgian troops were to be provoked...a number of them were to be killed and thus guarantee Belgian withdrawal from Rwanda." For various reasons, this confrontation with Belgian troops had not occurred. But the scheme was only deferred, not discarded.

– On January 12, Dallaire received a response from Iqbal Riza, writing over the signature of his superior, Kofi Annan, head of UN peacekeeping operations, and denying Dallaire permission to seize the arms caches revealed by Jean-Pierre.

– On January 13, the Belgian ambassador, who had been briefed on Jean-Pierre's information, reported to Brussels that UNAMIR could not act alone against the interahamwe because of its limited mandate. Even the investigation of incidents would have to be carried out together with the national police, but many of them were working with the militia.

– On January 14 in Belgium, military intelligence reported fears that the interahamwe might attack the UN's Blue Helmets, particularly its Belgian soldiers. They also reported "increasingly well-substantiated indications of secret links and/or support to interahamwe by high-ranking officers of the Rwandan army or national police."

– On January 17, the UN Secretary-General's Special Representative for Rwanda told assembled African diplomats in Kigali that, "We have proof of the existence of training camps for many recruits."

– On January 25, the Belgian ambassador was warned by a senior political official that the interahamwe were going to launch a civil war in which they would exploit hostility against the Belgians.

– On January 27, radio station RTLMC broadcast a call for the Hutu to defend themselves to the last man. After a long diatribe against UNAMIR, the station called on Rwandans to "take responsibility" for what was happening, or Belgian soldiers would give the country to the Tutsi.

– About this time, Human Rights Watch was told that a US government intelligence analyst had estimated that if conflict were renewed in Rwanda, the worst case scenario would involve one-half million people dying. Apparently, this analyst's work was usually highly regarded, but this assessment was not taken seriously.

– Around the same time, the Human Rights Watch Arms Project published a report documenting the flow of arms into Rwanda, mostly from France, or from Egypt and South Africa with French support. After detailing the distribution of arms to civilians, the report concluded that, "It is impossible to exaggerate the danger of providing automatic rifles to civilians, particularly in regions where residents, either encouraged or instructed by authorities, have slaughtered their neighbours.

– In February, Habyarimana failed to show up for the swearing-in of the transitional government, which was once again postponed.

– On February 15, Belgian military intelligence reported that the army chief of staff had put all troops on alert, cancelled leaves, and asked for more soldiers.

– On February 20, according to an interview given by banker Jean Birara to a Belgian reporter in May, Rwandan army Chief of Staff Sylvain Nsabimana, a relative of Birara's, showed him a list of 1,500 persons to be eliminated in Kigali.

– At about the same time, the Papal Nuncio– the Vatican's ambassador to Rwanda – gave the Italian ambassador two lists of Tutsi who were to be exterminated. The latter, now the ambassador in Ethiopia, told the Panel that he was absolutely confident that everyone in the diplomatic world was aware of these lists.

– On February 20, an attempt to assassinate the Prime Minister-designate failed.

– On February 21, assassins alleged to have close ties to Habyarimana killed the Hutu leader of the PSD, a party of southern Hutu and some Tutsi.

– On February 22, a mob killed the head of the Hutu radical CDR party in revenge.

– Between February 22 and 26, interahamwe killed 70 people and destroyed property in Kigali. Belgian officers described the situation as "explosive" but noted that UNAMIR's limited mandate left it helpless to stop the escalating violence.

– On February 25, the Belgian Ministry of Foreign Affairs wrote to the Belgian ambassador to the UN about the need to strengthen UNAMIR's mandate. Otherwise, if the situation continued deteriorating, "Belgian peacekeepers [would] remain passive witnesses to genocide...." In response, after discussing the matter with the UN Secretariat and principal members of the Security Council, the UN's Belgian ambassador replied that "it is unlikely that either the number of troops or the mandate of UNAMIR would be enlarged; that the United States and Great Britain oppose this... for financial reasons..."

– Also on February 25, President Habyarimana confided to Jacques-Roger Booh-Booh, Special Representative of the UN Secretary-General, that his life had been threatened. He did not reveal by whom.

– In February as well, the US State Department reported on massacres of Tutsi in early 1993 and the existence of death squads; Le Monde reported on massacres, the French role in the Rwandan army, and anti-Tutsi propaganda; and a Belgian paper reported on the assassinations.

– On March 1, the Belgian ambassador in Kigali reported that station RTLMC was broadcasting "inflammatory statements calling for the hatred-indeed for the extermination" of the Tutsi.

– On March 2, an MRND informant told Belgian intelligence that his party, the ruling party, had a plan to exterminate all the Tutsis in Kigali if the RPF dared to resume the war. "If things go badly, the Hutu will massacre them without pity."

– On March 10, Belgian intelligence reported that the MRND was angry with Habyarimana for meeting with President Museveni of Uganda without consulting them.

– On March 15, a group of several of the world's leading human rights organizations, all of whom had done extensive research in Rwanda, issued a statement deploring the growing violence and the unending distribution of arms in Rwanda.

– About a week later, according to the report of the 1997 Belgian Commission of Parliamentary Enquiry into Belgium's role in the genocide, the officer in charge of intelligence for the Rwandan army told a group that included some Belgian military advisers that "if Arusha were implemented, they were ready to liquidate the Tutsi."

– In the last days of March, radio station RTLMC broadcast increasingly bitter attacks against UNAMIR, Dallaire, the Belgians, and some Rwandan political leaders.

– At the end of March, UNAMIR's mandate was extended, but not strengthened. Nor were reinforcements sent in, mostly due to American reluctance to devote more resources to Rwanda.

– On April 2, RTLMC announced that military officers had just met with the Prime Minister to plan a coup against Habyarimana. (It is probable that she met with moderate officers to consider how to deal with the escalating crisis, but it seems inconceivable that this group believed it had the remotest chance of overthrowing the President. After all, the Prime Minister was unable even to have a meeting without its being reported on the Hutu Power radio station.[11])

– On April 3, RTLMC broadcast a prediction that the RPF would do a little something with bullets and grenades in the next three days.

–On April 4, influential Hutu Power leader Theoneste Bagasora told a group that included several high-ranking UN officials that "the only plausible solution for Rwanda would be the elimination of the Tutsi."

– On the same day, M. D. Gutekunst, the president of Afrique Santé et Environnement, visited two high-placed friends in Kigali. They reported to him rumours that the President was off to Tanzania to "capitulate" on Arusha. The new government was to be sworn in on Friday, April 8, but Habyarimana would be killed by the RPF before that, and the civil war would recommence.

– On April 6, under intense international pressure to implement the Arusha accords, Habyarimana in fact flew to Dar Es Salaam to meet with his peers from neighbouring states. There they continued to insist that he keep the commitment to install a new broad-based government. Returning home that same evening, Habyarimana offered President Ntaryamira of Burundi a lift on his Falcon 50 jet.[12] As the plane began its descent into Kigali airport, it was hit by ground-to-air missiles and crashed, killing all aboard.

9.14. Inevitably, wildly conflicting stories and accusations about the possible perpetrators have swirled ever since. As part of a systematic attempt to lay the foundation to justify a planned assault on UNAMIR Belgian troops, radio station RTLMC immediately blamed the Belgians, among others, Since then, virtually every conceivable party has been accused of the deed – the Akazu, other Hutu radicals, the RPF, the UN, UNAMIR, the French. The truth is that to this day, this historic event is shrouded in conflicting rumours and accusations but no hard evidence. Mysteriously enough, a formal investigation of the crash has never been carried out, and this Panel has had no capacity to launch one. We address this important issue in our recommendations.

9.15. The President's plane crashed at 8.30 p.m. Some 10 hours later, the killing of some Tutsi and of Hutu opposition members began. The actual genocide was launched soon thereafter. Perhaps six hours after that, RPF troops began to engage Rwandan soldiers. The civil war had begun again.

9.16. An unforgivable tragedy for the Tutsi of Rwanda was that the international community failed to take a single step to halt the genocide once it began, even though everyone knew it was in progress. The first tragedy, however, was the one documented in this chapter. The interpretation of the countless individual incidents recorded is surely inescapable: There were a thousand early warnings that something appalling was about to occur in Rwanda. If not a genocide, it was at least a catastrophe of so great a magnitude that it should command international intervention. As we shall see, that intervention was utterly inadequate, largely owing to the political interests of the Americans and the French.

9.17. Yet the argument of this entire report is that for 150 years, the outside world played a central part in carving out the building blocks that built to the genocide. This role extended way back: to the racism of the first European explorers, to Belgian colonial policy; to Catholic church support for "demographic democracy" under a Hutu military dictatorship; to the Structural Adjustment Programme imposed by western financial institutions; and to the legitimizing of an ethnic dictatorship by France, the US, and many international development aid agencies. In our very strong view, the world carried a heavy responsibility for the events in Rwanda. There was an honourable and inestimably useful way in which the world might have discharged that responsibility. Human rights groups and a small number of UN officials tried frantically to get it to do so. Instead, world leaders chose to play politics and to pinch pennies as hundreds of thousands of innocent Rwandans needlessly died.

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1. Agnés Callamard, "French Policy in Rwanda," in Adelman et al., Path of a Genocide, 169.

2. Ibid.

3. Interviews with Martres and Mfizi in The Bloody Tricolour, BBC Panorama, 28 August 1995.

4. The two chronologies used in this chapter are mainly from Des Forges, 143-144, and Uvin, 70-82, with other supplementary material.

5. Prunier, 168-169; Reyntjens, "Rwanda: Genocide and Beyond".

6. Ibid., 171-172, cited from the FIDH Rwanda Report of March 1993, 24-25.

7. René Lemarchand, "The Rwanda Genocide," in S. Totten et al., 415.

8. Des Forges, 137-138.

9. Ibid.

10. Des Forges, 143-172; United Nations, "Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda," 15 December 1999.

11. Interview with Alison Des Forges.

12. Prunier, 211.

Rwanda: The Preventable Genocide

CHAPTER 10

THE PREVENTABLE GENOCIDE: WHAT THE WORLD COULD HAVE DONE

10.1. If there is anything worse than the genocide itself, it is the knowledge that it did not have to happen. The simple, harsh, truth is that the genocide was not inevitable; and that it would have been relatively easy to stop it from happening prior to April 6, 1994, and then to mitigate the destruction significantly once it began. In the words of one expert, "This was the most easily preventable genocide imaginable."[1]

10.2. The conspirators may have seemed formidable in local terms, but in fact they were small in number, modestly armed, and substantially dependent on the outside world. On the few occasions when the world did protest against the human rights violations being perpetrated, the abuses largely halted, if temporarily. This has been documented thoroughly. Conversely, each time the world appeased the latest outrage, it enhanced the sense of Hutu Power impunity. Since no one was ever punished for massacres or human rights abuses, since the Habyarimana government remained a favourite recipient of foreign aid, and since no one demanded an end to the escalating incitement against the Tutsi, why would Hutu radicals not believe they could get away with just about anything? [2]

10.3. The plot leaders were in it for the spoils. Even a hint, let alone a threat that further aid or loans or arms would not be forthcoming was taken very seriously indeed. Such threats were invoked with success to force Habyarimana to sign the Arusha accords. They were rarely made in connection with human rights abuses or ethnic persecution, however, and when they were, the threats were never followed up, reflecting the reality that human rights were not high on the agendas of many foreign governments.

10.4. Beyond this, some outsiders were blinded by their faith in multipartyism as a panacea for all Rwanda's woes. The atrocities aimed at the Tutsi were mistaken for more violence flowing from the civil war. End the civil war and implement the Arusha accords, they reasoned, and ethnic violence will automatically stop. To forward the goal of peace, it was necessary to remain engaged. Withdrawal of aid was therefore seen as counter-productive.

10.5. Few bothered to learn the lesson from Arusha's utter failure that no agreement mattered unless Hutu Power was shattered. Precisely the same crucial analytical error was repeated throughout the period from April to July, when the Security Council and the United Nations Secretariat consistently took the position that ending the civil war took primacy over ending the genocide. When the Nigerian ambassador complained that too much attention was being paid to cease-fire negotiations and too little to stopping the massacres, he was largely ignored. The Carlsson Inquiry, appointed by UN Secretary-General Kofi Anna in 1999 to look into the role of the UN in the genocide, criticizes the entire UN family for this "costly error of judgment."[3] In fact, this seems to us too generous an interpretation of the world's failure.

10.6. Here was a clear-cut case of rote diplomacy by the international community. As the UN's own Department of Peacekeeping Operations later concluded, "A fundamental misunderstanding of the nature of the conflict... contributed to false political assumptions and military assessments." [4] Security Council members blithely ignored both the discrete realities of the situation and the urgent advocacy of the non-governmental agencies who were crying out the truth to whomever would listen.[5] Instead, the automatic reflex was to call for a cease-fire and negotiations, outcomes that would have coincided perfectly with the aims and strategy of the genocidaires. The annihilation of the Tutsi would have continued, while the war between the armies paused, and negotiators wrangled. In reality, anything that slowed the march of the RPF to military victory was a gift to Hutu Power. In the end, its victory alone ended the genocide and saved those Tutsi who were still alive by July. We count Rwanda fortunate that a military truce – the single consistent initiative pursued by the international community – was never reached.

10.7. It should only have taken the information at hand to formulate a correct response. It may well be that the mass media did not at first grasp the full extent of the genocide, but that was not true of the world's decision-makers. Eyewitness accounts were never lacking, whether from Rwandans or expatriates with the International Committee for the Red Cross, Human Rights Watch, the US Committee for Refugees, or others. Week after week for three months, reports sent directly from Rwanda to home governments and international agencies documented the magnitude of the slaughter and made it plain that this was no tribal bloodletting, but the work of hardline political and military leaders. At the same time, the reports spelled how countless people could still be saved, identifying exactly where they were hiding, and what steps were needed to rescue them. Yet the world did less than nothing. As subsequent chapters fully document, the world powers assembled as the UN Security Council actually chose to reduce, rather than enhance, their presence.

10.8. The obvious, necessary response was a serious international military force to deter the killers; this seems to us aself-evident truth. This Panel wants to go on record as one that shares the conviction of UN Assistance Mission to Rwanda (UNAMIR) Commander General Romeo Dallaire: "The killings could have been prevented if there had been the international will to accept the costs of doing so..."[6] As we have seen, that will was at best half-hearted before April 6, and it collapsed entirely in the early stages of the genocide. Virtually every authority we know believes that a larger, better-equipped, and toughly mandated force could have played a critical role, possibly in deterring the conspiracy entirely or, at the least, in causing the plotters to modify or stall their plans and in significantly reducing the number of deaths. It seems certain that appropriate UN intervention at any time after the genocide began would have had a major role in stopping the killings.[7]

10.9. Dallaire has always insisted that with 5,000 troops and the right mandate, UNAMIR could have prevented most of the killings. In 1998, several American institutions decided to test Dallaire's argument. The Carnegie Commission on Preventing Deadly Conflict, the Institute for the Study of Diplomacy at Georgetown University in Washington, D.C., and the US Army undertook a joint project to consider what impact an international military force was likely to have had.[8] Thirteen senior military leaders addressed the issue, and a report based on their presentations as well as on other research, was prepared for the Carnegie Commission by Colonel Scott Feil of the US Army. His conclusion was straightforward: "A modern force of 5,000 troops...sent to Rwanda sometime between April 7 and April 21, 1994, could have significantly altered the outcome of the conflict... forces appropriately trained, equipped and commanded, and introduced in a timely manner, could have stemmed the violence in and around the capital, prevented its spread to the countryside, and created conditions conducive to the cessation of the civil war between the RPF and RGF." [9]

10.10. Of course, we understand that this was a strictly theoretical exercise, and it is easy to be wise after the fact. On the other hand, we have no reason to question the objectivity of this analysis or of any of the participants. Neither they nor the author seem to have had a vested interest in this conclusion. Moreover, even those analyses that have recently stressed the logistic complications in swiftly mobilizing a properly equipped force do not deny that scores of thousands of Tutsi, "up to 125,000," might have been saved at any time during the months of the genocide.[10] By any standard, these American reports stand as a humiliating rebuke to the US government whose influence was so great in ensuring that no adequate force ever was sent.

10.11. Rather than respond with appropriate force, the opposite happened, spurred by the murders of the Belgian Blue Berets and Belgium's withdrawal of its remaining troops. Exactly two weeks after the genocide began – following strenuous lobbying for total withdrawal led by Belgium and Britain, and with American UN Ambassador Madeleine Albright advocating the most token of forces and the United States adamantly refusing to accept publicly that a full-fledged, Convention-defined genocide was in fact taking place – the Security Council made the astonishing decision to reduce the already inadequate UNAMIR force to a derisory 270 men.[11]

10.12. Today, it seems barely possible to believe. The international community actually chose to abandon the Tutsi of Rwanda at the very moment when they were being exterminated. Even that was not the end of it. The UN Secretariat officials then instructed General Dallaire that his rump force was not to take an active role in protecting Rwandan citizens.[12] To his great credit, Dallaire manoeuvered to keep the force at almost twice the size authorized, and UNAMIR was still able to save the lives of an estimated 20,000 to 25,000 Rwandans during the course of the genocide.[13]

10.13. In a sense, the fact that it was possible to save thousands of lives with 500 troops makes the Belgian and the UN decisions much more deplorable. The available evidence reveals the considerable authority exerted after April 6 by even a small number of Blue Helmets with a UN flag. "The general rule" was that "Rwandans were safe as long as they gathered under United Nations protection ... It was when the United Nations forces left the site that the killings started."[14] This rule was most infamously demonstrated in the case of the Kigali technical school, l'École Technique Officielle (ETO), where 100 Belgian soldiers kept a horde of murderers at bay. As the UN troops withdrew through one gate, the genocidaires moved in through another. Within hours, the 2,000 Tutsi who had fled to ETO for UN protection were dead.[15] We will return to this shocking incident later in this report.

10.14. With the exception of the deliberate murders of the 10 Belgian Blue Helmets, experiences showed that a few UN troops could provide significant defence for those under their protection with little risk to themselves. This "power of presence" was not to be underestimated. Yet when France sent 500 soldiers to evacuate French citizens and Akazu members on April 8 and 9, Dallaire's UN troops were immediately ordered – by the Secretariat in New York, and under strong pressure from western countries – to work with the French to evacuate foreign nationals rather than protect threatened Rwandans.[16] This can only be described as a truly perverse use of scarce UN resources. No doubt innocent expatriates were threatened by a conflagration that was none of their making. But exactly the same was true of Rwanda's Tutsi, who were peremptorily abandoned by the Blue Helmets.

10.15. Equally startling were the guidelines Dallaire was given. These seem to have received little notice until documented by the Carlsson Inquiry report, yet they seem to us of extraordinary significance. "You should make every effort not to compromise your impartiality or to act beyond your mandate," the April 9 cable from Kofi Annan and Iqbal Riza stated, "but [you] may exercise your discretion to do [so] should this be essential for the evacuation of foreign nationals. This should not, repeat not, extend to participating in possible combat except in self-defence."[17] This double standard seems to us outrageous. No such instructions were ever given to Dallaire about protecting innocent Rwandan civilians. He was never explicitly directed that the Blue Helmets should protect such civilians and could fight in self-defence if attacked while doing so. He was never told, "exercise your discretion...to act beyond your mandate" when it came to Rwandans. On the contrary, every time he raised the issue, he was specifically instructed not to go beyond the rigidly circumscribed mandate approved by the Security Council under any circumstances. Is there a conclusion we can draw from this incident other than that expatriate lives were considered more valuable than African lives?

10.16. The lesson to be learned from the betrayal at ETO and other experiences was that the full potential of UNAMIR went unexplored and unused, and, as result, countless more Rwandans died than otherwise might have. If anyone in the international community learned this lesson at the time, it was not evident at the UN. For the next six weeks, as the carnage continued, the UN dithered in organizing any kind of response to the ongoing tragedy. The Americans, led by US Ambassador Madeleine Albright, played the key role in blocking more expeditious action by the UN.[18] On May 17, the Security Council finally authorized an expanded UNAMIR II to consist of 5,500 personnel.[19] But there is perhaps no distance greater on earth than the one between the Security Council chambers and the outside world. Once the decision to expand was finally made, as we will soon show in detail, the Pentagon somehow required an additional seven weeks just to negotiate a contract for delivering armed personnel carriers to the field; evidently it proved difficult to arrange the desired terms for "maintenance and spare parts."[20] When the genocide ended in mid-July with the final RPF victory, not a single additional UN soldier had landed in Kigali.

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1. Howard Adelman, "Genocidists and Saviours in Rwanda," Books in Canada, March 1999.

2. Uvin.

3. "United Nations Independent Inquiry", December 1999, 39-40.

4. UN Department of Peacekeeping Operations, Lessons Learned Unit, Comprehensive Report on Lessons Learned from UNAMIR [UN Assistance Mission to Rwanda], October 1993-April 1996, December 1996, 3.

5. Ibid., 40.

6. Dallaire and Bruce Poulin, "Rwanda: From Peace Agreement to Genocide," Canadian Defence Quarterly, 24, no. 3, March 1995.

7. Carnegie Commission on Preventing Deadly Conflict, Preventing Deadly Conflict (New York: Carnegie Corporation, December 1997), 39.

8. Scott R. Feil, "Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda" (Washington, D.C.: Carnegie Commission on Preventing Deadly Conflict, 1998).

9. Ibid., 3.

10. Alan Kuperman, "Rwanda in Retrospect: Could the Genocide Have Been Stopped?" Foreign Affairs, January/February 2000, 94-95; Alison Des Forges, "'Alas, We Knew,' Kuperman replies", in "Shame:Rationalizing Western Apathy on Rwanda," Foreign Affairs, 79, no. 3, May/June 2000, 141-144.

11. "United Nations Independent Inquiry," December 1999, 21; "Security Council resolution adjusting UNAMIR's mandate and authorizing a reduction in its strength," S/RES/912 (1994), 21 April 1994.

12. "United Nations Independent Inquiry," December 1999, 12.

13. Dallaire and Poulin, op. cit.

14. Astri Suhrke, "Dilemmas of Protection: The Log of the Kigali Battalion," in Adelman and Suhrke (eds.), The Path of a Genocide, 267.

15. Des Forges, 618.

16. "United Nations Independent Inquiry," December 1999, 17.

17. Ibid.

18. Des Forges, 629.

19. "Security Council resolution expanding UNAMIR to 5,000 troops and mandating UNAMIR II to provide security to displaced persons, refugees and civilians at risk and to support relief efforts, and imposing an arms embargo on Rwanda," S/RES/918 (1994), 17 May 1994.

20. James Woods, Frontline interview.

CHAPTER 11

BEFORE THE GENOCIDE: THE ROLE OF THE OAU

Background

11.1. No analysis of the Rwandan tragedy would be complete if it failed to highlight the role played throughout the last decade by the Organization of African Unity (OAU). From the moment of the RPF invasion in 1990 through the Arusha negotiations, the creation of UNAMIR, of Opération Turquoise, and the subsequent wars of central Africa and the Great Lakes Region, the OAU has been an active, vocal, and key actor. Its consistent goal has been to resolve the series of conflicts with as much dispatch and as little violence as possible. As we know only too well, its initiatives in Rwanda were ultimately unsuccessful. But there are lessons to be learned from this decade of involvement, above all the OAU's need for the capacity and the resources to back up its diplomatic ventures.

11.2. In the process, the OAU's role reflected the dramatic changes that were occurring across the continent. On the one hand, the organization was responding to these changes in an attempt to remain relevant; on the other, the Rwanda experience helped shape the approach of the OAU to conflict management and resolution. Significantly, its efforts began to address the root causes of the internal conflicts it was facing, and its methods of consultation, mediation, and the involvement of regional leaders became stronger and more sophisticated. These characteristics were well demonstrated in its intercession in the Rwandan tragedy, and if its efforts failed to prevent disaster, it was not for want of effort. We know now that only serious threats of military intervention or economic retaliation by the international community could have prevented the genocide, which indeed the OAU pressed for without success.

11.3. The OAU, like the UN, is an intergovernmental organization. However unlike the UN where important decisions are taken by the Security Council dominated by its five permanent members, the OAU's important decisions are taken by its Assembly of 52 Heads of States, based on recommendations made to them by the Council of Ministers. This procedure is no doubt cumbersome, but it is also distinctly more egalitarian than that of the UN. Like the UN, the OAU, also has a Secretariat headed by a Secretary-General. Compared to the UN, the OAU Secretariat works with far fewer resources and even greater constraints. The powers of the Secretary-General are substantially circumscribed by the unwieldy decision-making process and the need to work in concert with the member states, especially with regards to the ultra-sensitive political process of conflict management and resolution.

11.4. The OAU Charter is categorical about the sovereignty of member states and about non-interference in their internal affairs. Attempts to deal with disputes and conflicts between states are complicated by the need to work within these strict guidelines. During the founding of the organization in 1963, the Assembly established a Commission of Mediation, Conciliation, and Arbitration. Alas, it was stillborn and has never worked. "As is known, it is the only permanent institutional framework provided for in the OAU Charter for the settlement of conflicts. However, it has remained dormant from the first day of its establishment because member states have shown a strong preference for political process of conflict resolution rather than for judicial means of settlement.[1]

11.5. Compared to other forms of conflict resolution such as military intervention or arbitration, mediation and conciliation have their drawbacks. This process needs the agreement of both parties to the conflict, often difficult to achieve quickly; and the process is generally lengthy and complicated. More fundamentally, it often achieves only a temporary modus vivendi rather than a permanent resolution to the conflict "because the political approach often steers clear of delving into the whys and wherefores and the decisions are not binding."[2]

11.6. Over the decades, both the Assembly and its Council of Ministers set up any number of ad hoc commissions and committees to handle disputes. Overwhelmingly these disputes have been between states. Before Rwanda, the OAU was involved in only two important intra-state conflicts – successfully in the case of the 1964 Army Mutiny in Tanganyika, and less successfully in the case of the 1979 conflict in Chad between the government and Chadian rebels.

11.7. During the last 10 years the OAU has attempted to adapt to the changing socio-economic and political conditions of the African continent. The Rwandan crisis and its regional aftermath have been one of these new challenges, and it is useful to examine the role of the OAU in Rwanda within this wider context.

11.8. During the 1980s, Africa endured serious economic and political problems. Accordingly, in Addis Ababa in 1990, the Assembly of Heads of State and Government issued its unprecedented Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World. It pointed out that "throughout the decade of the 1980s, most of our productive and infra-structural facilities continued to deteriorate. The per capita incomes of our peoples fell drastically. There has been a sharp decline in the quality of life in our countries... and this contrasted sharply with the alarming rise in Africa's external debt...which shot up from about US$50 billion in 1980 to about US$257 billion by the end of 1989."

11.9. The World Bank and the International Monetary Fund (IMF) had responded to Africa's economic crises with their Structural Adjustment Programmes. Rwanda, as we have seen, was among the many countries that negotiated such a programme with these institutions. It did not take long before this development raised alarm bells with the OAU, as its Head of States made abundantly clear. "Most of our countries have entered into structural adjustment programs with the international financial and monetary institutions," the 1990 Addis Ababa declaration said, "mostly at heavy political and social cost....We are very much concerned that... there is an increasing tendency to impose conditionalities of a political nature for assistance to Africa." So far as Africa's leaders were concerned, the Structural Adjustment Programmes were at least in part responsible for triggering many of the serious internal conflicts that have racked Africa since the 1980s. As this report has argued, Rwanda deserves to be on that list.

11.10. The Addis Ababa Declaration noted two important conditions emerging in Africa in the early 1990s. First was the "marginalization" of the continent by the rest of the world, a result of the new forces and conditions developing in thepost-Cold War era. Second was the alarming rise of internal conflicts in African countries. In a tactful understatement, the Declaration pointed out that "an atmosphere of lasting peace and stability does not prevail in Africa today." But in the face of these developments, the Heads of State were committed to facilitate the process of socio-economic transformation and integration in African countries. For this purpose they made three very important commitments:

1. We... renew our determination to work together towards the peaceful and speedy resolution of all the conflicts on our continent.

2. We... assert that democracy and development should go together and should be mutually reinforcing...It is necessary to promote popular participation of our people in the process of government and development.

3. We are equally determined to make renewed efforts to eradicate the root causes of the refugee problem.[3]

11.11. This was a major development. For the first time since 1963, and without changing the OAU Charter, the Heads of States had extended the scope of the OAU to intervening in internal conflicts of countries, even if only with the consent of a government and its protagonists. No less significant was the acknowledgment that refugees were at the source of many of the conflicts raging in the continent. This set the stage for the construction of a new framework for dealing with such conflicts, and Rwanda soon demonstrated the need.

11.12. When the OAU jumped into that crisis, it soon discovered that, as a senior knowledgeable OAU official pointed out, "We did not have the expertise, and we did not have the resources to handle the conflict. And perhaps one of the unintended effects of our involvement in Rwanda was to strive, as an organization, more energetically towards the establishment of a mechanism for conflict prevention, management, and resolution, because by that time there was nothing like a conflict mechanism." In 1993, the Heads of State duly agreed to establish, within the OAU, a Mechanism for Conflict Prevention, Management and Resolution. The Mechanism, built around a Central Organ with the Secretary-General and the Secretariat as its operational arm, is guided by the following principles:

1. The Mechanism will be guided by the OAU Charter; in particular, the sovereign equality of Member States, non-interference in the internal affairs of States...It will function on the basis of the consent and the cooperation of the parties to a conflict...

2. The Mechanism will have as a primary objective the anticipation and prevention of conflicts.

3. Where conflicts have occurred, it will undertake a peace making and peace keeping function... civilian and military missions of observations and monitoring of limited scope and duration may be mounted and deployed.

4.Where conflicts degenerate to the extent of requiring collective international intervention and policing, the assistance of, and where appropriate the services of the United Nations will be sought under the general terms of its Charter.

11.13. However, even before the Mechanism was established in 1993, the OAU was already deeply involved in the Rwandan crisis.

The role of the OAU before the genocide

11.14. Although no formal conflict resolution mechanism existed when the OAU became involved in the Rwandan crisis in October 1990, its intervention was guided by its past experience as well as the recent Addis Ababa Declaration. Nevertheless, the methods common to such interventions were well known and were immediately introduced: a cease-fire agreement followed by observation, consultation, mediation and conciliation at the level of regional Heads of State. Moreover, the three elements that had to be dealt with in Rwanda were exactly those foreseen in the Addis Declaration: an armed conflict between the government and the invading RPF; the fact that the rebels were themselves refugee-warriors demanding a resolution of the refugee problem; and the RPF's demand for power sharing and democracy. What these elements also reflected was the important truth that refugees are far more than just a humanitarian problem. They are at least as much a political problem, and it is probably more difficult to deal with the second than with the first.

11.15. The OAU and the Heads of State of the Great Lakes Region involved themselves in Rwanda on the very day of the RPF invasion of Rwanda, on October 1, 1990. From the outset, the OAU Secretary-General saw his role as determining how best the OAU institutionally and its members could contribute to bringing about a swift and peaceful political resolution to the crisis.

11.16. The situation, however, was immediately complicated by two facts. First, despite clear guidelines set down in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa,[4] the OAU had done nothing in the years prior to the invasion to help resolve the festering problem of Rwanda's refugees; "it had been of marginal concern...until it assumed civil war proportions."[5] As a result, the OAU felt it lacked the moral authority to condemn the RPF invasion, although at the same time it quite appreciated the outrage that the invasion caused the Habyarimana government.

11.17. Secondly, the OAU chair at the time was held by Uganda's president Museveni, whom Habyarimana always saw as the power behind the RPF. As far as Habyarimana was concerned, his country had been invaded by Uganda. Moreover, these invaders were Ugandans like Museveni, from the Hima ethnic group, considered to be related to the Tutsi. Even after the OAU chairmanship passed out of Uganda's hands, Museveni remained an active participant in regional initiatives concerning Rwanda, a fact that grated on Habyarimana until literally the last day of his life.

11.18. This sense that key actors were hardly neutral participants was not the monopoly of one side. A comparable mistrust of Zaire's Mobutu was harboured by the RPF leadership, who fully understood the close and supportive relationship that existed between him and Habyarimana. Mobutu shared Habyarimana's conviction that the RPF was a Museveni creation, and Habyarimana was in the habit of seeking Mobutu's advice before important meetings.[6] But as doyen of Africa's Heads of States, Mobutu chaired the regional organization of Great Lakes states. While all these leaders and their representatives worked together over the next several years to settle the civil war resulting from the invasion, it was unfortunate that institutional protocol and geographical ties apparently demanded the central involvement of actors who were far from impartial in their interests.

11.19. From the perspective of peacemaking, much of the history of the 1990s is the story of well-meant initiatives, endless consultations, incessant meetings, commitments made, and commitments broken. These frenetic activities reflected the real world of the OAU Secretariat, which has no capacity to make decisions independent of its members, to force any parties to do its bidding, or to punish anyone for ignoring its wishes. What the OAU can do is call meetings, hope the invited attend, facilitate agreements, and hope that the participants abide by their word.

11.20. The Rwanda pattern was set in the very first days after the invasion, when consultations by the OAU Secretary-General with the heads of Uganda and Rwanda led him to dispatch a mission to both countries on two separate trips in October. In the same period, then President Mwinyi of Tanzania convened a regional summit with his fellow Heads of State from Uganda and Rwanda, where significant progress towards peace seemed to have been achieved.

11.21. Habyarimana appeared conciliatory on all the outstanding issues. The Rwandan government agreed to a cease-fire in the incipient civil war, to negotiate with its opponents, and to take the refugee question seriously. Meeting with Habyarimana's special envoy on October 20, the OAU Secretary-General took care to demonstrate an appreciation of Habyarimana's long-standing position on refugees. "We do understand the complexity of the problem in view of the limited resources and economic difficulties of Rwanda." So while the OAU was on the one hand determined to deal with the Rwandan crisis in an African context, the OAU Secretary-General acknowledged that "The mobilization of the international community is therefore required."[7]

11.22. Only days later, another summit of the Heads of Rwanda, Uganda, Burundi, and Zaire, convened by Mobutu, took place in Gbadolite, his hometown. The Presidents agreed on the need for mediation between the Kigali government and the RPF, a responsibility they assigned to Mobutu. They also agreed on the need for a regional conference to find a lasting solution to the region's refugee problems. Large numbers of Rwandan and Burundian refugees could be found in each others' countries, while Tanzania and Zaire was home to refugees from both. Less than a month later, at yet another summit held in Zaire, this time in Goma, agreement was once again reached on the need "to take urgent measures for the convening of the said Conference."

11.23. After several postponements, as well as meetings both of experts and of government ministers, consultations with UNHCR, and even a mini-summit in Zanzibar, the regional conference was finally assembled in Dar Es Salaam in February 1991, attended by the five regional Heads of State – Tanzania, Burundi, Rwanda, Uganda, and Zaire – as well as the Secretary-General for the OAU and a representative of UNHCR. There, a Declaration was adopted calling for a plan of action to be worked out by the OAU and UNHCR reflecting the widespread understanding that resolving regional refugee issues was no simple task. The plan of action was to take into account the impact of returning refugees on the social and economic infrastructure of the country of origin as well as the needs of local integration and naturalization of those not returning to their country of origin. In the end, this potentially productive initiative failed to get off the ground and was overtaken by the events of April 6, 1994.

11.24. The OAU had immediately understood that political and security issues had to be resolved if refugee and other humanitarian problems were to be dealt with in a serious way. The OAU Secretary-General was able to facilitate a cease-fire agreement in March 1991, to be monitored by a neutral military observer team under the supervision of the OAU Secretary-General as a prelude to the deployment of a full-blown African peacekeeping force. But from the beginning this auspicious initiative ran into difficulties. First, the observer team was to include officers from Uganda, Zaire, and Burundi, as well as from the Rwandan government and the RPF. But as the OAU Secretary-General candidly acknowledged to the Panel, and as surely must have been obvious at the time, all three outside governments were mistrusted by one or the other of the Rwandan combatants; and it was a serious mistake to have chosen them for a neutral mission.

11.25. Beyond that, the Habyarimana government, in a pattern that it was to repeat regularly until April 1994, reneged on solemn commitments it had made. The RPF military observers were refused entry into Rwanda with the rest of the observer team and remained in Zaire, at Goma, near the Rwandan border. Then Habyarimana refused to allow the observer team to set up its headquarters in Kigali. Instead, it was sent to Byumba in the north of the country and a war zone. This forced the OAU representatives to undertake, almost on a daily basis, risky and circuitous missions to Goma and back to Byumba in order to consult with the RPF. Given both the widespread scepticism about the military observers' neutrality and the bad faith of the Habyarimana government, it was perhaps not surprising when a spate of violations put paid to the cease-fire agreement.

11.26. But peace for Rwanda remained a priority on the African agenda. Yet another regional summit was convened by Mobutu at Gbadolite in September 1991, with the then-chair of the OAU, former President Babangida of Nigeria, in attendance. It was decided to reconstitute the military observer team with less partisan observers such as Nigeria – although Zaire was also to provide men, even though Mobutu remained an ardent backer of Habyarimana in his war with the RPF. But once again, a series of almost daily cease-fire violations nullified whatever little work the new team was able to accomplish. These setbacks also directly undermined attempts to deal with the refugee crisis, even while the civil war created more refugees and internally displaced persons. Through 1992, as the OAU Secretary-General renewed his efforts to revive the twice-shattered peace process, the OAU and UNHCR met on three separate occasions to discuss the plan of action for refugees called for in the Dar Es Salaam Declaration of February 1991. Finally, at a meeting in August, the two organizations concluded that until and unless political and security issues were resolved, no plan could be adequately prepared or implemented.

11.27. Still consultations continued involving the OAU Secretary-General, regional leaders (especially former Tanzanian President Mwinyi) and the two Rwandan combatants. In July 1992, a meeting was convened in Arusha, Tanzania, co-ordinated by the OAU Secretary-General and chaired by a representative of President Mwinyi, who was the facilitator of the process. From the first, the meeting was extraordinary for its cast of characters. They included the RPF and the Rwanda government, observers from the OAU and Rwanda's four neighbours (Uganda, Zaire, Burundi, and Tanzania), a representative of the then-current OAU chair, Senegal's President Diouf, as well as representatives from Belgium, France, the US, and the UN. A new cease-fire was swiftly agreed to, and the various actors soon returned to Arusha to begin negotiations with the goal of reaching a comprehensive political settlement in Rwanda. The commitment was to deal with the root causes of the crisis, and the lengthy process did indeed deal with five fundamental issues: democracy, power sharing, transitional government, the integration of the armed forces, and the return and rehabilitation of refugees.

11.28. We have discussed earlier in this report the agreement reached at Arusha after a full year of hard bargaining and the subsequent calamitous failure to implement that agreement; we attributed that failure to both Rwandan ethnic radicalism and the indifference of the international community. We also argued that the accord was always precarious. The priority of the mediators was to stop the civil war and forge agreements that would bring key players together. That way, they reasonably assumed, the uncivil war against the Tutsi would also end. As a result, no direct action was taken against those conducting the anti-Tutsi pogroms with the support of the inner circle around President Habyarimana. Perhaps no action was in fact possible. But the result was an excellent agreement that had little chance of being implemented.

11.29. Both the OAU representatives and the regional leaders at Arusha put all their energies into the process, which is perhaps why they ignored or downplayed the warning signs that were already so evident. Habyarimana had already dismissed one of the early cease-fire agreements reached at Arusha as a mere "scrap of paper." In January 1993, after a lengthy impasse, a deal was finally hammered out on power sharing between the government and the opposition parties. But the government was palpably unhappy about being pressured into this agreement. In Kigali, demonstrations against this protocol were staged by Habyarimana's party and the radical Hutu CDR, which the OAU considered an ally of the MRND.[8] Concerned, the OAU Secretary-General sent a special representative who was dismayed to hear Habyarimana state that as President of the nation he accepted the deal on power sharing, but that as president of the MRND he had reservations. Nevertheless, as President of Rwanda he gave his word that he supported the Arusha process. Yet not even such double-talk by the key figure in the entire process was sufficient to dampen the hopes of many of the actors.

11.30. The Rwandan army was another huge problem. The Panel met with a senior participant at Arusha who was especially familiar with the military negotiations. The RPF demanded remarkable concessions, which the government representatives accepted only under great pressure. To our source, it was always evident that "deep down in their hearts, none of the government delegation, or none of the army men from the government side" supported the agreement to give the RPF virtual parity in military matters. "It was something they were against, but events, I think, pushed them to agree and sign. And whilst the process was going on, you could see the resentment of members of the armed forces, from the government side, who were present during the negotiations. There were many telephone calls that were made and you could hear along the corridors, disagreements on the side of the government. You could see the frustrations on the side of the government; you could feel that they did not think they signed a fair deal." Observers witnessing this reaction were quite certain the commanders would do all in their power to undermine the deal.

11.31. The final Arusha Peace Agreement was signed in August 1993 by the Habyarimana government, the RPF, the President of Tanzania, the OAU Secretary-General, and representative of the UN Secretary-General. All regional leaders were either personally present or were represented at that historic occasion. In the words of a senior, knowledgeable OAU official to the Panel, "The signing was greeted with a sigh of relief across all Africa." An excess of optimism and misplaced faith in the Rwandan leadership had won the day.

11.32. But could it have been otherwise? How was it possible to believe that Habyarimana could agree to the accords in the presence of observers from the major western countries unless he was sincere? Senior OAU officials assumed that the negotiators actually represented the various Rwandan interests; in fact, no one spoke for the powerful Akazu or any of those segments of Rwandan society that would never accept accommodation with the Tutsi. African leaders were convinced that Habyarimana would, in the end, do the right thing. They hoped that Arusha would strengthen and legitimize the forces of peace and reason in Rwanda against the forces of destruction and irrationality, which they knew to be significant. They also persuaded themselves that the MRND ruling party as a whole was genuinely committed to the process and the final agreements, obviously not fully grasping the capacity of the Hutu radicals to bring the entire house of cards crashing down. "They sabotaged the agreement," as one senior OAU official told us. But OAU leaders had good reason to anticipate such sabotage. In the end, they made the same significant errors of judgement as the observers from outside the continent.

11.33. Then there was the role of the international community, which we have already analyzed in detail. The agreement included a call for a peacekeeping force to help ensure its implementation. Although the OAU had successfully overseen the agreement, it was the UN that would play the peacekeeper role. The UN Secretary-General made it clear that the Security Council would not fund an operation its members did not command and control. The government of Rwanda itself insisted on the UN. Perhaps the high spirits that initially prevailed persuaded African leaders that the peacekeeping operation would be a relatively uncomplicated task. Perhaps there was still faith that the world would do what was necessary to make sure peace reigned in Rwanda.

11.34. In the end, the negotiating parties joined in identifying the UN as the main external implementing agency for the agreement. So the important step was taken in shifting the lead in conflict management from continental and sub-regional actors to the UN.

11.35. In Africa, post-Arusha optimism was short-lived. African leaders knew full well the extent of Rwanda's increasing instability in the months after the Arusha accords were signed and any number of meetings were held trying to get the agreement implemented. It was well known that arms were proliferating and that troublemakers were arming. The hope remained that implementing the peace process was the solution to the threat from the Hutu radicals. Nor did Africa's leaders contemplate anything like the genocide. Killings certainly, possibly even massacres. But as a senior, knowledgeable OAU official has said, "We never thought it was part of a grand conspiracy to actually decimate a whole population."

11.36. It is not even clear that the RPF itself anticipated the future accurately; like everyone else, it may have been simply inconceivable to think in genocidal terms. Early in March, a meeting was held in Rwanda between the ambassadors of Belgium, France, Germany, Tanzania, the US, and the representatives of the OAU, the UN, and RPF. An RPF speaking note summarized their concerns:
On numerous occasions we have warned that President Habyarimana is building a militia based on MRND-CDR-[HUTU] POWER. Events of the months of January and February in Kigali amply demonstrate both the objective of such a force and its potential for wreaking havoc on the whole peace process... The militia is now spread out all across the country and buying and distribution of arms continues unabated. The RPF appeals... as it has done before, to the international community, particularly to those who have followed and supported us in our negotiations, to resist the obstinacy of President Habyarimana and his insensitivity to the serious problems facing our country: famine, economic collapse, paralysis of the administrative and judiciary system, and state sponsored terrorism have all created social chaos, which is inexorably leading the country to catastrophe... While thanking you all for the efforts you have deployed in favour of peace and democracy in Rwanda, we appeal to you to understand that failure to implement the Peace Agreement means that our country remains trapped in a vicious cycle of violence.

11.37. This meeting took place in Rwanda exactly one month before the start of the genocide. The assessment of the existing situation was dead on. But even the prediction of "catastrophe" was far from envisioning genocide. It seems that no one, including the RPF, predicted that Hutu Power's Final Solution would begin within a month.

11.38. Frustrated especially by Habyarimana's endless stalling tactics and privy to the information about escalating violence and death lists, President Mwinyi of Tanzania, as a last resort [9] and after consultation with the OAU Secretary-General, convened another regional summit on April 6, 1994. This meeting in Dar Es Salaam has, of course, found a special place in the history books. After assuring his peers yet again of his determination to implement Arusha,[10] President Habyarimana flew home to his death, and the genocide began.

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1. Organization of African Unity, "Resolving Conflicts in Africa: Proposal for Action," (OAU: OAU Press and Information Series 1, 1992).

2. OAU Secretary-General, "Report of the Secretary-General on Conflicts in Africa," 1992, 9.

3. "Addis Ababa Declaration," 11 July 1990, 3.

4. OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969.

5. Pascal Ngoga, "The Tragic Consequences of the Unresolved Refugee Problem," IPEP-commissioned paper, 1999, 25.

6. A knowledgeable observer who met with the Panel but prefers to remain anonymous.

7. OAU, "Background Information," 5.

8. Ibid., 19.

9. Ibid., 28.

10. "Communiqué issued at the end of a regional summit meeting held in Dar Es Salaam on 6 April 1994 on the Situation Prevailing in Burundi and Rwanda."

Rwanda: The Preventable Genocide

CHAPTER 12

BEFORE THE GENOCIDE: FRANCE AND THE UNITED STATES

12.1. Throughout the 20th century, the outside world has played a pivotal role in Rwandan society. It helped shape its economy, its social relations, its power structure, its public discourse. As much as any country, Rwanda's destiny has been carved out through the interplay between internal forces and external actors. Yet when it came to averting the great tragedy to which history seemed to be leading, the international community proved to be no community at all. At best, it failed utterly to prevent the genocide. At worst, it co-operated with the conspirators, implicitly sanctioning their activities and convincing them they could get away with anything.

12.2. We have advanced in previous chapters three key propositions: that the key western members of the UN Security Council knew that a major catastrophe was imminent in Rwanda; that with a relatively modest military effort that catastrophe could very possibly have been averted entirely; and that once the genocide began, it was still possible to minimize the appalling destruction. Why did the UN and its key members fail so completely to take the obvious steps necessary either to deter the calamity or to stop it once it began?

12.3. Beyond Rwanda, , the main actors were the OAU, the international civil servants in the UN Secretariat, the members of the Security Council collectively, and France, the US, and Belgium in particular. We will deal with the role of each of them chronologically,: first before the genocide and then during the genocide. Since the US and France were permanent members of the Security Council, and since in the end the Secretariat largely reflected the will of the Security Council, we begin the discussion with the two nations that are permanent members of the Council. Of these, France was far and away the most influential power in Rwanda itself. The US played a major role for a few months only, but these were the months just prior to and during the genocide, where its influence was decisive.

France

12.4. Although we have discussed the subject only briefly until now, Rwanda in the past decade in fact cannot be understood without France. Virtually from the moment of the RPF invasion in 1990 to the end of the genocide almost four years later, the French were the Rwandan government's closest ally militarily, politically, and diplomatically.[1] There is little disagreement on this point. But the exact nature of the French role is a matter of great controversy. There has always been a vast gulf between the official French account of that role and the interpretation preferred by most disinterested observers; so far as we can determine, few experts in the field accept the official French version.[2]

12.5. By 1998, four years after the genocide, both the heads of the UN and the US had acknowledged some blame for the catastrophe and apologized accordingly.[3] Belgium followed two years later. These initiatives have made more conspicuous the decision of the French government not to take a similar step. Indeed, until this moment, there has from official France been no apology, no hint of responsibility, barely even any questioning of its quite public backing of the Rwandan Hutu regime before, during, and after the tragedy. On the contrary, when the Prime Minister at the time of the genocide, Edouard Balladur, backed by three other prominent Cabinet ministers, appeared before a parliamentary inquiry “bristling with indignation,”[4] he asserted that France was “the only country in the international community that tried to act to stop the genocide.”[5]

12.6. But there had always been many critics of the French-Rwandan relationship, both national and international, and their voices continued to grow. Dismissing or ignoring these critics became increasingly awkward, especially after tough, investigative articles in two leading French daily newspapers. Finally, the French establishment agreed in 1998 to set up an unprecedented parliamentary committee to inquire into the Rwandan tragedy.[6]

12.7. The committee's four-volume, 1,800-page report proved to be an unexpectedly impeccable representation of the controversy that preceded it. The committee's own conclusions conceded that France made certain errors of judgement around Rwanda and failed to view developments there with a sufficiently critical eye. But it concluded that the country bore not the slightest responsibility for any aspect of the genocide.[7] In the succinct statement of its chair, National Assembly Member Paul Quiles, "France is neither responsible nor guilty." [8] The international community, on the other hand – meaning the US and Belgium above all – was to blame for the scale of the genocide.[9] Within Rwanda itself, the committee found that even the Catholic church was more culpable than France.[10]

12.8. The problem with this conclusion, as with the official French government position through these years, was that it was contradicted by most of the available facts, many of them contained in the parliamentary committee's report itself and simply ignored. The report's evidence and the report's findings seemed unrelated. These contradictions were blatant, and politicians and journalists were quick to point them out. "There is a huge discrepancy," opposition members observed, "between the report's edifying factual chapters and some of its conclusions."[11] Quoting several passages from the report that explicitly incriminated the French government, one reporter noted that, "These are just some of the examples of information in the report that contradicts its main conclusion absolving Paris..."[12]

12.9. Beside the wealth of information contained in the official report, there is an extensive literature analyzing French policy in Africa, some of it focussing specifically on Rwanda. Interestingly enough, there is substantial consensus among analysts regarding France's African foreign policy, much of which has been quite transparent and has been openly embraced by most of the French establishment irrespective of party. In fact the considerations that drove French policy towards Rwanda are all on the public record, the French establishment never having felt any embarrassment about its African interests and role.

12.10. From the perspective of Paris, the main elements were clear enough: France's unilateral insistence that its former African colonies constituted its indivisible sphere of influence in Africa; the conviction that it had a special relationship with francophone Africa; the understanding that its role in Africa gave France much of its international status; a general attitude that France had to be permanently vigilant against a perceived "anglo-saxon," (i.e., American), conspiracy to oust France from Africa; the close links between the elites in France and francophone Africa, which in Rwanda notably included the two Presidents as well as their sons; and finally, France's need to protect its economic interests in Africa, although Rwanda as such was not a great economic prize.[13]

12.11. No one, not even official French representatives, disagrees that these various considerations were, to one extent or another, the main driving force behind French policy in Rwanda.[14] No doubt they help explain French behaviour. But to understand is not to condone. What matters is what France did – not why – and how its actions affected Rwanda and eventually all of central Africa. As with French motives, the facts here are very clear; many of them are contained in the French parliamentary committee's own report. We begin with a description of France's role before the genocide actually began. Its critical involvement during the genocide itself will be dealt with in a subsequent chapter.

12.12. In the years after independence, at the same time as it was vying with the US to increase its influence with neighbouring Zaire, France had edged out Belgium as Rwanda's closest western ally; both were French-speaking states. Over the years, various co-operation agreements, both military and civilian, established a solid permanent French presence in Rwanda,[15] France becoming one of Rwanda's foremost creditors and arms suppliers. Relations between representatives of the two governments were unusually close at the personal as well as official levels.[16]

12.13. In 1975, a military assistance agreement strictly limited the role of French troops in Rwanda to that of instructors. The main goal of the arrangement was to offer technical assistance in the development of a national police force; one clause explicitly prohibited French involvement in military and police affairs. In 1983, the agreement was revised, this key clause being removed.[17]

12.14. Much has been made of this change, since the revised agreement later provided the legal justification for direct French military assistance to the Rwandan army after the 1990 RPF invasion. But this was an incorrect interpretation; the agreement still stipulated that training and technical assistance was to be provided to the "gendarmerie Rwandaise," not the army. In truth, it was not until August 1992 that the wording was changed to allow assistance to FAR, the Rwandan Armed Forces.[18] In any event, however, the simple fact is that French forces were in Rwanda in 1990 because the Rwandan government had invited them.

12.15. Immediately upon the RPF invasion from Uganda into Rwanda in October 1990, the French government committed itself to defend and support the Habyarimana regime. Among the usual variety of French motives, francophonie unquestionably played a key role. Mitterrand himself, Admiral Jacques Lanxade told the parliamentary inquiry "considered that the RPF aggression was a determined action against a francophone zone."[19] "In the eyes of the Mitterrand regime," concluded one scholar, "Ugandan support assumed the dimensions of an anglophone conspiracy to take over part of francophone Africa, and the defence of Habyarimana... became part of the more general defence of francophonie and the French role in Africa, to the extent that to an anglophone observer seems quite bizarre."[20] In his appearance before the parliamentary committee four years later, former Prime Minister Balladur claimed that the 1990 RPF invaders had been trained inthe US. "Isn't this clear enough?" he asked rhetorically.[21]

12.16. French officials have always acknowledged that their objective was to prevent an RPF military or political victory.[22] The French government often supported the Rwandan government in international forums, urging support for an innocent government under siege by a foreign army and generally dismissing the ever-increasing stories of serious human rights abuses perpetrated by that government. French officials have not stated publicly that Rwanda was immersed in a civil war, which would have complicated its intervention on Habyarimana's behalf. The parliamentary report reproduced a telegram from the French ambassador in Kigali emphasizing the necessity of presenting the RPF as an external threat for that precise reason.[23] The report chose to describe this as a simple error of judgement.[24]

12.17. As our own report shows, everyone in Kigali's tiny diplomatic enclave, where secrets were immediately shared,[25] was well aware that violations of human rights by Habyarimana and his followers were becoming commonplace. Even warnings of possible genocide were heard, some of them documented in the French parliamentary report itself. Yet the French government rarely ever failed to play its chosen role as the government's unfailing champion, however self-contradictory its arguments became: The viciousness of the civil war justified the widespread human rights abuses. Habyarimana must be supported since he was trying to keep the Hutu extremists in check. The Habyarimana regime was rather respectful of human rights..[26] Reports of massacres were "just rumours."[27] The RPF was responsible for the massacres.[28]

12.18. The importance of this role can hardly be overestimated. Even while pushing Habyarimana into the Arusha negotiations, France's public support constituted a major disincentive for the radical Akazu faction in his entourage to make concessions or to think in terms of compromise. The French government chose not to use its singular influence at the highest echelons of Rwandan society to demand an end to government-initiated violence, a decision that sent its own obvious message. President Mitterrand may have made speeches about democracy and human rights, but on the ground in Kigali, the French government's real priorities were unmistakable. It was impossible to be unaware of the real situation in Rwanda, and it was in the face of this knowledge that France chose to maintain its support for the Habyarimana regime.[29]

12.19. Indeed, after a ghastly massacre in the south in early 1992, French Ambassador Georges Martres refused to join a delegation of European diplomats in Kigali who met with Habyarimana to express their concern.[30] But this was hardly unexpected behaviour for Martres, who was sarcastically referred to in Kigali's tight little diplomatic world as the Rwandan ambassador to France. Even the parliamentary committee felt it necessary to criticise "France's unconditional military and diplomatic support" for the Habyarimana government "taking into account the little progress [it] had made in terms of democracy." France should have pushed Habyarimana harder "to democratize a regime that practised repetitive human rights abuses."[31]

12.20. In fact the French government did precisely the opposite. In February 1993, the French Minister for Co-operation arrived in Kigali. The situation was bad and growing worse. New massacres of Tutsi had recently taken place, the ethnic climate was growing ever more tense, violence was becoming an everyday occurrence, and the Hutu radicals were already actively organizing their dress rehearsals and compiling their death lists. It was under these circumstances that the French Minister appeared to personally and publicly ask the opposition parties to "make a common front" with President Habyarimana against the RPF.[32]

12.21. France consistently imposed different standards on the RPF and the government. When the RPF broke the cease-fire in February 1993, ostensibly in response to the slaughter of Tutsi referred to above, France was quick to denounce their transgression. But in the same month, the International Commission of Inquiry on Human Rights Abuse in Rwanda, a coalition of four international non-governmental organizations committed to human rights, published the results of an investigation it had undertaken. It documented extensive massacres of Tutsi by Hutu, many of them with obvious government connections. In France, the story was carried prominently. The following month, commission members took the report to Paris and Brussels where they held press conferences. In Paris, they met and discussed the report with senior government members in the President's office and in the Foreign Ministry. The officials agreed there were some abuses, which was unfortunate. But, they told their visitors, "You had to expect such things in Africa."[33] The abuses of human rights by France's Rwandan friends exposed in the commission report were never seriously condemned.[34]

12.22. It is true that France respected the military prowess of the RPF and believed the Rwandan army (FAR) incapable of defeating them militarily; that is why it backed negotiations at the same time as it continued to upgrade FAR's capacities.[35] But French officials never overcame their deep-seated antagonism to the RPF as just another "anglo-saxon" Trojan horse in their African preserve. RFP leader, Paul Kagame, had been in military training in the US when the invasion was launched, enough evidence, apparently, for then-Prime Minister Balladur to accuse "outside forces" of playing a malevolent role in Rwanda.[36] France also reinforced the official Rwandan position that President Museveni of English-speaking Uganda was, in fact, the real power behind the insurgents.[37]

12.23. The moral legitimation France offered was powerfully reinforced in practical ways. Immediately after the RPF invasion of October 1990, France launched Operation Noroît, dispatching to Rwanda a contingent of soldiers who probably rescued Habyarimana from military defeat.[38] French forces were to remain for the next three turbulent years. France did all it could to prevent the victory of the RPF by shoring up Habyarimana. Throughout these years, French officials worked intimately with senior Rwandan government officials, while French officers became an integral part of the military hierarchy, involved in virtually every aspect of the civil war. In 1992, a French officer became Habyarimana's military advisor. He advised the Rwandan chief of staff in such tasks as drawing up daily battle plans, accompanied him around the country, and participated in daily meetings of the general staff.[39]

12.24. French troops assisted in the expansion of the Rwandan army from about 6,000 on the eve of the invasion to some 35,000 three years later. French troops interrogated military prisoners, engaged in counter-insurgency, provided military intelligence, advised FAR officers, and offered indispensable training to the Presidential Guard and other troops, many of whom became leading genocidaires.[40] Throughout this period, the French army worked closely with Rwandans widely known to be associated with, if not guilty of, murder and other human rights abuses. The French parliamentary report stated explicitly that French officers and diplomats became so caught up in Rwandan affairs, they ended up "holding conversations, discussions, with a criminal government."[41]

12.25. Indeed, even the French parliamentary committee seemed taken aback by the level of French army involvement in the most elementary workings of the Rwandan state. "How could France have become so strongly committed," the parliamentarians felt obliged to ask, "that one French army officer got it into his head that...he was leading and indirectly commanding an army, in this case the army of a foreign state?"[42] But they failed to answer their own question.

12.26. In 1993, with anti-Tutsi violence greatly escalating, another large-scale RPF attack on FAR troops led to a further expansion of French support. More troops, arms, and ammunition flowed in. This time they were actively involved in the fighting, actually assisting the Rwandan army to monitor RPF positions. French soldiers were deployed, manning checkpoints and scrutinizing identity cards far from where any French citizens were known to be living, but very close to the RPF zone of control.[43] A Dutch physician working in Rwanda for Doctors without Borders, often found French soldiers manning checkpoints in the countryside: "There, in the middle of Africa, French military would ask you for your passport."[44]

12.27. During these years, France was also one of Rwanda's major sources of military supplies. We must underline that France was by no means alone in this effort. According to the latest research, arms were received from an international network that also included Britain, Albania, Belgium, Bulgaria, Egypt, Italy, Israel, the Seychelles, and Zaire.[45]

12.28. Nevertheless, the French role was central. Besides providing supplies directly, France secretly made funds available for arms to be shipped by Egypt as well. South Africa also supplied arms through a deal that was facilitated by French agents and that violated a UN resolution to prohibit arms imports from the apartheid state.[46] In 1993, French military aid totalled US$15 million,[47] even while the Rwandan forces were routinely linked to anti-Tutsi violence. Officially, France imposed an arms embargo on April 8, 1994, two days after the plane crash, and then-Prime Minister Balladur told the parliamentary inquiry that "in the present state of my knowledge," no more deliveries were made after that date. However his own Minister for Overseas Co-operation, Bernard Debré, told reporters outside the same committee hearing room that France continued to deliver arms for at least another week longer.[48] In fact, as we will document in a subsequent chapter, the facts indicate that France provided arms or permitted them to be provided to the Rwandan forces right through until June, the third month of the genocide.

12.29. What conclusions are fair to draw from this narrative? Judgements about France's role range from one end of the continuum to the other. French officials, as we have seen, stand at one extreme, denying all responsibility. At the opposite end, one scholar categorically asserts that nothing France does in the future "can diminish its place in history as the principal villain in the Rwanda apocalypse."[49] The French parliamentary report, as we noted, states that French officers and diplomats became so committed to supporting the Habyarimana government that they ended up "holding conversations, discussions, with a criminal government."[50] Médecins Sans Frontières describes the French government's role in the genocide as "shameful," and makes the indisputable point that "France supported the regime of President Habyarimana even though racism was the pillar of all the policies of his government."[51]

12.30. As for this Panel, the indisputable facts of the case lead us to several irresistible conclusions. First, until the genocide began, the French government was the closest foreign ally of a Rwandan government that was guilty of massive human rights abuses. Secondly, as a matter of deliberate policy, it failed to use its undoubted influence to end such behaviour. Thirdly, we find it impossible to justify most of the actions of the French government that we have just described. Fourthly, the position of the French government that it was in no way responsible for the genocide in Rwanda is entirely unacceptable to this Panel.

12.31. France again played a significant and controversial role in Rwandan affairs in the period both during and after the genocide. This included the questions of arms transfers to the genocidaire government, Opération Turquoise, its attitude towards the new RPF government, and its renewed relationship with Zaire's Mobutu. To these issues we will return in a subsequent chapter.

The United States

12.32. The US has long been involved in central Africa and the Great Lakes Region, its unstinting support for Zaire's Mobutu and (together with apartheid South Africa) UNITA, the rebel movement that is the sworn enemy of the Angolan government, being the best-known examples. As for the American role in the Rwandan genocide specifically, it was brief, powerful, and inglorious. There is very little controversy about this. Not only do authorities on the subject agree with this statement, so now does the American president who was responsible for the policies he belatedly finds so reprehensible. Unlike France, America has formally apologized for its failure to prevent the genocide, although President Clinton insists that his failure was a function of ignorance.[52] It was, however, a function of domestic politics and geopolitical indifference. In the words of one American scholar, it was simply "the fear of domestic political backlash.."[53]

12.33. The politics were simple enough. In October 1993, at the precise moment Rwanda appeared on the agenda of the Security Council, the US lost 18 soldiers in Somalia. That made it politically awkward for the US to immediately become involved again in with another peacekeeping mission.The Republicans in Congress were hostile to almost any UN initiative regardless of the purpose, and the Somalia debacle simply reinforced their prejudices.[54] But it is also true that the Clinton Administration,like every western government, knew full well that a terrible calamity was looming in Rwanda. On this the evidence is not controvertible.[55] The problem was not that the Americans were ignorant about Rwanda. The problem was that nothing was at stake for the US in Rwanda. There were no interests toguard. There were no powerful lobbies on behalf of Rwandan Tutsi. But there were political interests at home to cater to.

12.34. Even before the Somalia debacle, Rwanda's problems were invisible in Washington. Each year the Administration was obligated to report to Congress justifying its military aid programs;President George Bush's last report in 1992 described the relations betweenRwanda and the US as "excellent" and stated that "there is no evidence of any systematic human rights abuses by the military or any other element of the government of Rwanda."[56]

12.35. In the spring of 1993, soon after Bill Clinton was inaugurated, "each foreign policy region within the Pentagon [was] asked todevelop lists of what we thought would be serious crises this Administration might face." According to James Woods,who had been Deputy Assistant Secretary for African Affairs since 1986, "I put Rwanda-Burundi on the list. I won't go into personalities, but I received guidance from higher authorities. 'Look, if something happens in Rwanda-Burundi, we don't care. Take it off the list. US national interest is not involved and we can't put all these silly humanitarian issues on lists, like important problems like the Middle East, North Korea, and so on. Just make it go away.' And it was pretty clear to me, given the fiasco of the end of our involvement with Somalia [a few months later], that we probably wouldn't react [to Rwanda]."[57] American policy under Clinton remained essentially as it had been before Clinton: a modest interest in encouraging conventional reforms – the Arusha process, democratization and "liberal" economic reforms – but little interest in human rights, ethnic cleavages, or massacres.[58]

12.36. Low expectations were thoroughly fulfilled, as was quickly seen in the establishment by the Security Council of UNAMIR, the UN Assistance Mission to Rwanda. Rwandan Tutsi, already victimized at home, now became the tragic victims of terrible timing and tawdry scapegoating abroad. The murder of the 18 American soldiers in Somalia indeed traumatized the US government. The Rangers died on October 3. The resolution on UNAMIR came before the Security Council on October 5. The following day the American army left Somalia. This coincidence of timing proved disastrous for Rwanda. From then on, an unholy alliance of a Republican Congress and a Democratic President dictated most Security Council decisions on peacekeeping missions. The Clinton Administration immediately began to set out stringent conditions for any future UN peacekeeping operations. Presidential Decree Directive 25 (PDD25) effectively ruled out any serious peace enforcement whatever by the UN for the foreseeable future. This American initiative in turn deterredthe UN Secretariat from advocating stronger measures to protect Rwandan citizens.[59] Washington's domestic politicalconsiderations would take priority over catastrophes abroad – unless thevictims were lucky enough to make the television news.

12.37. What makes this episode even more disturbing is the way it was distorted by virtually the entire American establishment in both political parties. The tactic, simply, was to blame the UN for what had in fact been a purely American disaster. Perfectly unfairly, the canard circulated that the UN Secretary-General had dragged America into Somalia, that he had kept American troops there longer than was necessary, and that the US had undertaken responsibilities that were properly the place of the UN.[60]

12.38. The American mass media reinforced this impression simply by broadcasting, over and over and over again, footage of a dead USRanger being dragged through the streets of Mogadishu by jubilant,Yankee-bashing Somalians. Only a few Americans ever learned the truth. American commandos in Mogadishu engaged in an operation in which 18 Rangers and between 500 and 1,000 Somalians were killed. The United Nations played no role whatsoever. The New York Times agreed: "The US could not blame the United Nations for last Sunday's attack since the raid that led to it was carried out purely on American orders,"[61]and the American troops had no contact with the UN.

12.39. But that was precisely what the Americans did. As The Economist pointed out with appropriate cynicism, "Too many Americans have been killed in the course of [the mission]; somebody has to be blamed; so finger the UN... With a chutzpah [brazenness] level high even by Americanstandards, Congressman and columnists are busy rewriting history with the discovery that America was diverted from its pure humanitarian purpose inSomalia by the UN...."[62] The consequences for Rwanda were devastating. As one American senator put it, "Multilateralism is dead, killed... in the alleys of Mogadishu."[63] One Pentagon insider ironically characterized the new policy as, "We'll only go where we're not needed."[64] Boutros-Ghali was exactly right in claiming that "the new rules were so tightly drawn as to scope, mission, duration,resources,and risk, that only the cheapest, easiest, and safest peacekeeping operations could be approved under them." [65] Even a mission that sought no American troops was unacceptable, since in any operation "there was always the risk that ... US personnel might, over time, be dragged into it."[66]

12.40. Significantly enough, almost the only debate amongAmerican experts is the extent to which the US was responsible for the Rwandan genocide. We know of no authorities who argue anything less. One believes that, "The desertion of Rwanda by the UN force [UNAMIR] was Hutu Power's greatest diplomatic victory and it can be credited almost single-handedly to the UnitedStates."[67] Another comes to a similar conclusion: "The United States almost single-handedly blocked international action in Rwanda six weeks prior to the genocide, which might have prevented the bloodbath altogether."[68] A third agrees that the US played a significant role in preventing action from being taken to stop or mitigate the genocide, but insists that America was not "almost single-handedly" responsible, that others share the blame.[69]

12.41. Since we have already made clear our view that several nations, organizations, and institutions directly or otherwise contributed to the genocide, we can hardly blame the catastrophe solely on theUS. On the other hand, it is indisputably true that no nation did more than the US to undermine the effectiveness of UNAMIR.Terrified Rwandans looked to UNAMIR for protection, yet with the exception of Great Britain, the United States stood out as exceptionally insensitive tosuch hopes.[70]

12.42. Even in the midst of the genocide itself, Rwandan lives received no priority in American policy. When 10 Belgian Blue Helmets were killed by government forces the day afterHabyarimana's plane went down, a panic-stricken Belgian government swiftly withdrew its entire contingent from Rwanda. Embarrassed, Belgium began lobbying for the entire UNAMIR mission to be withdrawn.[71]
US Ambassador Madeleine Albright was quick to exploit this proposal. Perhaps failing to see the real significance of her own words, she suggested that a small, skeletal operation be left in Kigali "to show the will of the international community." "Later," she added, "the [Security] Council might see what could be done about giving it an effective mandate." In fact, this was exactly what transpired as the Security Council, in the midst of the genocide, dramatically reduced UNAMIR to a token level of 270 people and restricted its mandate to mediation and humanitarian aid.[72] This decision was taken despite strong protests to the contrary from the OAU and African governments.

12.43. Boutros-Ghali and the US clashed bitterly during his tenure, and his memoir is far harsher towards the Americans than toward the French, whose negative role in Rwanda we have discussed at length. In the next chapter, we also ask serious questions about his own role in Rwanda for at least the first month or so of the genocide. Nevertheless, we are persuaded by corroborating evidence that Boutros-Ghali's description of US policy during this period is essentially accurate:

It was one thing for the United States to place conditions on its own participation in UN peacekeeping. It was something else entirely for the US to attempt to impose its conditions on other countries. Yet that is what Madeleine Albright did. With the publication of PDD 25, she argued with members of the Security Council for the new Clinton conditions to apply before Resolution 918 of May 17, 1994, which increased the strength and expanded the mandate of UNAMIR, was carried out. For example, a cease-fire should be in place; the parties should agree to a UN presence; UNAMIR should not engage in peace enforcement unless what was happening in Rwanda was a significant threat to international peace and security. Were the troops, funds and equipment available? What was the 'exit strategy'?[73]

12.44. On May 9, an informal proposal raised the possibility of a UN force of some 4,000 soldiers. The American response was presented by Albright: "We have serious reservations about proposals to establish a large peace-enforcement mission which would operate throughout Rwanda with a mandate to end the fighting, restore law and order, and pacify the population...It is unclear what the peace-enforcement mission would be or when it would end." This was a shocking statement, since it was perfectly obvious the purpose was to stop the genocide. But since the Clinton Administration would take any steps to avoid acknowledging that a genocide was in fact taking place, its spokespeople were forced right into June to resort publicly to weasel words about "acts of genocide" that made them look ridiculous to the rest of the world – except, of course, to peers on the Security Council who had adopted the same shameful position.[74]

12.45. But looking ridiculous seemed preferable to the alternative. One senior official who participated in Administration discussions of this matter later explained that "if we acknowledged it was genocide, that was mandated in international law that the US had to do something....If we acknowledged it was genocide and didn't do anything...what [would be] the impact on US foreign policy relations with the rest of the world following inaction after admitting it's genocide..."[75]

12.46. But there was yet another consideration as well, as Tony Marley, Political Military Adviser to the US State Department, later revealed. At one of the series of meetings Marley attended where the Clinton policy was being thrashed out, "One Administration official asked...what possible impact there might be on the Congressional elections scheduled for later that year were the government to acknowledge that genocide was taking place in Rwanda and yet the Administration be seen as doing nothing about it. The concern seemed to be that this might cost the President's political party votes in the election and therefore should be factored into the consideration as to whether or not 'genocide' could be used as a term....[This] indicated to me that the calculation was based on whether or not there was popular pressure to take action rather than taking action because it was the right thing to do."[76]

12.47. Finally, the Security Council did approve UNAMIR II with 5,500 troops and an expanded mandate. But, Boutros-Ghali tells us, "Albright employed the requirements of PDD 25 to pressure the other Security Council members to delay the deployment of the full 5,500-man contingent to Rwanda until I could satisfy her that all of the many US conditions had been met... The US effort to prevent the effective deployment of a UN force for Rwanda succeeded, with the strong support of [the Thatcher government in] Britain....The international community did little or nothing as the killing in Rwanda continued."[77] Let us say that this Panel considers it beyond belief, a scandal of the most shocking kind, that the genocide was ended before a single Blue Helmet representing UNAMIR II ever materialized.

12.48. Boutros-Ghali goes out of his way in his memoir to show that Madeleine Albright was simply being a good Clinton team player throughout this period of betrayed opportunities. She would not have taken her obstructionist positions, "I felt sure, without clear authorization from the White House. As the Rwandan genocide continued, she was apparently just following orders."[78] But of course that was exactly the point. As the Clinton Cabinet member directly responsible for the UN, Albright chose to follow orders, even if the consequences for hundreds of thousands of Rwandans were fatal, as it was certain they would be. So far as we can determine, not a single member of any government or any institution most directly responsible for letting the genocide happen has ever resigned on principle..

12.49. In May 1994, five weeks into the slaughter, an influential American journal acknowledged that what was happening in Rwanda was indeed a genocide, a catastrophe far beyond that of Bosnia, which was then at the top of the international agenda. But there would be no US intervention, it accurately predicted, since Rwanda's "chaos may trigger a parallel disaster in ...Burundi, but nowhere else," while American neutrality in the Balkans might destabilize "strategically vital parts of the world."[79]

12.50. With negligible American interests to consider, Clinton was left with the choice between pandering to local political advantage or trying to save an untold number of lives in Rwanda.

12.51. No amount of evidence ever changed the American position. As we will soon see, throughout the genocide, American machinations at the Security Council repeatedly undermined all attempts to strengthen the UN military presence in Rwanda; in the end, not a single additional soldier or piece of military hardware reached the country before the genocide ended.[80] Looking at the record, an American chronicler of the Rwandan genocide bitterly concludes that, "Anybody who believes the words 'never again' is deluding themselves dangerously about future holocausts.[81] In early 2000, as this report was being written, the leading Republican presidential candidate was asked by a television interviewer what he would do as President "if, God forbid, another Rwanda should take place." George W. Bush replied: "We should not send our troops to stop ethnic cleansing and genocide outside our strategic interest. I would not send the United States troops into Rwanda."[82]

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1. Assemblée Nationale, Mission d'information commune, Tome 1, Rapport, 25.

2. St-Exupery, 24.

3. The White House, Office of the Press Secretary, "Remarks by the President to Genocide Survivors, Assistance Workers, and U.S. and Rwanda Officials," Kigali Airport, Kigali, Rwanda, 25 March 1998 (www.whitehouse.gov/africa/19980325-16872.html)

4. Charles Truheart, "French leaders from 1994 Defend Rwanda Policy," International Herald Tribune, 22 April 1998, 1.

5. "France and Rwanda: Humnaitarian?, " The Economist, 25 April 1998, 48; Trueheart, 1.

6. Assemblée nationale de France, Mission d'information commune (Paul Quilès, Président), Enquête sur la tragédie rwandaise (1990-1994), Tome 1 Rapport, Tome 2 Annexe, Tome 3 vols. 1-2 Auditions, rapport no. 1271 (France: Assemblée nationale, 15 décembre 1998).

7. Ibid., Tome 1 Rapport, 342.

8. Daily Mail and Guardian (Johannesburg), 17 Dec. 1998.

9. Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 355-359.

10. Ibid., 334.

11. Le Monde (France), 17 December 1998.

12. T.H. Atienga, "France denies responsibility for Rwanda genocide," Inter Press Service, 16.

13. Callamard, "French policy in Rwanda"; Adelman, "Role of Non-African States;" Asteris Huliaris, "The 'anglosaxon conspiracy: French perceptions of the Great Lakes crisis," Journal of Modern African Studies, 36, no. 4; Daniel Bourmaud, "France in Africa: African Politics and French Foreign Policy," Issues: A Journal of Opinion, 23, no. 2 (1995); Marlise Simons, "France's Rwanda Connections," The New York Times, 3 July 1994, 6; Christopher Clapham, Africa and the International System: The Politics of State Survival, Cambridge Studies in International Relations, no. 50 (New York, Cambridge University Press, 1996).

14. For example, see Assemblée nationale, Mission d'information commune, Tome 3, vol. 1 Auditions, 198 (presentations by Hubert Védrine); and Ibid., Tome 3, vol 2 Auditions, 223 (presentation by Edith Cresson).

15. A civil cooperation agreement (accord de coopération civile) was signed on 7 December 1962, and a military cooperation agreement (accord de coopération militaire) was signed on 18 July 1975. Ibid., Tome 1 Rapport, 19.

16. Callamard, p. 169.

17. Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 26-27.

18. Ibid., 28.

19. Ibid., Tome 3, vol. 1 Auditions, 229.

20. Clapham, "Perils of Peacemaking."

21. Trueheart, 7.

22. Assemblée nationale, Mission d'information commune, Tome 3, vol. 1 Auditions, 368.

23. Telegram from Georges Martres, French Ambassador to Rwanda, dated 27 October 1990. Ibid., Tome 1 Rapport, 135.

24. Ibid., 36.

25. IPEP interview with a knowledgeable observer.

26. Des Forges, 121.

27. Prunier, 176.

28. Ibid.; Des Forges, 121.

29. Adelman, "Role of Non-African States," 10.

30. Prunier, 147.

31. Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 342.

32. Prunier, 178.

33. Des Forges, interview.

34. Adelman, "Role of Non-African States," 11.

35. Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 137, 172.

36. Trueheart.

37. Prunier, 106, 111; Des Forges, 117.

38. Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 75.

39. Ibid., 152, 163; Prunier, 149.

40. Prunier, 110-111; Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 152, 161-163, 172-175.

41. Ogenga Otunnu, "Rwandese Refugees and Immigrants in Uganda," in Adelman et al. (eds.), Path of a Genocide, 14-15.

42. Rémy Ourdan, "France Exonerates Itself Over Rwanda," Guardian Weekly (London), 27 December 1998.

43. Millwood, Study 1, 41.

44. Simons, 6.

45. Brian Wood and Johan Peleman, "The Arms Fixers", British American Security Council, London, 1999.

46. Colette Braeckman, Rwanda: Histoire d'un génocide (Paris: Fayard, 1994), 149.

47. Prunier, 113, 148-149.

48. "France and Rwanda: humanitarian?," The Economist, 25 April 1998.

49. Callamard, "French Policy in Rwanda," 174.

50. Prunier, 110-111; Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 152, 161-163, 172-175.

51. Médecins Sans Frontières, Press Release, Médecins Sans Frontières calls for the creation of a Parliamentary commission of enquiry on the role of France in the Genocide in Rwanda between 1990 and 1994, Paris, 2 March 1998.

52. The White House, Office of the Press Secretary, "Remarks by the President to Genocide Survivors."

53. Richard N. Haas, "The Squandered Presidency: demanding more from the Commander-in-Chief," Foreign Affairs, 79, no. 3, May/June 2000.

54. Millwood, Study 2, 36.

55. Des Forges, 176.

56. Human Rights Watch, "Arming Rwanda," 17.

57. Frontline interview.

58. Herman Cohen, presentation to IPEP panel, 1999.

59. James Woods, Frontline interview, Tony Marley, Political Military Advisor for the US State Department from 1992-95, Frontline interview.

60. James Woods, Frontline interview.

61. Boutros Boutros-Ghali, Unvanquished: A US-UN Saga (New York: Random House, 1999).

62. Ibid.

63. Ibid.

64. James Woods, Frontline interview.

65. Boutros-Ghali, Unvanquished.

66. Tony Marley, Frontline interview.

67. Philip Gourevitch, We wish to inform you that tomorrow we will be killed with our families. Stories from Rwanda (New York: Fairer Strauss & Giro, 1998), 150.

68. Alan Kuperman in the Washington Post, 24 December 1998.

69. Adelman, "Role of Non-African States", 1.

70. Ibid., 18-19.

71. Sénat de Belgique, rapport fait au nom de la commission d'enquête par MM. Mahoux et Verhofstadt, session de 1997-1998, Commission d'enquête parlementaire concernant les événements du Rwanda, no. 1-611/7, annexes no 1-611/8 à 15, (Belgique: Sénat de Belgique, 6 décembre 1997), 525; Des Forges, 177; Millwood, Study 2, 44.

72. Boutros-Ghali, Unvanquished.

73. Ibid.

74. "Triumph of Evil," the Frontline documentary.

75. Tony Marley, Frontline interview.

76, Ibid.

77. Boutros-Ghali, Unvanquished.

78. Ibid.

79. "Why no Rwanda," The New Republic editorial, 16 May 1994.

80. African Rights, Death, Despair, 1126.

81. Philip Gourevitch, Frontline interview.

82. American Broadcasting Corporation (ABC), This Week, transcript, 23 January 2000.

CHAPTER 13

BEFORE THE GENOCIDE: THE ROLE OF THE UNITED NATIONS

13.1. In the previous chapter, we attempted to explain why each of the two nations with the most power to effect the genocide had, in its own way, callously abandoned Rwandans to their grim fate. In this chapter, we will look more directly at the role of the United Nations in the months leading up to and during the tragedy. In this task, we are fortunate to be able to build on the work recently completed by the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda (also called the "Carlsson Inquiry, " after the Inquiry's chairperson). We have already shown that the members of the Security Council consciously chose to abdicate their responsibility for Rwanda. The Carlsson Inquiry's report focusses particularly on the sorry record of the UN Secretariat. Together, these draw a bleak picture of the so-called international community at work.

13.2. Let us say at the outset that, on the basis of our own research, we unequivocally endorse the major findings of the Carlsson Inquiry report:

> The failure of the United Nations to prevent, and subsequently, to stop the genocide in Rwanda was a failure by the United Nations system as a whole. There was a persistent lack of political will by member states to act, or to act with enough assertiveness....[1] The United Nations failed the people of Rwanda....[2]
>
> The overriding failure...can be summarized as a lack of resources and lack of will to take on the commitment which would have been necessary to prevent or to stop the genocide...the fundamental capacity problems of UNAMIR [the UN Assistance Mission to Rwanda] led to the terrible and humiliating situation of a UN peacekeeping force almost paralyzed in the face of some of the worst brutality humankind has seen in this century....[3]
>
> The instinctive reaction within the Secretariat seems to have been to question the feasibility of an effective United Nations response, rather than actively investigating the possibility of strengthening the [UNAMIR] operation to deal with the new challenges on the ground....[4]
>
> It has been stated repeatedly during the course of the interviews conducted by the Inquiry that Rwanda was not of strategic interest to third countries and that the international community exercised double standards when faced with the risk of a catastrophe there compared to action taken elsewhere.[5]

13.3. It is apparent that the members of the Inquiry were deeply distressed by their findings. They describe the delay in identifying as a genocide the events in Rwanda as "a failure by the Security Council....motivated by a lack of will to act, which is deplorable."[6] They go on to make a critical point that our own report has already emphasized: "It is important to add the following: the imperative for international action is not limited to cases of genocide. The United Nations and its member states must also be prepared to mobilize political will to act in face of gross violations of human rights which have not reached the ultimate level of a genocide." [7] In other words, as we have amply documented, the enormity of what was known about Rwanda was more than sufficient to demand a determined response by the UN.

13.4. The problem here had nothing whatsoever to do with lack of early warnings or inadequate information. We fully concur with the Carlsson Inquiry's harsh conclusions: "UNAMIR presented a series of deeply worrying reports which together amounted to considerable warnings that the situation in Rwanda could explode into ethnic violence. In sum, information was available – to UNAMIR, United Nations headquarters, and to key governments – about a strategy and threat to exterminate Tutsi, recurrent ethnic and political killings of an organized nature, death lists, persistent reports of the import and distribution of weapons to the population, and hate propaganda. That more was not done to follow up on this information and respond to it at an early stage was a costly failure: by United Nations Headquarters and UNAMIR, but also by the governments which were kept informed by UNAMIR, in particular those of Belgium, France, and the United States. The lack of determined action to deal with the Dallaire cable is only part of this wider picture of failed response to early warning."[8]

13.5. That these countries had no doubt about the potential for real disaster looming in Rwanda was made abundantly clear. "Immediately upon receipt of the information about the crash [of Habyarimana's plane]... France, Belgium, the US, and Italy evidently believed the situation to be so volatile as to warrant immediate evacuation of their nationals."[9] Indeed, France dispatched its planes to Kigali within two days of the plane going down.[10] For this Panel, that episode exposed four realities that have characterized many of the operations of the international community. First, when they are motivated, western powers can mobilize troops in a matter of days rather than weeks or months. Secondly, western powers are motivated when they feel that their direct self-interests are at stake. Thirdly, the UN instructed General Dallaire in the midst of the genocide to assign his troops to help France to evacuate foreign nationals, authorizing him to "exercise your discretion" about acting beyond UNAMIR's mandate, if it was necessary for him to do so for this purpose.[11] It is difficult not to conclude that this instruction was emblematic of a larger pernicious reality: the lives of Africans were considered less valuable to the world community than the lives of citizens of western nations. Fourthly, the familiar concepts of war are more comfortable for many nations to deal with and to take seriously than issues of human rights. As one senior diplomat told the Panel, his world did not give serious consideration to the warnings of ominous and massive human rights abuses in Rwanda that human rights NGOs consistently reported.[12]

13.6. The Carlsson Inquiry report speaks strongly about this serious failing. "Information about human rights must be a natural part of the basis for decision making on peacekeeping operations, within the Secretariat and by the Security Council. Reports by the Secretary-General to the Security Council should include an analysis of the human rights situation in the conflict concerned. Human rights information must be brought to bear in the internal deliberations of the Secretariat on early warning, preventive action, and peacekeeping. And increased efforts need to be made to ensure that the necessary human rights competence exists as part of the staff of UN missions in the field."[13]

13.7. UNAMIR was authorized by the Security Council at the request of the belligerents themselves. The UN was already involved in the region at the request of the governments of both Uganda and Rwanda for a neutral force positioned on their joint border to verify Uganda's claim that it was not supporting the RPF rebels. In June 1993, the Security Council created the UN Observer Mission in Uganda/Rwanda (UNOMUR) under Canadian General, Romeo Dallaire. The Arusha Peace Agreement, which had finally been signed two months later, included a call for a peacekeeping force to help ensure its implementation. Arusha had given rise to a minor competition between the UN and the OAU, both of which made proposals to play the peacekeeper role.[14] UN Secretary-General Boutros-Ghali, however, made it clear that Security Council members would not fund an operation they did not command and control. The government of Rwanda itself strongly insisted on the UN. As for the OAU, without external resources, it knew it lacked the capacity to play a major role in the peacekeeping operation.

13.8. In the end, the negotiating parties identified the UN as the main implementing agency for the Arusha agreement – an important step that shifted lead responsibility for conflict management from continental and sub-regional actors to the UN. Thus began the highly controversial saga of the ill-fated UNAMIR. Given the subsequent disastrous and humiliating role played by the UN in Rwanda, the decision to assign it a leadership role may well have been a major error.

13.9. The profound mistrust of the UN harboured to this day by the present rulers of Rwanda stems from this decision. Just about every mistake that could be made was made. First, when it was established, UNAMIR was not treated as a particularly difficult mission; the Security Council approved a force substantially weaker than the one the Arusha negotiators deemed necessary to implement the accords. Secondly, its mandate was wholly inadequate for the task at hand, denying the force the capacity to function effectively. Thirdly, even though the reality of the situation in Rwanda was repeatedly driven home to the world, no expansion of mandate or capacity was approved until five weeks into the genocide, and by the time the genocide ended, not one of the new soldiers assigned had arrived. Finally, the UN's insistent and utterly wrong-headed neutrality regarding the genocidaires and the RPF compromised its integrity and led it to concentrate on mediating an end to the civil war rather than saving the lives of innocent Rwandans.

13.10. Given that the international community had pressured both sides to agree to the Arusha accords, there was a natural assumption that it would then actively support the means to implement them. Nothing could be further from the truth. The Tutsi of Rwanda were the tragic victims of an endless series of international failures, when any single serious intervention almost certainly could have saved many lives.

13.11. The UN Security Council was still smarting from the failure of its peacekeeping efforts in Somalia when the request for a Rwandan force was put forward during the autumn of 1993. As discussed earlier, the US was particularly traumatized because 18 of its soldiers in Somalia had been killed on October 3. The resolution calling for UNAMIR came before the Security Council on October 5; the following day, the American army left Somalia. This coincidence of timing proved disastrous for Rwanda, as domestic political considerations took priority over little-known catastrophes abroad.

13.12. With the exception, therefore, of France (and Rwanda itself, which by sheer chance began a temporary term on the Security Council on January 1, 1993), the members of the Council were simply not very interested in the problems of Rwanda. If the OAU or a sub-regional grouping of states had retained carriage of the accords after Arusha, at least Rwanda would have remained a central concern. From the perspective of those deliberating in New York, Rwanda was a tiny central African country about which the Security Council knew little, except the fact that the country was marginal to any apparent economic or political concerns known to anyone but the French. "The world can't take care of everything," as one academic put it. "The UN is a small organization and can't take care of everything. We would have to be selective. If Nigeria collapses, it would be a catastrophe. If Egypt or Pakistan collapses, it would be a catastrophe. But Rwanda can be dispensed with."[15] In other words, the Tutsi had two strikes against them at the UN before the crisis even began.

13.13. Nothing related to the protection of Rwandan citizens happened expeditiously over the next year. Despite the warning by the Secretary-General that such a delay would "seriously jeopardize"[16] the agreement, it took the Security Council eight weeks from the signing of the accord even to pass the resolution creating UNAMIR. Another two months passed before a substantial number of peacekeepers had been assembled in Rwanda – although, when they chose to, Security Council members were able to move their armed forces all over the world in matter of days. Both the French and the Americans soon did exactly that in Rwanda and eastern Zaire, but not, we regret to say, to save the targets of the genocide.

13.14. Not only did the UN dawdle, but the effort it made was begrudging and miserly. In this, the role of the US was decisive and destructive. The Clinton Administration, represented forthrightly at the UN by Ambassador Madeleine Albright, was determined to minimize the costs of any Rwandan operations, which meant limiting the size of the force. General Romeo Dallaire, who moved from commander of UNOMUR to commander of UNAMIR, asked for 4,500 soldiers because he did not believe he could get more. The US initially proposed 500; the total finally agreed was 2,548.[17] Contributing countries were so lax in providing the troops and equipment, however, that the full force was not deployed until months later, shortly before the genocide began. "To further complicate matters," Dallaire later wrote, "when some of the contingents did finally arrive in Rwanda.... they did not have even the minimum scale of equipment needed" to accomplish their tasks.[18] Further, the UNAMIR budget was not formally approved until April 4, 1994, two days before the genocide. Because of this delay in funding, combined with other administrative problems, the force never received essential equipment and supplies, from armed personnel carriers to ammunition to food and medicine. For its entire difficult existence, UNAMIR operated on a "shoe-string." [19]

13.15. From the outset, Dallaire understood that his mission was not being taken seriously. "In New York," he told the Panel, "it was made obvious to us, in fact right from the beginning and verbally before we left that the contributing nations had had their fill of peacekeeping missions. This was because at that time there were 16 other UN missions going on, and ours was nothing but a little mission that was supposed to be a classic Chapter VI [peacekeeping] mission – an easy programme that was not to cost money in any significant terms. Really, nobody was interested in that." [20]

13.16. Dallaire was a professional soldier with 30 years in the Canadian armed forces, but he had never been to Rwanda before the UNOMUR mission and knew little of its history. "I, the least experienced UN member on this UN team, was appointed to lead this mission," Dallaire wrote after it was all over.[21] He was sent off with no briefing about what lay before him, and without being made aware of a report by the Special Rapporteur of the UN Commission on Human Rights, published only weeks earlier, indicating that a genocide could not be ruled out.[22] An official from the UN Secretariat's political wing, the Department of Political Affairs, had monitored the negotiations at Arusha for many months but had produced only a two-page synopsis that contained no analysis. Dallaire recalled that the Department "provided us with nothing on Arusha and Rwanda." The American, French, and Belgian diplomats in Kigali all had excellent sources of information, but they did not share any of it with UNAMIR. In all discussions with them, Dallaire would , if anything, get conflicting information or advice, as when the French military attaché advised Dallaire that 500 unarmed observers would be sufficient to handle the situation in Rwanda.[23]

13.17. In the field, Dallaire quickly discovered that the title of Force Commander was substantially titular. The two dominant Force contingents were the Belgians and the Bangladeshi, constituting respectively 424 and 564 of UNAMIR's 1,260 total military personnel, and they responded only to orders from their own officers.[24] The commander also had little capacity to handle confidential matters discreetly. There was no secure phone for months, and when his inscription capability finally arrived, about the time the war broke out, he reports, "it was busted." There were no translators attached to the mission, causing him to rely for translation on locally recruited staff. The danger of that solution was soon proven when a radio station broadcast clips of conversations Dallaire had held with government officials at UNAMIR headquarters. "So we knew the whole headquarters was infiltrated by local staff who were either being threatened or paid by one of the camps to provide internal information on the state of affairs within my office. We had no security capability of consequence. We didn't even have a safe, and we could not be sure that we could plug leaks of sensitive information."[25]

13.18. The truth is that the Security Council, led by the US, utterly ignored the situation on the ground in Rwanda when they formulated the UNAMIR mandate. As we have seen, some genuinely believed that Arusha was the beginning of a bright new day for Rwanda. Others, recognizing the role of Hutu Power and hearing Rwandan officers in Arusha openly vowing never to let the accord go ahead, believed implementation would prove highly problematic. It was convenient for the Security Council to adopt the former position and disregard completely the latter. That way, they could be seen to authorize a UN mission, but could give it so little capacity that it could not invite the kind of mayhem that occurred in Somalia. This would be an appropriately simple mission for a simple assignment.

13.19. The premise was that all of Rwanda's troubles had been settled at Arch; and Rwanda's leaders would now implement those agreements in good faith, with UNAMIR as the world's witness. UNAMIR, apparently, would face no enemies who were likely to be furious at its very presence. There were, from this myopic vantage point, no malevolent forces planning a vast, murderous conspiracy against the Tutsi population. Yet in truth, even the most idealistic of optimists knew the future was precarious at best – which is precisely why the Arusha agreement called for a strong military mission. After all, as everyone on the Security Council surely should have known, only a week after the signing of the agreement the UN published a report by Waly Bacre Ndiaye, the UN Commission on Human Rights' Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions, that painted an ominous picture of the Rwandan situation.

13.20. Ndiaye substantially confirmed the analysis that had been published and widely publicized earlier in 1993 by the NGO community's International Commission of Inquiry on Human Rights Abuse in Rwanda. Without question, massacres and other serious human rights violations were taking place in Rwanda. Ndiaye also went dramatically further. The targeting of the Tutsi population led him to raise the possibility that the term genocide might be applicable – a notion broached in the NGOs press release but omitted from the final version of his report. He stated that he could not pass judgement at that stage, but, citing the Genocide Convention, he believed that the cases of "intercommunal violence" that had been brought to his attention indicated "very clearly that the victims of the attacks, Tutsi in the overwhelming majority of cases, have been targeted solely because of their membership in a certain ethnic group and for no other objective reason."[26] The Carlsson Inquiry report comments: "Although Ndiaye – in addition to pointing out the serious risk of genocide in Rwanda – recommended a series of steps to prevent further massacres and other abuses, his report seems to have been largely ignored by the key actors within the United Nations system."[27]

13.21. That members of the Security Council were either ignorant of or turned a blind eye to the possibility of genocide was truly remarkable. Yet this is exactly what happened when they authorized UNAMIR: They chose to disregard explicit early warnings of the potential perils that such a mission would inevitably face. UNAMIR's mandate, like its capacity, was constructed on a foundation of palpably false assumptions.

13.22. Significantly, UNAMIR was constituted as a Chapter VI peacekeeping mission instead of a Chapter VII peace enforcement operation. As a peacekeeping mission it was, essentially, a group of soldier-observers who could only use force to protect themselves. It would categorically not be a peacemaking mission, which has the right to impose peace by force.[28] This flew in the face of what the Arusha negotiators believed was required if their agreement was to be implemented. Where the accords had asked for troops to "guarantee overall security" in the country, the Security Council provided a force that would "contribute" to security, and then only in Kigali, the capital.[29] A provision of the accords that called on Blue Helmets to "assist in tracking arms caches and neutralization of armed gangs" was completely eliminated. Instead of charging the peacekeepers with the critical function of providing security for civilians, they were mandated to "investigate and report on"certain incidents.[30] It was only too evident that the Security Council had no interest in a serious military mission.

13.23. In a subsequent assessment, the UN Department of Peacekeeping Operation's Lessons Learned Unit was scathing in its criticisms. "The mandates for UNAMIR," it said bluntly, "were a product of the international political environment in which they were formulated, and tended to reflect concerns and imperatives of certain member states that had little to do with the situation in Rwanda. A fundamental misunderstanding of the nature of the conflict also contributed to false political assumptions and military assessments."[31] In fact, "the nature of the conflict" was perfectly well understood by many, including General Dallaire, who had quickly grasped the true nature of the situation, But time after time, members of both the UN Security Council and the Secretariat chose to heed those voices who told them only what they already wanted to hear.

13.24. In Kigali, Dallaire was determined to interpret his mandate as flexibly as possible. He drew up draft rules of engagement that translated the mission's mandate into detailed regulations that would govern the conduct of his troops. The key provision was his Paragraph 17, which spelled out its intentions in the clearest possible terms: "UNAMIR will take the necessary action to prevent any crime against humanity ... There may also be ethnically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them. Examples are executions, attacks on displaced persons or refugees."[32]

13.25. Dallaire sent his draft rules to New York for the approval of the UN Secretariat in late November. By this time, the situation in Rwanda was already rapidly deteriorating. The ferocious violence unleashed by the assassination of Burundi's President Ndadaye a month earlier had sent hundreds of thousands of virulently anti-Tutsi Hutu fleeing into Rwanda, while Hutu radicals in Rwanda exploited the upheaval. Dallaire's Paragraph 17 was an attempt to prepare his puny command to deal more effectively with the situation that was already developing. New York never formally responded to his request for approval of his draft rules. But on every single subsequent occasion when he asked for more flexibility, he was firmly commanded, in no uncertain terms, to interpret his mandate in the most narrow and restricted way possible.

13.26. Never was this clearer than in New York's response to a cable from Dallaire dated January 11, 1994, which one writer rather melodramatically labelled the "genocide fax."[33] (Although it is perhaps the best-known cable-fax of recent times, it only became public when it was leaked to a journalist in November 1995. Unaccountably, a copy was not included in the official UN record published in 1996 by the UN Department of Public Information, The United Nations and Rwanda, 1993-1996). The previous day, Colonel Luc Marchal, the Belgian officer who was commander of UNAMIR's Kigali sector, had met in great secrecy with an informant referred to only as Jean-Pierre, apparently a senior member of the feared interahamwe militia. Jean-Pierre Twatsinze, as he was later known to be, told Marchal that he had no objection to war against the RPF, but that his "mission now was to prepare the killing of civilians and Tutsi people, to make lists of Tutsi people, where they lived, to be able at a certain code name to kill them. Kigali city, he said, was divided in a certain number of areas, and each area was manned by... 10 or maybe more people. Some were armed with firearms, some with machetes, and the mission of those persons was just to kill the Tutsi... Jean-Pierre gave... a very good and clear description about the interahamwe organization. He described the cells, the armaments, the training, and he told me that everybody was suspected....[The goal] was to kill a maximum of Tutsi... I felt it was a real killing machine because the objective was very clear for everybody – kill, kill, and kill...just Tutsi must be killed." [34]

13.27. Dallaire immediately relayed to New York the main points conveyed by Jean-Pierre. They contained the information that a deliberate strategy had been planned to provoke the killing of Belgian soldiers, an event that could be expected to result in the withdrawal of the entire Belgian contingent from Rwanda. The interahamwe was said to have trained 1,700 men who were scattered in groups of 40 throughout Kigali. The informant had been ordered to register all Tutsi in Kigali, and he suspected it was for their extermination. He said that his militia men were now able to kill up to 1,000 Tutsi in 20 minutes. Finally, the informant reported the existence of a weapons cache with at least 135 weapons – not a huge number, but according to the Arusha agreement Kigali was to be a weapons-free zone. Jean-Pierre was prepared to show UNAMIR the location of the weapons, if his family could be given protection.[35]

13.28. Dallaire sent this cable to General Maurice Baril, Military Adviser to the UN Secretary-General. As was usual, Baril shared the fax with select other senior officials in the UN Department of Peacekeeping Operations (DPKO), including Kofi Annan, then the Under-Secretary-General responsible for the Department, and his second-in-command, Assistant Secretary-General Iqbal Riza. The Carlsson Inquiry report faults Dallaire for failing to send his cable to others in DPKO,[36] which seems to us unwarranted; he was, after all, an officer following the chain-of-command and reporting to his immediate superior. In any event, it was widely known that the top bureaucrats in DPKO routinely shared information among themselves.[37]

13.29. The DPKO team clearly understood the full explosive implications of Dallaire's information. A response was sent immediately (under Kofi Annan's name, as was standard, but signed by Iqbal Riza, which was also standard and frequent practice). The reply was sent to Jacques-Roger Booh-Booh, the Special Representative to the Secretary-General for Rwanda. Booh-Booh and Dallaire did not get along, often analyzing the local situation differently, and the two had different sets of informants in an intensely polarized society.[38] Booh-Booh was widely seen as close to the government camp, which alienated the RPF, while Dallaire was seen as close to the RPF, which made him suspect in government eyes. Critics of Booh-Booh believed he was blinded by his ties to the President's circle, while Dallaire was simply called "the Tutsi." It was suggested to the Panel that Booh-Booh believed that maintaining a good personal relationship with Habyarimana would facilitate implementation of Arusha.[39] As a result, he often took a less pessimistic and less apocalyptic view than Dallaire, and DPKO was anxious to have Booh-Booh's assessment of both the informant and his information.

13.30. It seems that Booh-Booh often gave the benefit of the doubt to Habyarimana and his people. This time, however, he supported Dallaire all the way. He vouched for the informant, and explained that Dallaire was "prepared to pursue the operation in accordance with military doctrine with reconnaissance, rehearsal, and implementation using overwhelming force."[40] Annan's response, again signed by Riza, flatly vetoed any such operation on the grounds that it went well beyond UNAMIR's mandate. He proposed an alternative that seems, under the circumstances, simply unfathomable to have suggested.

13.31. A few facts serve to place DPKO's response in context: Habyarimana's record of frustrating the implementation of the Arusha agreement was universally known, and UN officials had confronted him on it, personally and directly, several times. In December 1993, James Jonah, Under-Secretary-General for Political Affairs, "warned the President that he had information that killings of the opposition were being planned and that the United Nations would not stand for this."[41] Only a week before Dallaire sent his January 11 cable, he had raised with Habyarimana the issue of arms distributions to the regime's supporters; the President had said that he was unaware of the distribution, but would instruct his supporters to desist if Dallaire's information was correct.

13.32. In spite of these facts, Iqbal Riza, writing under the name of his chief, Kofi Annan, but without consulting Annan,[42] and apparently without consulting the Security Council,[43] firmly denied Dallaire authorization to confiscate the illegal arms caches. The informant was not to be afforded the protection he sought for himself and his family, and he disappeared from UNAMIR's ken. Booh-Booh and Dallaire were instructed to share with Habyarimana the new information and the threat it obviously represented to the peace process. They were told to assume that the President was not aware of the activities the informant had described. They were to insist that the President immediately look into the matter, take necessary action, and ensure that the subversive activities were stopped. The President was to inform UNAMIR within 48 hours of the steps he had taken, including the recovery of arms. The ambassadors of Belgium, France, and the US were also to be informed of the entire situation (the cable was, in any case, almost immediately common knowledge in their capitals),[44] and were to be asked to make similar representations to Habyarimana. Unaccountably, however, Riza chose not to instruct his Kigali people to inform the OAU or the Tanzanian ambassador; both of whom were monitoring Rwanda closely.[45]

13.33. The cable from DPKO ended with a statement that neatly encapsulated the priority of the US, Britain, and the UN Secretariat: "The overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions."[46]

13.34. The meeting of Dallaire and Booh-Booh with Habyarimana was swiftly arranged. The President denied any knowledge of the activities of the militia and promised to investigate. Forty-eight hours passed, then many more. The security situation in the country continued to deteriorate significantly. Finally, on February 2, three weeks after Dallaire's original urgent message, Booh-Booh cabled Annan to point out that Habyarimana had not informed UNAMIR of how his investigation had gone. The President never did follow up, and the UN let the subject drop. UNAMIR was profoundly demoralized; Colonel Luc Marchal, Dallaire's second-in-command, believed the mission had lost its credibility "because everybody in Kigali knows that there are arms caches, and everybody expected UNAMIR will do something to seize those armed caches ... for us it was the worst thing, just to stay and watch without reaction."[47] As the Carlsson Inquiry understood, this "gave the signal to the interahamwe and other extremists that UNAMIR was not going to take assertive action to deal with such [arm] caches "[48] – or anything else.

13.35. UN people in Kigali continued to inform the Secretariat of their concerns, however, about the distribution of arms, the activities of the militias, the killings, and the increased ethnic tension that continued throughout the early months of 1994. Wholly unanticipated problems did not help ease the tension felt by the UN mission. On January 22, a planeload of arms from France intended for Habyarimana's forces was confiscated by UNAMIR at Kigali airport. The delivery was in violation of the cease-fire agreement of the Arusha accords, which prohibited the introduction of arms into the area during the transition period. Formally recognizing this point, the French government argued that the delivery stemmed from an old contract and so was technically legal.[49]

13.36. On February 2, Booh-Booh wrote that the security situation was deteriorating on a daily basis. There were "increasingly violent demonstrations, nightly grenade attacks, assassination attempts, political and ethnic killings, and we are receiving more and more reliable and confirmed information that the armed militias of the parties are stockpiling and may possibly be preparing to distribute arms to their supporters ... If this distribution takes place, it will worsen the security situation even further and create a significant danger to the safety and security of UN military and civilian personnel and the population at large."[50]

13.37. Booh-Booh also cited indications that the Rwandan army was preparing for a conflict, stockpiling ammunition, and attempting to reinforce positions in Kigali. The implications were ominous: "Should the present Kigali defensive concentration posture of UNAMIR be maintained, the security situation will deteriorate even further. We can expect more frequent and more violent demonstrations, more grenade and armed attacks on ethnic and political groups, more assassinations and, quite possibly, outright attacks on UNAMIR installations and personnel, as was done on the home of the SRSG [Special Representative to the Secretary-General]." [51] To use a phrase that became commonplace after the genocide, the failure of the international community to stand up to Hutu Power reinforced the culture of impunity that further empowered the radicals. In a terrible irony, as UNAMIR's commanders perfectly well understood, the very feebleness of the UN's intervention emboldened the Hutu radicals, persuading them that they had nothing to fear from the outside world regardless of what they did.[52] This assessment, of course, proved to be accurate.

13.38. In Kigali, at least, the implications were clear: UNAMIR would have to find and confiscate some of the arms caches. Dallaire joined Booh-Booh in pressing for permission to take a more active role in such operations, but both were sharply rebuffed. It seems as if Dallaire's immediate superior, General Maurice Baril, was becoming impatient with Dallaire's grim predictions and incessant demands for greater action. Although both were Canadians and even former classmates, Baril considered his subordinate something of a "cowboy," someone who leaped before thinking. Baril felt – and others in the Secretariat evidently agreed – that Dallaire had to be kept on a "leash."[53]

13.39. The Secretariat held to the rigid interpretation of the mandate that they had given in their replies to Dallaire's January 11 cable and to all other comparable pleas from the field. Public security, Annan emphasized, was the responsibility of the Rwandan authorities and must remain so – even if Rwandan public security was becoming a cruel oxymoron. In the end, the warnings from the field – including the warning supplied by Dallaire's informant about the possible extermination of all the Tutsi in Kigali – somehow served to confirm the Secretariat's pre-existing bias.[54]

13.40. Western nations, as we have repeatedly emphasized, were fully cognizant of the situation. Some even reacted appropriately. Belgian diplomats in Kigali had better sources than most and knew exactly how close the country was to a violent explosion. In mid-February, Belgian Foreign Minister Willy Claes wrote to the Secretary-General advocating "a firmer stance on the part of the UNAMIR with respect to security." [55] "Unfortunately," comments the Carlsson Inquiry report, "this proposal does not appear to have been given serious attention within the Secretariat or among other interested countries."[56]

13.41. In fact, it appears that no matter what they knew, the countries with influence were merely paying lip service to Rwanda's turmoil. On February 17, the Security Council expressed deep concern about the deterioration in the Rwandan security situation, particularly in Kigali, and reminded parties of their obligation to respect the weapons embargo. But such empty rhetoric, backed by a continuing refusal to contemplate the expansion of UNAMIR's mandate and resources, served merely as a goad to even more brazen behaviour by Hutu Power leaders. Indeed, now that Rwanda had duly taken its seat as a temporary member of the Security Council, Habyarimana and the Akazu had a direct pipeline to the inner corridors of UN power, and they knew that the US would never support a more effective intervention.

13.42. Six days after the Council expressed its deep concern, Michel Moussali, Special Representative of the UN High Commissioner for Refugees, warned of a possible "bloodbath of unparalleled proportions" in Rwanda.[57] The following day, Dallaire reported that information abounded regarding weapons distribution, death squad target lists,the planning of civil unrest and demonstrations. All this information was widely shared. Diplomats in Rwanda had received two lists of Tutsi who had been targeted by death squads from a deeply troubled Papal Nuncio, who was confident that these lists had become common knowledge by February.[58] "Time does seem to be running out for political discussions," Dallaire commented, "as any spark on the security side could have catastrophic consequences."[59] A short time later, a UNAMIR intelligence report quoted an informant who asserted that plans had been prepared at the headquarters of the MRND, the President's political party, for the extermination of all Tutsi in the event of a resumption of the war with the RPF.[60]

13.43. On March 30, the Secretary-General recommended that the Security Council extend UNAMIR's mandate by six months. Remarkably enough, despite everything that had transpired since UNAMIR was first approved the previous October, no expansion of mandate or upgrading of resources was now considered. Even so, key members of the Security Council were reluctant to accept an extension of this length, and on April 5 – coincidentally, the day before Habyarimana's plane would be shot down – a resolution was adopted that extended the mandate by slightly less than four months, with the possibility of a review after six weeks, if progress continued to be lacking. The resolution also requested, not for the first time, that the Secretary-General monitor the size and cost of UNAMIR "to seek economies"[61] – a consistently high priority among some Security Council members.

13.44. This resolution incorporated a perverse dogma that had somehow taken hold in the Security Council and Secretariat during these months. It was widely understood that the Hutu Power leaders were conspiring to drive UNAMIR out of Rwanda. That was, after all, the explicit goal of the plot to kill Belgian Blue Helmets that Dallaire's informant had revealed, and this information had been transmitted by Dallaire and Booh-Booh to the American, French, Belgian, and Tanzanian ambassadors in Kigali. Nevertheless, the Security Council insisted that continued support for the mission be contingent on implementation of the Arusha peace agreement.

13.45. The UN was virtually guaranteeing Hutu Power that the international community would leave the country wholly unprotected rather than bolster UNAMIR and give it more capacity to intervene if conditions in the country worsened. In a history teeming with incomprehensible decisions and events, this action by the Security Council seems to us to rank among the most irresponsible. Frankly, we can still hardly believe it happened, except for two facts. First, the same "threat" was repeated several times in subsequent months, even when the genocide was at its peak. Secondly, it has re-emerged again this year as a precondition for the new UN mission to the Democratic Republic of the Congo.[62] The mission is authorized only if all the warring parties in the DRC agree to a cease-fire and to co-operate in future negotiations. But if they do so, as OAU spokespeople ask, why is the UN needed? Barely two months earlier Secretary-General Kofi Annan had fully accepted[63] the conclusions of the Carlsson Inquiry report which pointedly criticizes the position as wholly illogical. The lesson learned was surely obvious: The time a robust UN force is most required is precisely when there is no agreement and no good faith among the parties. Yet in the DRC, as we will see in more detail below, the Security Council has again bowed to the dogma that had been so completely discredited in Rwanda.

13.46. It seems somehow symbolically appropriate that the resolution of April 5 was the final act of the UN before President Habyarimana's plane was shot down the following evening.

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1. "United Nations Independent Inquiry," December 1999, 1.

2. Ibid., 49.

3. Ibid., 28.

4. Ibid., 34.

5. Ibid., 42.

6. Ibid., 26.

7. Ibid.

8. Ibid., 45.

9. Ibid., 47.

10. Ibid.

11. Ibid., 17.

12. A Knowledgeable observer who met with the Panel and asked to remain anonymous.

13. "United Nations Independent Inquiry," December 1999, 56.

14. Millwood, Study 2, 27.

15. As related to the Panel by an academic, 3 March 1999.

16. Millwood, Study 2, 36. (from a statement by the Secretary General, S/24688/1993, par. 65).

17. Des Forges, 131.

18. Gen. Romeo Dallaire & Bruce Poulin, "Rwanda: From Peace Agreement to Genocide," Canadian Defence Quarterly, 24, no.3 (March 1995): 8.

19. A knowledgeable observer; General Henry Kwami Anyidoho, Guns Over Kigali: The Rwandese Civil War (Accra, Ghana: Woeli Publishing, 1999): 8.

20. General Dallaire

21. Steven Edwards, "Dallaire's Story: UN Failed Rwanda," National Post (Canada), 17 December 1999.

22. "United Nations Independent Inquiry," December 1999, 29.

23. General Dallaire.

24. "United Nations Independent Inquiry," December 1999.

25. General Dallaire.

26. "United Nations Independent Inquiry," December 1999, 3.

27. Ibid., 4-5.

28. Compare articles B1, B3, B4 of the Arusha Accords with Articles 3A and 3H of Security Council resolution 872 of 5 October 1993. Des Forges, 142.

29. Ibid.

30. Ibid.

31. Department of Peacekeeping Operations, Lessons Learned Unit, Comprehensive Report on Lessons Learned from UNAMIR, October 1993-April 1996, New York, October 1996, 3.

32. Ibid., 133.

33. It can be found in full on the web site of the 1998 Frontline programme, "The Triumph of Evil"; Philip Gourevitch, "The Genocide Fax," The New Yorker, 11 May 1998.

34. Col. Luc Marchal, Frontline interview.

35. "United Nations Independent Inquiry," December 1999, 6.

36. Ibid., 31.

37. Bjørn Willum, "Legitimizing Inaction Towards Genocide in Rwanda: A Matter of Misperception?," Paper presented at the Third International Conference of the Association of Genocide Scholars, University of Wisconsin-Madison, Madison, WI (USA), 13-15 June 1999, 7-9.

38. A knowledgeable observer who met with the Panel but wishes to remain anonymous.

39. A knowledgeable observer who met with the Panel but wishes to remain anonymous.

40. "United Nations Independent Inquiry," December 1999, 6.

41. Ibid., Annex 1, 2.

42. A knowledgeable observer who met with the Panel but wishes to remain anonymous.

43. Adelman, "Role of Non-African States," 23.

44. Tony Marley, Frontline interview.

45. A knowledgeable observer who met with the Panel but wishes to remain anonymous.

46. "United Nations Independent Inquiry," December 1999, 7.

47. Col. Luc Marchal, Frontline interview.

48. "United Nations Independent Inquiry," December 1999, 31-32.

49. Ogenga Otunnu, "An Historical Analysis of the Invasion by the Rwanda Patriotic Army (RPA)," in Adelman et al. (eds.), Path of a Genocide, 38.

50. "United Nations Independent Inquiry," December 1999, 8.

51. Ibid.

52. Anyidoho, Guns Over Kigali.

53. Willum, 5.

54. Howard Adelman, "Canadian Policy in Rwanda," in Adelman et al. (eds.), Path of a Genocide, 198-199.

55. Willy Claes, "Letter dated 14 March 1994 from the Minister of Foreign Affairs of Belgium to the Secretary-General expressing concern that the worsening situation in Rwanda may impede UNAMIR's capacity to fulfil its mandate," in UN Dept. of Public Information, The United Nations and Rwanda (1993-1996), document 34, 244.

56. "United Nations Independent Inquiry," December 1999, 11.

57. Ibid., Annex 1, 6.

58. As a knowledgeable observer who wishes to remain anonymous told the Panel.

59. "United Nations Independent Inquiry," December 1999, 9.

60. Willum, 5.

61. "United Nations Independent Inquiry," December 1999, Annex 1, 7.

62. UN Security Council, Press release SC/6809-20000224, Security Council expands mission in DRC, unanimously adopting resolution 1291 (2000), 24 February 2000.

63. UN Secretary-General, "Statement on Receiving the Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda," 16 December 1999.

CHAPTER 14

THE GENOCIDE

14.1. At 8:30 on the evening of April 6. 1994, the Mystère Falcon jet carrying the President of Rwanda was shot down as it was returning to Kigali airport. The plane crashed into the grounds of the Presidential palace. All aboard were killed, including Burundi's President Cyprien Ntaryamira, the French air crew, and several senior members of Habyarimana's staff.[1]

14.2. The crash quickly triggered one of the great tragedies of our age. When it ended little more than 100 days later, at least one-half million – and more likely, 800,000 – women, children and men, the vast majority of them Tutsi, lay dead. Thousands more were raped, tortured, and maimed for life. Millions, mostly Hutu, were displaced internally or fled as refugees to neighbouring countries. This was a tragedy that never had to happen. The Rwandan genocide did not occur by chance. It demanded an overall strategy, scrupulous planning and organization, control of the levers of government, highly motivated killers, the means to butcher vast numbers of people, the capacity to identify and kill the victims, and tight control of the media to disseminate the right messages both inside and outside the country. This diabolical machine had been created piecemeal in the years after the 1990 invasion, accelerating in the second half of 1993 with the signing of the Arusha accords and the assassination in Burundi by Tutsi soldiers of its democratically-elected Hutu President. In theory at least, everything was ready and waiting when the President's plane went down.

14.3. But whether Hutu Power deliberately shot down the plane in order to trigger the genocide is unknown. Did the radicals create this opportunity, or did they exploit it once it happened? On present evidence, it is impossible to say. Nor did the events immediately after the crash necessarily indicate that the plotters had been waiting for this exact moment to strike. There was considerable confusion within the Hutu elite for almost two days. A new government was not formed until April 8. It took almost 12 hours after the crash before the murders began of Hutu moderates and those Tutsi whose names had been included on the death lists circulating in Kigali. The real genocide – the exclusive concentration on the mass elimination of all Tutsi – really began on April 12. It is even arguable that a coup by the radicals against the coalition government, not genocide, was the original aim in the immediate wake of the crash. It therefore appears that, notwithstanding the efficient killing machine that had been constructed, when the time came the conspirators had to resort to consider improvisation as they went along, and indeed that there were different levels of preparedness around the country, depending on local attitudes to Tutsi. In the north-west, for example, where many of the Akazu had their roots, there was an immediate predisposition to turn against local Tutsi; in Butare, the slaughter could not go ahead until the radicals replaced local administrators with their own people.

14.4. Once Hutu Power was in control everywhere, the kind of awesome efficiency for which Rwanda had become well known made itself manifest. Nor can there be the slightest doubt about the goal, as Jean Kambanda, the Prime Minister during these months, confessed at his trial four years later when he pleaded guilty to genocide. Not only had it been planned in advance, he admitted that "there was in Rwanda in 1994 a widespread and systematic attack against the civilian population of Tutsi, the purpose of which was to exterminate them. Mass killings of hundreds of thousands occurred in Rwanda, including women and children, old and young, who were pursued and killed at places where they sought refuge: prefectures, commune offices, schools, churches, and stadiums."[2]

14.5. Kambanda agreed that during the genocide, he chaired Cabinet meetings "where the course of massacres were actively followed, but no action was taken to stop them."[3] He participated in the dismissal of the prefect of Butare "because the latter had opposed the massacres and the appointment of a new prefect to ensure the spread of massacres of Tutsi in Butare."[4] He issued a directive on June 8 that "encouraged and reinforced the interahamwe who were committing the mass killings of the Tutsi civilian population....[By] this directive the government assumed the responsibility for the actions of the interahamwe.[5] In fact his government distributed arms and ammunition to these groups."[6]

14.6. Kambanda confessed that he had appeared on radio station RTLMC on June 21, when he encouraged the station to "continue to incite the massacres of the Tutsi civilian population, specifically stating that this radio station was an indispensable weapon in the fight against the enemy." [7] During the genocide, the trial judges noted, he incited prefects and burgomasters to commit massacres and killing of civilians, and visited a number of prefectures "to incite and encourage the population to commit these massacres, including congratulating the people who had committed these killings."[8] The judges also noted that, "[Kambanda] acknowledges uttering the incendiary phrase which was subsequently repeatedly broadcast, 'You refuse to give your blood to your country and the dogs drink it for nothing.'"[9] Once he was personally asked to take steps to protect children who had survived the massacre at a hospital and he did not respond. On the same day, after the meeting, the children were killed.[10]

14.7. Finally, Kambanda admitted that "he ordered the setting up of roadblocks with the knowledge that these roadblocks were used to identify Tutsi for elimination, and that as Prime Minister he participated in the distribution of arms and ammunition to members of political parties, militias, and the population, knowing that these weapons would be used in the perpetration of massacres of civilian Tutsi."[11] He himself was "an eyewitness to the massacres of Tutsi and had knowledge of them from regular reports of prefects and Cabinet discussions."[12]

14.8. Although Kambanda has since withdrawn his guilty plea in somewhat mysterious circumstances, we know a great deal about the course of the genocide that corroborates his original confession. This chapter will attempt to reconstruct the unfolding of those 100 days.

The first steps

14.9. Twenty minutes after the crash Rwandan soldiers were ordered to block the airport; not even UNAMIR troops could get through. At nine p.m., half an hour after the crash, station RTLMC announced the news; shortly after that, it announced the death of the President.[13] The Presidential Guard soon blockaded the home of Prime Minister Agathe Uwilingiyimana and began to evacuate MRND politicians and their families to a military camp. At the same time, they ordered leading politicians from the opposition parties to stay in their homes. The Prime Minister telephoned General Dallaire at 10 p.m. to say that, while her moderate ministers were at home terrified, all her extremist ministers had disappeared and could not be contacted.[14] Early the next morning, the interahamwe were called out to patrol the streets of Kigali while the military set up barricades through the centre of the city.

14.10. From the start, Colonel Theoneste Bagosora, head of administration at the Ministry of Defence and the man most authorities point to as the leader of the genocide, attempted to take charge. He made it clear from the start that the military would control the situation until some sort of political structure could come into place, but UNAMIR Ccommander General Dallaire and UN Special Representative Jacques Roger Booh-Booh both recommended strongly that a legitimate civilian authority should continue to govern.[15] Bagosora, the military and the MRND all agreed that they would no longer deal with Prime Minister Uwilingiyimana, but there was strong disagreement about a civilian government. Bagosora continued to press hard for a military authority, presumably one with him in charge, but opposition was so serious that fighting broke out between a faction of the military and the gendarmerie on one side, and Bagosora's allies in the Presidential Guard on the other.

14.11. On April 7, Presidential Guards killed the two candidates for the presidency of the transitional assembly, one of whom would have replaced Habyarimana.[16] They also killed the president of the Constitutional Court and the Minister of Information, both of whom were moderate Hutu members of the coalition government and supporters of the Arusha agreement; their murders would more easily allow the radicals to form a government fully committed to Hutu Power. On the same day, government soldiers murdered Prime Minister Uwilingiyimana and attacked the heads of opposition political parties, killing them or forcing them to flee.

14.12. After making one last, unsuccessful effort to get agreement to install a military regime, early on the morning of April 8, Colonel Bagosora put together an interim civilian government made up of 12 MRND ministers and eight opposition party members, all sympathetic to Hutu Power.[17] Colonel Gatsinzi was appointed chief of military staff, Dr. Théodore Sindikubwabo became President and Jean Kambanda was Prime Minister. In a direct response to the domination of north-westerners in the Habyarimana government, many of the existing and newly appointed ministers were from southern Rwanda – an attempt to confer legitimacy on and establish a broader regional base for the government. While Bagosora and his clique may not have achieved the personal dominance they sought, the new government was as committed to the genocide as they were.

14.13. One final hope remained to prevent a catastrophe that seemed all but inexorable. There were moderate officers in the Rwandan army who were strongly opposed to Hutu Power, but as so often had happened in Rwanda history, they were easily marginalized. RPF Commander Paul Kagame contacted Dallaire on the evening of April 7 and offered to work together with these moderates if they could organize themselves into a fighting force. He told Dallaire that he was "willing to negotiate and build up a capability with them, but they have got to prove that they are willing to take risks and also prove they are something more than weak, ineffective officers." Tragically for their country, they could do neither. Dallaire discovered that they "were never able to coalesce because every unit they had under command had been totally infiltrated...[and] they would not risk their lives and the lives of their families. And so they never coalesced within the first few days to build moderate capability to overrun the extremists."[18]

14.14. Ten days after the start of the genocide, the leadership began to contend with the opposition in earnest. The interim government replaced Gatsinzi with Bagosora's first choice, Augustin Bizimungu. On the orders of the government, the Presidential Guards killed two prominent prefects who had opposed the genocide in their regions and dismissed several dozen other administrators. Local authorities were encouraged to do the same "cleaning up" within their own local administrations.

14.15. By April 12, under increasing military threat from the RPF in Kigali, the interim government left the capital and settled in Murambi, in the prefecture of Gitarama. They brought with them the political, military, and administrative leaders of the genocide, who travelled throughout the prefecture, preaching and teaching genocide. Gitamara was typical. The combined pressure by political authorities and the militias effectively destroyed any open opposition to the interim government and its programme of genocide.

The murder of the Prime Minister, Cabinet Ministers and Hutu moderates

14.16. As soon as Prime Minister Uwilingiyimana understood that her authority would no longer be recognized, she asked for military protection and an escort to Radio Rwanda so that she might speak to Rwandans as their Prime Minister. When the UNAMIR troops arrived at her home early in the morning of April 7, they were fired upon and their vehicles were disabled.[19] For several hours, soldiers of the Presidential Guard searched for the Prime Minister; shortly before noon, they found and killed her and her husband. Her five children narrowly escaped and were eventually brought to safety.

14.17. This was all part of a deliberate policy to kill anyone likely to criticize the new regime or the genocide. As such, the targets included Prime Minister-designate Faustin Twagiramungu, other prominent Hutu politicians, administrators (both Tutsi and Hutu), wealthy Tutsi businesspeople, human rights activists, and the remaining leadership of the opposition parties. Military officers in Kigali dispatched soldiers and militia to implement the policy in prefectures all across Rwanda.

14.18. The centre and southern regions of the country, where Tutsi were more integrated and numerous, proved initially resistant to the idea of Hutu Power and genocide. As a result, the leaders of the genocide held meetings in these areas to push local administrators into collaboration. In the end, despite their initial misgivings, the prefects and burgomasters were persuaded or forced to co-operate.

14.19. On April 16, the interim government reinforced its support by recalling to active duty officers loyal to Bagosora. But there was still a continuing threat from soldiers who would not participate in the genocide. Again, the interim government moved quickly. Dissenting military officers were removed one way or another – ousted from office, transferred into the field, driven into hiding, or killed.[20]

The first slaughter of Tutsi

14.20. In the early morning following the day of the plane crash, on April 7, approximately 1,500 to 2,000 elite forces of the Rwandan army and 2,000 partisan militia began to kill Tutsi and Hutu in Kigali who had been on the death lists prepared in advance.[21] Troops of the RPF, who had been based in Kigali post-Arusha to protect their delegates to the transitional government, came to their defence, thereby renewing the war with the government and army. But the RPF's efforts were insufficient at this stage to halt the attacks in the city or elsewhere. All at once, the country was engulfed by both a genocide and a civil war.

14.21. The resumption of armed hostilities between the Rwandan army and the RPF was exploited by the interim government to justify its assaults on Tutsi and moderate Hutu, labelling them RPF accomplices and allies. In the first few days, attackers systematically killed Tutsi and Hutu political opponents in their own neighbourhoods using curfews, barriers, and patrols to control the population.

14.22. The roadblocks and barriers were staffed by soldiers and gendarmerie on the main roads, while communal police, civil self-defence forces, and volunteers guarded others. Together, they successfully stemmed the flight of victims who tried to escape the genocide. Anyone who tried to hide was tracked down by search patrols that scoured the neighbourhoods, checking in ceilings, cupboards, latrines, fields, under beds, in car trunks, under dead bodies, in bushes, swamps, forests, rivers, and islands. By April 11, after barely five days, the Rwandan army, interahamwe, and party militias had killed 20,000 Tutsi and moderate Hutu.[22]

14.23. On April 12, the government shifted its attack and focussed on killing only Tutsi. All the preconditions were now firmly in place; it can be said that the full-blown genocide now definitively began. Government and political leaders used both Radio Rwanda and the radio station RTLMC to declare that there was only one enemy: the Tutsi. Ordinary Hutu were instructed to get involved in the war against the Tutsi, fight the enemy, and finish the "work". Officials also moved to stem the tide of Tutsi fleeing Rwanda. Prefects were ordered not to authorize any departures, and Tutsi were killed as they attempted to cross the borders.

14.24. From that point on, the overwhelming number of Tutsi killed in Rwanda died in large-scale massacres. Thousands sought sanctuary in public sites such as churches, schools, hospitals, or offices. Others were ordered by Hutu administrators to assemble in large public areas. In both cases, this left the Tutsi even more vulnerable to Hutu soldiers and civilian forces, who were ordered to kill en masse. For three weeks in April, the party militias, the Presidential Guards, interahamwe, and FAR soldiers killed many thousands of Tutsi every day.

14.25. A pattern of slaughter emerged. First, the interahamwe surrounded the building to ensure that no one escaped. Then, the military fired tear gas or fragmentation grenades to kill and disorient intended victims. Those who fled the building were immediately killed. Soldiers, police, militias, and civil self-defence forces then entered the building and killed all the remaining occupants. To ensure that no one escaped, search parties would inspect the rooms and all the surrounding areas outside. The following day, the interahamwe returned to kill any wounded who were still alive.

14.26. The following means of killing were identified by Physicians for Human Rights: machetes, massues (clubs studded with nails), small axes, knives, grenades, guns, and fragmentation grenades. The genocidaires beat people to death, amputated limbs, buried victims alive, drowned, or raped and killed later. Many victims had both their Achilles tendons cut with machetes in order to immobilize them so they could be finished off at another time.[23]

14.27. Victims were treated with sadistic cruelty and suffered unimaginable agony. Tutsi were buried alive in graves they had dug themselves. Pregnant women had their wombs slashed open, so the foetuses could be killed. Internal organs were removed from living people. Family members were ordered to kill others in the family or be killed themselves. People were thrown alive into pit latrines. Those who hid in the attic had the house burned down around them. Children were forced to watch the hideous murders of their parents. Lucky victims were those who could bribe their killers to use a bullet for a quick death.

14.28. Through all this, some Tutsi managed to escape, but the militias had clear instructions to track down and kill any men, women and children who had fled to the rivers, swamps, bushes, and mountains. Tens of thousands more Tutsi died in this fashion.

14.29. For three weeks, the conspirators attempted to hide the rural genocide from the outside world. Shrewd manipulators of the media, the Hutu Power leaders blamed the carnage on the civil war, which confused foreign correspondents who knew little about the real situation. Most foreign nationals, including most journalists, were airlifted out early in the genocide. Eventually, however, the magnitude of the butchery drew international notice and condemnation, making it no longer solely the concern of those human rights activists and humanitarian organizations that had repeatedly reported on the killings.

14.30. On April 22, Anthony Lake, National Security Advisor to President Clinton, issued a statement from the White House calling on the government and the military to halt the slaughter.. On April 30, the UN Security Council issued a warning to Rwandan leaders about their personal responsibility for destroying an ethnic group. On May 3, the Pope issued a strong condemnation of the genocide, and the next day, UN Secretary-General Boutros Boutros-Ghali stated that there was a real genocide in Rwanda.[24]

14.31. As a result, the interim government changed strategies for a third time. The interahamwe, the party militias, and the civilian self-defence forces were ordered to track down all remaining Tutsi and kill them in a more discreet and disciplined fashion.[25] No survivors were to be left to tell the story. The clean-up operation was much different than the large-scale killings; victims now knew their killers as neighbours, colleagues, or one-time friends.

14.32. During the last days of April and through the month of May, the RPF made dramatic advances throughout the country. In response, the interim government re-launched its large-scale attacks against Tutsi. In some communities women, children, infants, and the elderly had been spared during the first assaults; they now were targeted.

14.33. In late May, the RPF took the airport and the major military camp in Kigali, and on May 27, the militia leaders fled the capital.[26] By mid-June, the interim government was on the run. On July 4, the RPF took Kigali. On July 18, the RPF announced that the war was over. The following day, the new President and Prime Minister were sworn in. Because the RPF had won the war, the genocide, too, now came to an end.

The attack on civil society

14.34. On the morning after Habyarimana's death, the Presidential Guard began to spread across Kigali, gathering up people who had been targeted for execution. Hutu Power radicals had always had a sophisticated understanding of the need to manage public opinion, both in Rwanda and abroad. That goal helped guide their lists of priority targets. Radio station RTLMC and Radio Rwanda became direct arms of the genocide, broadcasting the names and hiding places of intended victims. In this way, the army and militias tracked people down wherever they were, from one end of Rwanda to the other.

14.35. The attacks had many targets. First, the interim government focussed its attention on killing government and opposition members, both national and local, who might prove to be obstacles to the smooth course of the genocide. A second target was to eliminate Hutu moderates who had influence and so were deemed a threat. Third, the government attacked critics such as journalists and human rights activists who had failed to be silenced by other means.

14.36. Professionals, too, came under attack. Some lawyers were killed because they had defended political opponents or were associated with controversial causes. Other lawyers were killed solely because they were Tutsi. In the first days of the genocide, some officials tried to use the judicial system to protect threatened colleagues, but to no avail. Burgomasters released any genocidaire who was detained, and prosecutors simply gave up trying to bring killers, rapists, or arsonists to trial.

14.37. Tutsi who were aid workers or employees of international organizations and government companies were also singled out for killing, along with a large number of teachers and school administrators. Many of these people were leaders in their communities and had been active in political parties opposed to the government.

14.38. The Hutu militias also killed priests, nuns and other clergy, especially those who were Tutsi or who sheltered intended victims. In addition, priests were killed if they were known to be independent thinkers who could influence opinion, including foreign opinion.

The murder of the Belgian UNAMIR soldiers

14.39. Radio Station RTLMC immediately had blamed the Belgian Blue Helmets for the downing of the President's plane. There can hardly be a question that the genocidaires' plan called for an attack on these soldiers, precisely as General Dallaire's informant had warned four months earlier. It took less than a day for the plan to be consummated.

14.40. The military escort requested by Prime Minister Uwilingiyimana for the morning following Habyarimana's death finally brought UNAMIR peacekeepers to her home, but when they arrived, they came under fire from Rwandan soldiers.

14.41. The soldiers took the 15 peacekeepers to a military camp in Kigali, where they carefully separated the Ghanaian from the Belgian troops.[27] The Ghanaians were led away to safety, but the 10 Belgians were brutally beaten and shot to death by a group of Hutu soldiers. This incident had exactly the effect that the cynical genocidaires had shrewdly foreseen, as the Dallaire cable of January 11 had indicated.[28] The Belgians withdrew the remainder of their troops and led a nearly successful movement to end the UN intervention in Rwanda. Total withdrawal seemed politically unacceptable, however, even to the leading members of the Security Council. As a result, the world witnessed the unprecedented phenomenon of a UN peacekeeping mission actually sharply reducing its forces in the midst of a genocide.

The key internal actors: Akazu, government, politicians, intellectuals, military and militia leaders, the media

14.42. For decades, Rwanda had been renowned for its efficiency, its administrative competence, its highly structured system of public administration, its top-down authority system, and its genius for imposing discipline and deference on its population. All of these attributes were brought to bear in organizing the genocide by a calculating elite who understood only too well how to operate this awesomely efficient machine. The names of most of the masterminds are known – the individuals who planned the genocide, managed its implementation and watched it unfold through the months of April, May, and June and into July.

14.43. The Akazu was the special inner circle of advisors to Habyarimana, most of whom came from his north-western prefecture or were relatives of his wife. Their close personal ties to the President made them the centre of political, economic, social, and military power in Rwanda. The Akazu, which included one of Madame Habyarimana's brothers, bankrolled the interahamwe (theMRND militia) and death squads known as Network Zero and Amasasu, (Bullets), bothof which had carried out political killings prior to April 6 and during thegenocide. Madame Habyarimana herself would have been involved in some of the initial political decisions made before April 9, whenshe was among the first to be evacuated to Paris by the French.[29]

14.44. The government, the military, and the politicians worked virtually as one. Colonel Bagosora of the Rwandan Armed Forces effectively guided the genocide and operated as head of the army. He was assisted, militarily, by the commanders of the Presidential Guard, elite units and other senior military leaders. The army played a key organizational role and lent its skills and weaponry to every large-scale attack and operation. The army also provided important logistical help with military vehicles and communications systems, which was vital to the effectiveness of the genocide.

14.45. For a short time, the military chief of staff, Gatsinzi, along with the head of the national police,General Ndindiliyimana, tried to wrest power from Bagosora.[30] But the Presidential Guards and elite forces stood outside the military hierarchy and were loyal only to Bagosora. Their superior training and weaponry put them almost beyond military challenge. Moreover, by the afternoon of April 7, the RPF had left their headquarters to halt the killing of Tutsi civilians in Kigali. Once war was renewed, senior officers could not bring themselves to desert the army or change the government's course.

14.46. Politically, the leaders of the MRND put together the interim government at the request of Colonel Bagosora. Cabinet ministers came from the pro-Hutu Power factions of their party. Together and separately, they constituted a valuable pool of information, motivation, ideology, and practical support. They mobilized party militias, local party members, and ordinary Hutu to take part in the genocide. Many spread out to the countryside or got on the radio to speak about the need for total Hutu solidarity in the war against the outsiders.

14.47. National administrators were important conduits for the interim government. They directed the population to obey orders from the military and exhorted the Hutu to "work with," "assist," and "support" the army. But it was at the local level that administrators played the most vital roles. Local civilian authorities were responsible for calling up hundreds of people to carry out killings at public sites, and it was their job to arrange for a stable cadre of civilians to operate barriers, form search parties and track survivors. Just as important, they acted as informants to their superiors about developments in their area.

14.48. The party militias were a powerful base of support, especially when their numbers increased once the genocide began. Organizationally, they were accountable to various political parties, but at the centre and on the ground, the militias soon assumed a leadership position in planning, organizing and implementing the genocide. Because they came from neighbourhoods all across the country, they knew their neighbours personally. This knowledge proved indispensable in the systematic, house-by-house killing that took place over many weeks. The militias were directed from one location to another, a clear indication that their deployment was a national concern and priority. Once there, they followed the orders of the soldiers on the spot.

14.49. Within a week of the launch, the interim government and the army moved to organize a formal structure for mobilizing civilians and putting them under the control and training of retired soldiers. Once they were properly trained and engaged, the civil self-defence forces, as they were known, expanded the militias' range of activities and operated with considerable, if grisly,efficiency. The two civilian forces operated barriers together, went on patrol and into combat together and even had an elaborate organizational structure. In creating this system, the interim government effectively added a fourth chain of command to the military, political, and administrative components.

14.50. Behind the more obvious presence of the politicians, soldiers and administrators was a wealthy and powerful group of business people, some of them former members of the Akazu. They were pulled together by Félicien Kabuga, who had helped organize radio station RTLMC.[31] The group retired to the safety of a lakeshore town from which they advised the interim government on finance and foreign affairs. For example, after evidence of the genocide began to leak out of the country, the group urged the government to send delegations abroad to give their version of events – advice the government gratefully took. Kabukialso announced a fund to support the war effort and called on all Rwandans living abroad to contribute. Nearly US$140,000 was collected and distributed "to help civilians fight the enemy." [32]

14.51. The interim government also enjoyed support from directors of the public utilities; government companies; and the transportation, hospital and communications services. These long-time cronies of President Habyarimana depended on the government for their positions and affluence. Some helped to finance the militias and actively promoted the genocide among their employees.[33] Others provided transport to the militias and themselves killed Tutsi colleagues. Whether out of fear, opportunism, conviction, or some combination, the private sector responded to the genocide campaign by contributing money, transport, weapons,alcohol, petrol, and other needed goods.

14.52. Bagosora and the government also knew they could count on the intellectual elite and especially the professors at the National University in Butare, who had already played a significant role in dressing up primitive racist hate propaganda in academic terms to give it a certain respectability.[34] The faculty was overwhelmingly Hutu. A large number were from Habyarimana's home region and had benefited from the special access this provided to university education and study abroad. While some academics merely refrained from criticizing, many actively participated in writing, speaking, and broadcasting about the genocide. A group of faculty calling themselves the "intellectuals of Butare" issued a press release laying out a justification for the genocide, a document that the government flaunted, as did delegations that went abroad seeking support. At a meeting arranged by the university vice-rector, interim Prime Minister Jean Kambanda thanked the assembled faculty for their ideas and support.[35]

14.53. Radio was used extensively to communicate orders to the party militia and interahamwe, especially after telephone lines were cut in Kigali. Both radio station RTLMC and Radio Rwanda passed on instructions to the forces about where to set up barriers and carry out searches. They named persons to be targeted and areas to be attacked. Always, the language underlined the image of a country under siege, calling for the Hutu to exercise "self-defence" by using their "tools" to do their "work" against "enemy accomplices." [36] Most rural residents obtained their news exclusively from the radio. The constant inducement to kill Tutsi and the persistent claims that the government was winning the war helped create an atmosphere that convinced many ordinary Hutu to participate in the genocide.

14.54. Radio messages to theHutu, carefully designed to engage their hearts, minds, and energy, were a shrewd combination of the truth, the half-true, the irrelevant, and the outright lie. The Tutsi had – once long ago – ruthlessly lorded it over the Hutu for generations. The Hutu were far and away the larger ethnic group. Burundi demonstrated the consequences for Hutu of Tutsi rule. The Tutsi had invaded Rwanda in 1990 and had begun a terrible civil war. Some Tutsi still felt superior to the Hutu and treated them with disdain. The RPF did intend to overthrow and replace the interim government. They would demand the return of a great deal of land and property held by Hutu for generations.[37] Many Hutu were genuinely terrified by the RPF and enraged at the trouble they had caused. All this was undoubtedly true, and we should bear in mind that Hutu Power propaganda had a solid base of credibility to build on.

14.55. And build they did,with complete indifference to the truth: saying that the RPF and their Tutsi accomplices had assassinated the President and planned toexterminate all Hutu and that the violence against the Tutsi was the product of spontaneous Hutu rage at the assassinationof President Habyarimana and justifiable defence during a time of war against Tutsi armed aggression. Journalists broadcast news reports about weapon caches held by the Tutsi and foreign invasions by the diabolical Belgians, Ugandans, and Burundian Tutsi government. Repeatedly,Tutsi were charged with extreme cruelty and cannibalism. Hutu were cautioned against infiltrators and asked to close ranks and to use their usual "tools" to defend themselves. Unless all the Tutsi were annihilated, including women and children, they would rise up again to dominate and brutalize the Hutu as they had done before and had never stopped plotting to do again.

14.56. Radio station RTLMC had been clever from the start in appealing to its audience first with pop songs and cool announcers, then adding its racist propaganda once listeners were caught by the trendy entertainment.[38] During the genocide, RTLMC brought the Hutu Power version of the war into people's living rooms. Because of its popular appeal, it was a potent channel for justifying the genocide, passing on orders from the top, and inciting ordinary Hutu listeners to scorn moderation and get out and fight for Hutu survival. The station also learned to combine art and politics, as it featured writers, poets, and singers pumping out the anti-Tutsi hatred. One of the irregulars was poet and songwriter Simon Bikindi, best known for a piece of doggerel entitled "I Hate the Hutu," which ferociously attacked Hutu who protected and collaborated with the Tutsi.[39]

The chain of command from the top down

14.57. It was a mark of the instigators' organizational skills that, notwithstanding massive disruption to transportation andcommunications, the government's chain-of-command functioned remarkably well. Hutu Power was in control of the leadership of every structureand at every level in the country – military, political, and administrative.

14.58. Colonel Bagosora planned and carried out the genocide with assistance from the highest ranks of the military, including the Chief of Staff (AugustinBizumungu), Minister of Defence (AugustinBizimana), and the head of the Presidential Guard (Protais Mpiranya). Military leaders directed the communal police throughout the countryside and deployed the interahamwe and party militias in the most efficient manner. Retired or former soldiers trained, armed,and then led civil self-defence forces during their attacks.

14.59. Hutu Power political leaders were also at the centre of the genocide, participating in meetings and decisions at every level. They used their authority to assemble their party militias, distribute weapons to them, and direct them around the country as needed. It did not take long for the various militias, led by MRND's interahamwe and CDR's impuzamugambi, to set aside their party loyalties and "work" together to carry out the government's campaign of genocide. Prior to April 6, the militias, both trained and untrained, numbered some 2,000 men, based mainly in Kigali.[40] Once the genocide began, their numbers swelled to between 20,000 and 30,000 throughout the country. At the local level, party members were expected to be a role model for their Hutu neighbours, identifying Tutsi and local Hutu moderates, operating barricades, and participating directly in the killing.

14.60. The elaborate governing structure in Rwanda implemented the genocide with remarkable efficiency. The government passed on orders to the prefects, who relayed them to the burgomasters, who in turn called cell heads and councillors to local meetings throughout the communes. These persons then delivered their instructions to the population. The burgomasters had the main responsibility of mobilizing hundreds and thousands of ordinary people to search, find, kill, and then bury bodies. Others were needed to operate the roadblocks and carry out patrols to find intended victims. Local leaders, hesitant at first, were threatened with sanctions or removed from office, and ordinary Hutu were offered powerful incentives of cash, food, drink, looted property, and land – highly appealing lures to very poor people. As one radio broadcast said, this "war" had to become everyone's responsibility.

The killers: the Presidential Guard, the military, local elites

14.61. The members of the Presidential Guard were recruited almost exclusively from the home district of President Habyarimana and his wife. Years before the President was assassinated, the Guard had been implicated in killings of prominent Tutsi and opposition leaders. In the first few hours after Habyarimana's death, the Presidential Guard headed up the killing in every neighbourhood of Kigali.

14.62. The Rwandan Armed Forces (RAF) were also key players in the genocide. Soldiers operated the barricades and checkpoints on main roads, trained the interahamwe and party militias, and participated directly in the genocide, especially in urban areas. The military also organized all the large-scale massacres elsewhere in the country. The sequence of killing was repeated throughout. First, troops fired grenades, tear gas and machine guns into Tutsi homes or public places of refuge. Then the interahamwe, local militia, and civil self-defence forces moved in for the kill, using machetes and other weapons. Finally, troops and militia formed search parties to track down and kill any survivors.[41]

14.63. Local politicians and administrators were very powerful in their own right. They targeted Hutu moderates, assembled Tutsi in public sites, involved ordinary Hutu in the killing, distributed arms to the party militias, imposed curfews, set up barriers, co-ordinated militias across communes, and generally did whatever was necessary to implement the genocide. They also had control of population records and were empowered to verify the ethnic identity of people in their communes. Sometimes, this meant the difference between life and death for Tutsi who had acquired false papers and tried to flee the killing.

14.64. It is important to recall that some Hutu military officials and administrators courageously refused to participate in the genocide. For example, the prefects of Butare and Gitarama and many burgomasters under their jurisdiction arrested the assailants in order to stop the killing. Under the circumstances, such acts were nothing short of heroic. But by mid-April, the government was determined to end any opposition to the genocide and either killed the dissenters, bullied them into compliance, or bypassed their authority.

The churches

14.65. Within the first 24 hours, it became clear that Tutsi clergy, priests, and nuns would not be exempt from the slaughter, nor would churches be treated as sanctuaries. On the contrary, these became primary killing sites. Many churches became graveyards. The very first massacre on the morning of April 7 took place at the Centre Christus in Kigali. The victims were Rwandan priests, seminarians, visitors, and staff. It was a portent of things to come, since as many as one-quarter of the Catholic clergy died in the genocide.[42] As one missionary put it, "There are no devils left in Hell. They are all in Rwanda."[43] It was one of the most extraordinary phenomena of the genocide that large numbers of these devils were devout, church-going Christians who slaughtered fellow devout Christians.

14.66. Despite the massacre at Centre Christus, the Hutu leadership of the Catholic and Anglican churches did not abandon their traditional close relationship with the Hutu establishment. They were anything but neutral in their sympathies. It is not too much to say they were at the very least indirectly complicit in the genocide for failing over the years – and even during the genocide itself – to dissociate themselves categorically from race hatred, to condemn ethnic manipulation, and to denounce publicly human rights violations. Some believe, as a staff member with the All-Africa Conference of Churches has written, that, "Church pulpits could have provided an opportunity for almost the entire population to hear a strong message that could have prevented the genocide. Instead, the leaders remained silent."[44] The churches were the clearest embodiment of moral authority in the communities; their silence was easily interpreted by ordinary Christians as an implicit endorsement of the killings. Indeed, one scholar goes so far as to say that "the close association of church leaders with the leaders of the genocide [was interpreted] as a message that genocide was consistent with church teachings." [45]

14.67. As we recorded earlier, the Hutu Catholic archbishop of Kigali was a strong supporter of Hutu Power and had long served on the MRND central committee until forced by Rome to resign. The church leaders did nothing to discourage the killings. At a press conference as late as June, two months into the genocide, the Anglican archbishop refused to denounce the interim government in unequivocal terms.[46] When that government fled from Kigali to a temporary new capital, the Catholic archbishop moved with them. As a report published by the World Council of Churches put it, the statements of church leaders often sounded as if they had been written by a public relations person for the interim government.[47]

14.68. Many priests and pastors committed heinous acts of betrayal, some under coercion, others not. Significant numbers of prominent Christians were involved in the killings, sometimes slaughtering their own church leaders. Priests turned fellow priests over to the butchers. Pastors witnessed the slaughter of their own families by those they had baptized.

14.69. There were strange variations on the nature of the involvement. Some clergy refused to help Tutsi out of sheer terror for their lives. Others protected the majority of Tutsi who came for sanctuary, but allowed militia members to remove and execute selected individuals. Many pastors and priests just ran away from their congregations.

14.70. Over 60 per cent of Rwandans, both Hutu and Tutsi, belonged to the Catholic church, yet all through Rwanda, churches were desecrated by the violence and carnage.[48] Often the killing was committed by members of the congregation: 20,000 people died in Cyahinda Parish; at least 35,000 were killed in the Parish of Karama.[49] Anglican, Protestant, Adventist, and Islamic places of worship were also the scenes of mass killings. Many churches have been memorialized by the present government, with rows upon rows of skulls, bones, and rags left as witness to what some Christians did to other Christians. Rwanda's small Muslim community alone refused to partake in the madness.

14.71. Not even the Pope's demand for an end to the killings swayed his representatives in Rwanda. It was five weeks into the genocide before four Catholic bishops, together with Protestant leaders, produced anything remotely like a conciliatory document, and even then they could bring themselves to do no more than blame each side equally and call on both to stop the massacres.[50] The word "genocide" was never mentioned.[51]

14.72. But we must not end this section without pointing to the impressive number of individual church leaders who heroically risked their lives to protect their people and were killed. We want to recognize them and their extraordinary courage in hellish circumstances. They knew the penalty for their efforts, and most paid it. Hundreds of nuns, pastors and priests, both Rwandans and foreign, hid the hunted and the vulnerable, tended the wounded, reassured the terrified, fed the hungry, took in abandoned children, confronted the authorities, and provided solace and comfort to the exhausted and the heart-broken.[52]

14.73. History must recognizse these remarkable individuals. One particular example is Father Boudoin Busungu of the Parish Nkanka in Cyangugu, who became known for his great kindness to refugees who took shelter at his church. As a testament to the emotional chaos unleashed by the genocide, Busungu's own father, Michel, was an interahamwe leader; his courageous son ended up fleeing to Zaire.[53] Father Oscar Nkundayezo, a priest in Cyangugu, and brother Felicien Bahizi, a trainee priest in the Grand Seminary in Kigali, also hid as many people as they could, provided food and medical care and set up a sophisticated network that aided a substantial number of refugees to flee to safety.[54]

14.74. André Sibomana was another remarkable priest as well as a human rights activist whose name should stand with those honoured German clerics who defied the Nazis. He was editor of the newspaper Kinyamateka and created the human rights group, Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques (ADL). Using both these forums, he denounced the regime and its abuses of power, breaking with the archbishop and others in the hierarchy who continued to give Habyarimana largely unquestioning support.[55]

Teachers and doctors

14.75. A substantial number of teachers, school inspectors, and directors of schools participated directly in the genocide. In some cases, teachers murdered their own students. In many other cases, they betrayed their Tutsi students to militias, who dragged them out of school and killed them with guns and machetes in full view of their friends. On other occasions, they refused to shelter them, effectively dooming them to death.

14.76. Whatever few rules of warfare the world recognizes to make inherently uncivilized behaviour less uncivilized, the genocidaires cavalierly flouted. Hospitals and patients generally share a protected status in a conflict, but the interahamwe, soldiers, and armed villagers ignored medical neutrality. Knowing that wounded Tutsi would seek medical attention, hospitals and health centres became targets for attack. The armed militias killed the wounded along with Tutsi doctors, nurses, medical assistants, and the Red Cross workers who staffed these facilities.

14.77. In their own way, senior medical and hospital staff often assisted the attackers by preventing people from using the hospital as a refuge. Hutu doctors discharged Tutsi patients early or declined to treat them altogether. Since armed militia surrounded the medical facility, patients forced to leave would face certain death. If patients refused to leave, hospital administrators readily allowed the militias inside to haul the sick out of their beds during the night or kill them right in their hospital rooms.

Ordinary Hutu

14.78. In the end, the politicians, administrators, intellectuals and media all "did their jobs" – to use a favoured genocidaire euphemism. Initially, only the interahamwe and soldiers killed the Tutsi, but soon enough they used their authority to compel ordinary Hutu to kill as well. When the national government called for the Hutu to rise up and wipe out the Tutsi, tens of thousands of ordinary people did just that. Many were young men, unemployed, poor, and displaced. Others were fiercely anti-Tutsi refugees from Burundi. There were MRND partisans from the north-west. Many ordinary Hutu participated in the killing only after their lives were threatened, or because they were obeying the unified voices of their leaders, who urged them to participate in the genocide. Large numbers were attracted by the prospect of land or cattle or possessions that were dangled before them. Whatever the reason, Hutu Power turned huge numbers of people, in some cases entire communities, into accomplices in genocide.

14.79. The question of taking responsibility for the killings haunts Rwanda to this day. Is an accomplice guilty to the same degree as an interahamwe? Someone who killed under duress, or as part of mob, or was just following orders, or killed only once, or did not kill but did nothing to stop killings – is such a person guilty of crimes against humanity? There were about six million Hutu, and we know that many soldiers and militias killed far more than one fellow citizen each. That means that millions of Hutu never killed anyone, although many may have helped on roadblocks or in burying bodies or carrying out other work. All these highly complex and sensitive questions have raised major dilemmas for Rwanda and the world since 1994, in the quest to come to grips with issues of justice and reconciliation. These are very important matters to this Panel, and we will return to this central issue presently.

How many were killed

14.80. In the nature of the event, it has always been difficult to establish the numbers killed in the genocide. Serious authorities disagree by hundreds of thousands of deaths – a quite remarkable variation. The highest persuasive figure for Tutsi killed seems to be 800,000, the very lowest, 500,000. Unfortunate as it is, the truth is that we have no way of being certain. The fact is that even if the most conservative figure is used, it still means that over three-quarters of the entire population registered as Tutsi were systematically killed in just over 100 days.[56]

Refugees, widows, and orphans

14.81. Vast numbers of Rwandans, numbering in the millions, found refuge from the genocide in special camps for the internally displaced within the country or fled to become refugees in neighbouring countries. We pointed out in an earlier chapter that conflicts create refugees, but refugees can also create conflicts. This is what was about to happen in shocking fashion in central Africa, with consequences that reverberate still. For that reason, we will deal with this issue in a subsequent chapter.

14.82. As for women and children, we consider their plight of such importance that we devote a separate chapter to discussing their condition after the genocide and in the years beyond. They are the future of Rwanda, and assuring their health and well-being is the prerequisite to a healthy nation.

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[1] Reyntjens, Trois jours qui ont fait, 21-49.

[2] ICTR Judgement 97-23-S.

[3] Ibid.

[4] Ibid.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] Reyntjens, Trois jours qui ont fait, 51-79.

[14] General Romeo Dallaire.

[15] Des Forges, 186.

[16] Ibid., 191.

[17] Ibid., 196-198.

[18] A knowledgeable observer

[19] Des Forges, 188-189.

[20] Ibid., 7-8.

[21] Ibid., 21.

[22] Ibid., 201

[23] Lemarchand, “The Rwanda genocide,” in Totten et al., Century of Genocide, 416.

[24] Des Forges, 284-286.

[25] Ibid., 289.

[26] Prunier, 269-270.

[27] Des Forges, 189.

[28] Ibid., 151.

[29] Ibid., 200.

[30] Ibid., 193.

[31] Ibid., 127 and 242-244.

[32] Ibid., 242-243.

[33] African Rights, Death, Despair, 73-75.

[34] Des Forges, 244-245.

[35] Ibid.

[36] Des Forges, 8.

[37] Ibid., 77-78.

[38] Des Forges, 70.

[39] African Rights, Death, Despair, 75.

[40] Des Forges, 70.

[41] Ibid, 9-10.

[42]African Rights, Death, Despair, 867; Sibomana, 123.

[43] Hugh McCullum, The Angels Have Left Us: The Rwanda Tragedy and the Churches (Geneva: World Council of Churches, 1995), xix.

[44] African Rights, Death, Despair, 895; Des Forges, 246.

[45] Timothy Longman, "Empowering the weak and Protecting the powerful: The contradictory nature of churches in Central Africa," African Studies Review, 41, no. 1, (1998): 59.

[46] African Rights, Death, Despair, 901.

[47] McCullum, 65.

[48] Des Forges, 43.

[49] African Rights, Death, Despair, 337-345.

[50] McCullum, 69.

[51] African Rights, "Rwanda:The Protestant Churches and the Genocide," 2 December 1998.

[52] African Rights, Death, Despair, 922.

[53] Ibid., 927

[54] Ibid., 927-928

[55] Sibomana, 47.

[56] See also: Filip Reyntjens, "Estimation du nombre de personnes tuées au Rwanda en 1994", in: S. Marysse and Filip Reyntjens (eds.), L'Afrique des grands lacs Annuaire 1996-1997 (Paris: L'Harmattan, 1997),179-186.

CHAPTER 15

THE WORLD DURING THE GENOCIDE: THE UNITED NATIONS, BELGIUM, FRANCE AND THE OAU

The United Nations

15.1 As we have already seen, both the Security Council and the UN Secretariat had compiled an entirely inglorious record in the months preceding the genocide. We must record our grave disappointment that the response after Habyarimana's plane was shot down on 6April 6 does little to add to the credit of either.

15.2 Within hours of the crash, UNAMIR Commander General Romeo Dallaire cabled New York, writing, "Give me the means and I can do more."[1] According to one senior Pentagon African specialist, Dallaire "saw sooner than just about anybody else what was unfolding. I think he would have played a more vigorous, helpful, possibly decisively positive role had he been given authority permitting him to do that." [2] The Secretariat knew full well that UNAMIR was barely equipped even for a minimalist role, let alone an expanded one. Almost immediately after the conflict erupted, Dallaire and Booh-Booh summarized their dire logistical condition. Most units had drinking water for two days at most, rations for no more than two days, and fuel for perhaps three days; many had less of each commodity. Lack of small arms and ammunition was a critical problem for all units.

15.3 Neither new authority nor fresh supplies was was to be granted. Dallaire summed up the response from the UN Department of Peacekeeping Operations (DPKO) to his urgent plea to be given "the means" to do more: "Nobody in New York was interested in that."[3] Tragically for Rwanda, nobody who counted ever was.

15.4 On the following morning, knowing she was targeted by the Hutu radicals, Prime Minister Agathe Uwilingiyimana fled over the wall of her own Kigali residence and sought refuge at a nearby UN compound. Dallaire immediately called Iqbal Riza in New York, informing him that force might be required to save the Prime Minister. "Riza confirmed the rules of engagement: that UNAMIR was not to fire until fired upon." [4] The killers could do their worst; so long as they did not directly attack Blue Helmets, they could get away with murder. About 40 minutes after the telephone call between Dallaire and Riza, Rwandan soldiers entered the UN compound, found the Prime Minister, and shot her to death.

15.5 We have to point out that one notable exception was made to the rigid interpretation of the mandate that New York resolutely imposed on UNAMIR. Whatever their roles on the Security Council, France, and the United States had no illusions about the real situation in Rwanda, as was demonstrated immediately after the plane crash. As General Christian Quesnot, then head of military affairs for the French Presidency, told the French parliamentary legislative inquiry: "[P]olitical as well as military leaders understood immediately that we were headed towards a massacre far beyond any that had taken place before."[5]

15.6 Operations to evacuate their nationals were instantly mounted by France and the US, as well as by Belgium and Italy. On April 9, a cable from Kofi Annan signed by Iqbal Riza instructed Dallaire to "co-operate with both the French and Belgian commanders to facilitate the evacuation of their nationals and other foreign nationals requesting evacuation. You should make every effort not to compromise your impartiality or to act beyond your mandate but may exercise your discretion to do [so] should this be essential for the evacuation of foreign nationals. This should not, repeat not, extend to participating in possible combat, except in self-defence." [6]

15.7 Only the Carlsson Inquiry and this Panel have been accorded the opportunity to research the confidential records of the United Nations regarding this period. As far as either of our investigations could surmise, this was the only occasion during the entire existence of UNAMIR that Dallaire was authorized in any way whatsoever to use his own discretion "to act beyond [your] mandate." The purpose of the exception could not have been made more clear than by the words, "should this be essential for the evacuation of foreign nationals." No such latitude was ever authorized for the protection of Rwandan nationals. The Secretariat knew that the US, above all, would never countenance the UN mission's engagement in active conflict for such a purpose. But they also knew that every western power would welcome – if, indeed, they did not demand – the removal of any limits on the capacity of Blue Helmets to rescue expatriates. Millions of viewers around the world have seen the television documentaries showing western soldiers escorting white people to safety through crowds of Rwandans who would soon be slaughtered.[7] We condemn those countries and those UN bureaucrats who were guilty of this flagrant double standard.

15.8 It is just as important to underline what did not happen in those few early days. Suddenly, some 1,500 well-armed, well-trained soldiers from France, Belgium and Italy materialized in Kigali. (The Americans had many others only 20 minutes away in Bujumbura.) It was these European troops that UNAMIR was ordered to assist with the evacuation of foreign nationals. Yet these soldiers were never ordered to muster beyond the airport to work with UNAMIR to protect the lives of Rwandans. The moment their nationals had all been evacuated, the troops disappeared, leaving UNAMIR and Rwandans isolated once again.

15.9 As we will see below, on the day after the plane crash, government soldiers beat and killed 10 disarmed Belgian Blue Helmets. Belgian politicians panicked, immediately withdrawing their remaining troops. Since fully one third of UNAMIR's 1,260 military personnel were Belgian, this was a disaster for UNAMIR.; Dallaire described it as a "terrible blow to the mission."[8] He also made clear a crucial point that we have emphasized elsewhere: the singular aberration of the Belgian soldiers aside (they were deliberately targeted by Hutu radicals for tactical reasons), even a small number of Blue Helmets were able to protect significant numbers of Rwandans. As early as April 8, Dallaire had advised New York that "UNAMIR camps have sheltered civilians terrified by the ruthless campaign of ethnic cleansing and terror."[9] The Belgian government was unmoved. It decided that its humiliation would be at least tempered if it were shared, and it strenuously lobbied members of the Security Council to disband UNAMIR entirely.

15.10 In response, DPKO recommended to the Security Council two other possible options: to keep UNAMIR, minus its Belgian contingent, for a period of three weeks, or to immediately reduce UNAMIR and maintain only a token UN presence. The first option was conditional on the existence of an effective cease-fire, with each side accepting responsibility for law and order and the security of civilians in areas under its control. The belligerents would be warned that if agreement were not secured by early May, UNAMIR would be withdrawn. The date of these proposals was April 13.. The genocide had just begun on April 12; leaders of the genocidaires had just publicly announced that all good Hutu must now join in exterminating every Tutsi in Rwanda. Yet the UN was apparently operating on the extraordinary assumption that Hutu Power leaders would so rue UNAMIR's withdrawal that they would bow to the UN's conditions. It was as if New York had never wanted to understand the most fundamental realities of the Rwandan situation.

15.11 Some UN members evidently did. Also on April 13, Nigeria, a temporary member of the Security Council, presented a draft resolution on behalf of the UN's Non-Aligned Caucus calling for UNAMIR's size and mandate to be expanded. To this Panel, that seems the self-evident and sensible response to what was happening in Rwanda. Nigeria also pointed out that the concern of the Council should not only be limited to the security of foreigners, but should also include protection for Rwandan civilians. This approach seems never to have been taken seriously for a moment; and with western ambassadors pressing for a consensus, even Nigeria decided that its proposal was a lost cause and did not pursue it. [10] Secretary-General Boutros-Ghali preferred DPKO's first option, but if no progress were achieved, he would proceed to the second. The British representative took the lead in supporting the Belgian proposal for a total withdrawal of UNAMIR.[11] The Clinton Administration held that there was no useful role for any peacekeeping operation in Rwanda under the prevailing circumstances; in other words, it could not be effective, since making it so would involve taking real risks. But the extreme nature of this view was its undoing, even for those who agreed in principle; and both Britain and the US ended up supporting the second option of a token UN presence.

15.12 Besides the utter failure of the world's powers to put the interests of the people of Rwanda ahead of their political ones, the most significant aspect of these draft proposals was their failure even to mention the massacres that were already public knowledge. Instinctively, it was taken for granted that the killings were a by-product of the war. Let a neutral UN help stop the fighting, and the massacres of innocents would stop. Those closest to the scene understood and tried to convey a different reality: an outright genocide had been launched that was quite independent of the war. The Tutsi needed the genocide to end, whatever the course of the war

15.13 But the great powers, led by the US, refused to use the word genocide, let alone accept its authentic application in this instance, or to grasp that the massacres were a distinct phenomenon. Instead, the Security Council's main preoccupation throughout the conflict was an immediate cease-fire in the war between the RPF and the government that replaced Habyarimana and a return to the negotiating table. We can be thankful that this myopic demand was never accepted. Under the circumstances, a cease-fire would simply have allowed the genocidaires to continue their slaughter of Tutsi unimpeded by advancing RPF troops.

15.14 On April 17, Dallaire cabled General Baril that UNAMIR's troops were increasingly demoralized and were not merely refusing to protect civilians, but actually surrendering them to the killers without a fight. It was also known that, in several instances, leading Rwandans – notably former Chief Justice Joseph Kavaruganda, former Foreign Minister Boniface Ngulinzira, and Minister of Labour and Social Affairs Landoald Ndasingwa – were abandoned by UNAMIR troops to be brutally murdered, the lattter together with his mother, wife, and two children.[12] On April 12, 10 days into the genocide, the Security Council passed a resolution stating that it was "appalled at the ensuing large-scale violence in Rwanda, which has resulted in the deaths of thousands of innocent civilians, including women and children." It then voted unanimously to reduce UNAMIR to a token force of about 270 personnel and to limit its mandate accordingly. Thankfully, Dallaire postponed acting on this resolution and was able to keep some 450 men.[13]

15.15 The major powers may have been appalled, but they were intransigent about becoming involved. According to James Wood, who had been at the Pentagon for eight years as Deputy Assistant Secretary of State for African Affairs, the US government knew "within 10 to 14 days" of the plane crash that the slaughter was "premeditated, carefully planned, was being executed according to plan with the full connivance of the then-Rwandan government."[14] After all, that was the function of "the people who follow these things closely, whether in the Joint [Chiefs of] Staff or in the Defence Intelligence Agency or in the office of the Secretary of Defence."[15]

15.16 There was no issue of insufficient information in the US. Human Rights Watch and the US Committee for Refugees, both of whom had first-hand knowledge from within Rwanda, persistently held public briefings and issued regular updates on the course of events. That it was a genocide was beyond question. Within two weeks, the International Committee of the Red Cross estimated that perhaps hundreds of thousands were already dead and that the human tragedy was on a scale the Red Cross had rarely witnessed. At the same time, the Security Council strategy, driven by the US, had been criticized for its irrationality. Human Rights Watch, for example, quickly reminded the UN that "Keeping the peace is not a goal of the authorities in Kigali, and that a cease-fire between the warring parties is largely irrelevant to the mass slaughter of non-combatants being carried out throughout Rwanda... by the army and militia." [16]

15.17 James Woods, the former Pentagon African specialist, believes that "the principal problem at the time was a failure of leadership, and it was deliberate and calculated because whether in Europe or in New York or in Washington, the senior policy-making levels did not want to face up to this problem. They did not want to admit what was going on or that they knew what was going on because they didn't want to bear the onus of mounting a humanitarian intervention – probably dangerous – against a genocide... I think much of this [pretence about whether or not it was genocide] was simply a smokescreen for the policy determination in advance:' We're not going to intervene in this mess, let the Africans sort themselves out.' " [17]

15.18 But Rwanda would not so easily disappear from the public agenda. The horror sstories grew only more horrific by the day and could not easily be ignored. By the end of April, it was being widely reported that 200,000 people had already been killed. On April 28, the Nigerian Ambassador stated what almost everyone outside the diplomatic world now recognized: far too much attention was being paid to cease-fire negotiations and far too little to preventing further massacres.

15.19 Yet in the field, UN staff continued to insist that the UN was "neutral" in Rwanda, a role that ostensibly allowed them to play the role of honest brokers negotiating a cease-fire. Special Representative Jacques-Roger Booh-Booh refused to criticize the interim government, even though its senior members were actively inciting the genocide; alternately, if one side was criticized, he scrupulously balanced that with criticism of the other. We deeply regret Booh-Booh's failure to insist, and to make New York understand, that the genocidaires must be brought to account for their heinous deeds. Instead, as late as the end of April and early May, the daily media briefings in Nairobi by UN officials routinely carried the message of the UN's "need to be seen to be neutral" or that "we must not be seen to be taking sides." [18]

15.20 Some years later, in a report on the fall of the Bosnian enclave of Srebrenica in 1995, Secretary-General Kofi Anna wrote that one of the major issues raised during that terrible occasion had been "an institutional ideology of impartiality [on the part of the UN] even when confronted with attempted genocide... Certainly errors of judgement were made [by the UN], errors rooted in a philosophy of impartiality and non-violence wholly unsuited to the conflict in Bosnia." Indeed, he concluded, negotiating during the war with the architects and implementers of the attempted genocide in Bosnia... amounted to appeasement.[19]

15.21 For Rwanda in 1994, it took until the end of April for Secretary-General Boutros-Ghali to see how totally misguided this stance was. The Carlsson Iinquiry is critical of his passivity until this point. "The Secretary-General can have a decisive influence on decision-making in the Council, and has the capacity to mobilize political will among the membership on key issues on the agenda. Boutros-Ghali was absent from New York during much of the key period of the genocide. The Inquiry understands that Secretaries-General cannot be present at every meeting of the Security Council. The archives show almost daily cables informing the Secretary-General of the unfolding events in Kigali and Headquarters related to Rwanda, and sometimes replies to Headquarters with comments by the Secretary-General. The Inquiry concludes that the Secretary-General was kept informed of key developments in Rwanda. However, the role of the Secretary-General in relation to the Council in true crisis situations such as that of the Rwandan genocide is one which can only to a limited extent be performed by proxy. Without the opportunity of direct personal contacts between the Secretary-General and the Security Council as a whole, and with its members, the role of the Secretary-General in influencing Council decision- making cannot be as effective or powerful as if he were present." [20]

15.22 Finally, little more than a week after the Council's decision to weaken UNAMIR, Boutros-Ghali abruptly became an advocate of more forceful action by the United Nations. The priority, he finally understood, was not to act as a neutral mediator in a civil war, but to end the massacres of civilians. Still, however, he was not ready to acknowledge the reality of a deliberately planned and executed genocide. On the contrary, throughout April, Boutros-Ghali continued to assert that the massacres were the consequence of meaningless but probably inevitable violence between two groups with "deep-rooted ethnic hatreds." This was a particularly unfortunate approach by the Secretary-General, since it played right into the hands of the genocidaires, who insisted that the crisis was a function of historic ethnic animosities rather than organized mass murder.[21]

15.23 Nevertheless, lives could be saved, and the Secretary-General pushed the Security Council to reconsider its determination to be militarily passive and politically neutral. The Council, however, was in no hurry to act. Regardless of what was happening in Rwanda, more talk and more paperwork seemed obligatory at the Security Council. At every stage, as we have seen earlier, US Ambassador Madeleine Albright could be found tossing up roadblocks to speedy decisions for effective action. Finally, on May 17, the Security Council agreed to establish UNAMIR II with 5,500 men and a Chapter VII mandate to use all necessary force to carry out its mission.

15.24 It also imposed an arms embargo on Rwanda, a decision opposed by the representative of the genocidal government that still represented Rwanda on the Security Council. That Hutu Power, in effect, sat on the Council offended great numbers of people throughout the genocide, yet that situationit obtained until the very last day of the war, when the RPF army drove the government out of the country. On the day after the agreement on UNAMIR II, Jerome Bicamumpaka, the Foreign Minister, accompanied by Jean-Bosco Barayagwiza, leader of the genocidaire CDR party, took the Rwandan seat in the Security Council. In a racist and inflammatory address to the meeting, Bicamumpaka attempted to justify the genocide. He claimed hundreds of thousands of Hutu had been killed by the RPF. Only a minority of Council members took the opportunity to denounce the Minister and the government for which he spoke.[22] During the months when his government presided over the genocide, the Rwandan ambassador was never prohibited from voting, even on matters directly concerning his country.[23] It was this humiliating incident that led the Carlsson Inquiry to recommend that, "Further study should be given to the possibility to suspend participation of representatives of a member state on the Security Council in exceptional circumstances such as the crisis in Rwanda.[24]

15.25 UNAMIR II now existed, an apparent victory for common sense. In fact, it existed on paper only. Nothing had changed, as insiders had predicted from the first. "Nothing was going to happen, nothing... because this was a document that looked good on paper but never had much of chance of being implemented....Member states weren't going to provide the resources to carry out that plan." [25] Two weeks after the UNAMIR II resolution, Boutros-Ghali reported on May 21 to the Security Council. He had sent a mission to Rwanda and its observations clearly shook him greatly. The report included a vivid description of the horrors of the previous seven weeks, referring to a "frenzy of massacres" and estimating that between 250,000 and 500,000 had already been killed. Significantly, he stated that the massacres and killings had been systematic, and that there was "little doubt" that what had happened constituted genocide.[26]

15.26 The Secretary-General's final observations were harsh: "The delay in reaction by the international community to the genocide in Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crises entwined with armed conflict. Having quickly reduced UNAMIR to a minimum presence on the ground, since its original mandate did not allow it to take action when the carnage started, the international community appears paralyzed in reacting almost two months later even to the revised mandate established by the Security Council. We must all realize that, in this respect, we have failed in our response to the agony of Rwanda, and thus have acquiesced in the continued loss of human lives." [27]

15.27 Boutros-Ghali recommended that the two primary tasks of UNAMIR II should be to protect threatened civilians and to provide security to humanitarian relief operations. A week later – a full three weeks after UNAMIR II was established and a frustrating series of American obstacles had been overcome – the Security Council finally endorsed these objectives and urged member states to respond promptly to the Secretary-General's request for resources. Yet even at this stage, a majority of the Council, led by the US's Madeleine Albright, refused to characterize the calamity in Rwanda as a genocide, fearing the legal obligation under the Genocide Convention to take meaningful action once genocide was acknowledged.

15.28 Moreover, thanks yet again to the United States, there was another extraordinary delay. This time the issue was money. The Clinton Administration promised to lease to UNAMIR 50 armoured personnel carriers (APCs), which Dallaire believed could play a significant role in freeing trapped civilians. Washington decided to negotiate with the UN over the terms for leasing the vehicles, and to negotiate from strength. Before it would agree to send its APCs to Rwanda, the world's wealthiest nation raised the original estimate of the cost of the carriers by half, and then insisted that the UN (to which the US was already in serious debt) must pay for returning the carriers to their base in Germany. The entire exercise was costed at $15 million.

15.29 That was not the end of it. Once the Administration had agreed in principle to provide the APCs, "instead of providing effective leadership to drive this kind of logistical issue through the Pentagon bureaucracy and getting them out right away, it was allowed to proceed in its slowest, most tortuous manner and of course by the time they could have been there, it was all over. It was too late anyway....They [the bureaucrats] got all bogged down in the issues of the exact terms of a lease, what kind of stencilling would go on...what colour... and all the other little details. And these things can either be resolved at a couple of meetings...or you can drag it out for months, which is exactly what happened....It became almost a joke as to the length of time...to get them on their way... I say it was an indication of a complete lack of enthusiasm at the higher policy levels for us [the US], in this instance, supporting the UN on an intervention. " [28]

15.30 The carriers finally arrived in Uganda on June 23, and remained there. By the time the RPF won the war on July 17, and the genocide ended, not one vehicle had made it to Rwanda.

15.31 Equally disturbing was the failure to find transport to fly a fully equipped, trained, and available Ethiopian contingent to Rwanda as part of UNAMIR II. Somehow, none of the western powers that had immediately sent planes to evacuate their nationals after Habyarimana's plane crash was able to assist. The Ethiopian government formally committed 800 troops on May 25; no transport was found for them until mid-August, one month after the end of the genocide.[29]

15.32 In fact, no soldier representing UNAMIR II – the Security Council's only positive initiative during the entire genocide – ever reached Rwanda before the slaughter was ended by the RPF's military victory. From beginning to end, the UN record on Rwanda was appalling beyond belief. The people and government of Rwanda consider that they were betrayed by the so-called international community, and we agree. Who was responsible? The Carlsson Inquiry mostly focusses and puts the greater responsibility on the UN Secretariat, especially the Secretary-General and the Department of Peacekeeping Operations under Kofi Annan. As Dallaire later recalled: "Seventy per cent of my and my principal staff's time was dedicated to an administrative battle within the UN's somewhat constipated logistic and administrative structure." [30]

15.33 Others disagree profoundly and consider it "scapegoating" to blame the UN civil service. Interestingly enough, this group actually includes General Dallaire. In his view, the real culprit is not even the Security Council, but certain members of that Council. "The people who are guilty are fundamentally the world powers," he told the Panel. "For their self-interest, they had decided at the very outset of the mission that Rwanda was unimportant. Really, there is a UN Secretariat, there is a Secretary-General, and there is the Security Council, but my belief is that there is something above all these. There is something above the Security Council. There is a meeting of like-minded powers, who do decide before anything gets to the Security Council. Those same countries had more intelligence information than I ever had on the ground; and they knew exactly what was going on." [31]

15.34 It should already be clear to our readers that the UN Secretariat went far beyond being merely neutral bureaucrats carrying out the wishes of their political masters in the Security Council. Time and again, they imposed on UNAMIR the tightest constraints imaginable, refusing it the slightest flexibility even when lives were directly at stake. The sole exception to this rigid position was when the lives at stake were those of expatriates as they were being frantically evacuated from the country after April 6.

15.35 The Secretariat did not exercise its right to function as an advocate with the Security Council by attempting to persuade members of the urgent need to take more positive action. Indeed, the non-permanent members of the Council were at times kept largely in the dark. The Czech ambassador at the time, for example, complained that, "The Secretariat was not giving us the full story. It knew much more than it was letting on, so members like us did not appreciate the distinction between civil war and genocide."[32] Their record is a dark stain on the UnitedNations and themselves, as Secretary-General Kofi Annan, Boutros-Ghali's successor, acknowledged in his response to the Carlsson Inquiryreport: "I fully accept their conclusions, including those which reflect on officials of the UN Secretariat, of whom I myself was one."[33]

15.36 It is not entirely clear what conclusions Secretary-General Annan accepts. About 18 months earlier, he had, like President Clinton, travelled to Kigali and apologized that "in their greatest hour of need, the world failed the people of Rwanda....All of us who cared about Rwanda, who witnessed its suffering, fervently wish that we could have prevented the genocide." [34] Kofi Annan's explanation was remarkably similar to President Clinton's: "Looking back now," he told the Rwandan Parliament, "we see the signs which then were not recognized. Now we know that what we did was not nearly enough, not enough to save Rwanda from itself." [35] Rwandan officials, who had no doubt whatsoever about the signs that had been available, were furious with the Secretary-General's performance.

15.37 Moreover, not all of the actors central to the 1994 period share Secretary- General Annan's sense of contrition. Iqbal Riza, Kofi Annan's second-in-command at DPKO and now his chief of staff, continues to eschew any responsibility for the Rwandan tragedy. Of course, he regrets the tragedy, and acknowledges that a more vigorous UN initiative at the time could have saved lives. But Iqbal Riza insists, "With all due respect, those who were responsible for the loss of lives were those who planned the killing. They are responsible for the loss of life." [36] It was Riza who unilaterally refused Dallaire's request in the January 11 cable to confiscate a hidden arms cache and ordered him to report to Habyarimana instead. Three years later, he explained to a television interviewer why he had not taken more seriously an informer's claim that there was a plan to exterminate all the Tutsi in Kigali. Look, since the 1960s there have been cycles of violence – Tutsi against Hutu, Hutu against Tutsi. I'm sorry to put it so cynically. It was nothing new. This had continued from the 60s through the 70s into the 80s and here it was in the 90s." [37]

15.38 This was factually untrue. As we showed earlier, there was almost no violence between the two groups through most of the 1970s and all of the 1980s. After 17 years of ethnic calm, anti-Tutsi sentiment and massacres had begun only after the RPF invasion of October 1990, little more than three years earlier. In a real sense, those years after the invasion were the aberration. It is very troubling to the Panel that one of the most senior members of the UN Secretariat still sees the genocide as some kind of mindless tribal clash that was inevitable sooner or later and still believes his actions were inconsequential to events in Rwanda. This stance does not enhance our confidence in the Secretariat's capacity to deal with other African crises in an appropriate manner.

15.39 On the other hand, whatever the prejudices of some of its officials, it is unimaginable to us that the Secretariat would have adopted this negligent approach had the Security Council been determined to do whatever was necessary to prevent or halt the genocide. As we argued earlier, large numbers of outside agencies must take a certain responsibility for Rwanda's tragedy – the churches, the international financial institutions, all the aid organizations that loved operating in Habyarimana's Rwanda and whose largesse made possible the increased coercive capacity of the state,[38] and every nation that ignored the overtly ethnic basis of Rwandan governance and turned a blind eye to the ethnic-based massacres that had begun in 1990.

15.40 Nevertheless, beyond these, the evidence is clear that there are a small number of major actors whose intervention could directly have prevented, halted or reduced the slaughter. They include France in Rwanda itself; the US at the Security Council,loyally supported by Britain; and Belgium, which fled from Rwanda and then tried to have UNAMIR dismantled altogether after the genocide had begun. Nigeria's Permanent Representative to the UN, Ambassador Ibrahim Gambari, has reminded us that, "There is nothing wrong with the United Nations that is not attributable to its members," which led him to conclude: "Without a doubt, it was the Security Council, especially its most powerful members, and the international community as a whole, that failed the people of Rwanda in their gravest hour of need." [39] In the bitter words of General Dallaire, echoed by his second-in-command, Colonel Marchal, "the international community has blood on its hands." [40]

15.41 The price of this betrayal was paid by countless Rwandans, overwhelmingly Tutsi, who will forever remain anonymous to the rest of the world. In contrast, none of the key actors on the Security Council or in the Secretariat who failed to prevent the genocide has ever paid any kind of price. No resignations have been demanded. No one has resigned on a matter of principle. Many of their careers have flourished greatly since 1994. Instead of international accountability, it appears that international impunity is the rule of the day.

Belgium

15.42 The Belgians played an important diplomatic role in Rwanda in the years leading up to the genocide. Belgian troops were sent immediately after the October 1990 RPF invasion to protect the large number of Belgians in the country - some 1,700, a hangover from colonial times - but when it became evident that Belgian citizens were not threatened at all, the soldiers were quickly withdrawn. In an impressive initiative, Belgian Prime Minister Willy Martens and Foreign Minister Mark Eyskens flew to eastern Africa two weeks later to meet with the Presidents of Rwanda, Uganda, and Kenya in an attempt at regional mediation. Domestic differences at home over Rwanda led to the end of both actions, however, and the Belgian soldiers withdrew by month's end.[41]

15.43 In the next few years, Belgium emerged as the de facto leader of a cartel of like-minded diplomats in Kigali who were interested in human rights; much of the Kigali diplomatic corps, including the Americans but notably excluding the French, were part of this unofficial group. Belgian diplomats also were active in pressing Habyarimana to agree to accept a coalition government and to take seriously the Arusha negotiations.[42]

15.44 When UNAMIR was formed in October 1993, Belgian troops, to the credit of their government, constituted the largest single western contingent. For the next several months, responding to steady warnings of imminent slaughter, Belgium pressed at the UN for greater freedom of action for UNAMIR and for a broadened mandate. The US refused to take any measures that implied greater expenses or risk of any kind. On the day after Habyarimana's plane went down, 10 Belgian Blue Helmets were murdered by government soldiers, precisely as Dallaire's informant had forewarned three months earlier. Indeed, the 1996 Belgian parliamentary commission, set up to investigate the country's role in the genocide, discovered that the government had known in advance a great deal about the risks they were taking, including specifically the risk to their UN contingent.[43]

15.45 No diplomats in Kigali had better sources than the Belgians, as the commission's report made evident. Brussels had known that some calamity approaching a genocide was a distinct possibility and that Hutu Power leaders had become bitterly anti-Belgium, considering it to be pro-Arusha and pro-Tutsi. Radio station RTLMC, the radical Hutu propaganda organ, had made a particular point of targeting Belgian Blue Helmets as enemies of the Hutu people, and later accused Belgium (along with the RPF) of shooting down Habyarimana's plane. The Belgium government's courageous decision to join UNAMIR was taken with the knowledge that anti-Belgian feelings were running high among volatile and unstable Hutu fanatics. The specific threat to Belgian soldiers mentioned in the Dallaire cable of January 11 was of course widely known as well. [44]

15.46 Yet when the rhetoric turned into reality, the Belgian government reacted precisely as the Hutu Power strategists had shrewdly predicted. Public opinion in Belgium actually seems to have been split about the future of their soldiers, but the government panicked and decided to evacuate the men home.[45] This decision had immediate, tragic consequences.

15.47 UNAMIR would make its greatest contribution to Rwandans at risk by protecting them with their very presence. For several days, Tutsi had been gathering at a school in Kigali called the École Technique Officielle (ETO) where 90 UNAMIR Belgian troops had been posted. By April 11, the school grounds held 2,000 people, at least 400 of them children.[46] Rwandan soldiers and militia hovered outside, waiting. Some Tutsi had begged the Belgian officers to shoot them rather than leave them to die at the hands of the genocidaires. Shortly after noon, the Belgian commander, acting on direct orders from Brussels to evacuate the country,[47], ordered his troops to quit the school.[48] As they drove out one gate of the school, the killers rushed in another, while the Tutsi tried to flee through a third. Large numbers were immediately killed. The rest soon encountered Rwandan soldiers and militia. They were rounded up and attacked with guns, hand grenades, and finally machetes. Between the two massacres, most of the 2,000 were killed that afternoon, within hours of the departure of the peacekeepers from ETO.[49]

15.48 Many of the Belgian soldiers had wanted to stay in Rwanda to prevent even greater slaughter and were humiliated by the government's decision to withdraw them. The Carlson Inquiry concluded that, "The manner in which the troops left, including attempts to pretend to the refugees that they were not in fact leaving, was disgraceful." [50] Colonel Luc Marchal, commander of UNAMIR's Belgian contingent, later wrote: "Our political leaders should have known that in leaving UNAMIR, we would condemn thousands of men, women, and children to certain death."[51] Lieutenant Luc Lemaire, another Belgian commander, later testified that, "If Belgium had been courageous enough to leave our men there, we would have been able to save people." [52] The Blue Helmets understood this as well. "The withdrawal meant that they were viewed as cowards, and morally irresponsible ones as well. It is not surprising that many of them [including officers] threw down their blue berets in disgust upon their return to Belgium. "[53] Others, in full view of the television cameras, pulled out their knives and slashed the berets into ribbons.[54]

15.49 Even after the betrayal at ETO, there was more to come. Contrary to a commitment by Marchal to Dallaire, the troops were ordered to take all their equipment and weapons with them. Worst of all, apparently embarrassed by their withdrawal and anxious to save face, Belgium lobbied vigorously at the UN for the entire UNAMIR mission to be cancelled. If the Belgians were not there, presumably it was preferable that there be no troops at all. France, the US, and Britain initially supported the Belgian lobby.[55]

15.50 This was a moment of shame for Belgium. As Boutros-Ghali later wrote, "Belgium had been afflicted with 'the American syndrome': pull out at the first encounter with trouble."[56] The same government that had played such an honourable role since 1990 in attempting to end the Rwandan civil war and then to give UNAMIR a proper mandate now decided that Rwanda had become too politically risky for their careers. This was a death sentence for untold numbers of Tutsi, as the two senior Belgian officers acknowledged.

15.51 Of course it was dreadful that the Belgian soldiers had been brutally murdered. But as the 1997 Belgian parliamentary commission discovered, it was not at all unexpected that they would be targeted. Moreover, they were soldiers, after all, and in the words of Belgian Lieutenant Luc Lemaire, bitter at being recalled, "As soldiers, we have to be ready to die at any moment."[57] We agree. That is what military intervention involves. Peacekeeping or peacemaking missions without risk is a contradiction in terms. Yet many Belgian citizens decided that risking the lives of any more of their soldiers was too great a price to pay for protecting Rwandans, and Belgian politicians decided that sacrificing Rwanda to assuage angry voters was a price worth paying.

15.52 On April 6, 2000, Belgian Prime Minister Guy Verhofstadt attended the memorial ceremony in Kigali commemorating the sixth anniversary of the genocide. He took the occasion to apologize, after six years, and to "assume my country's responsibility for what had transpired. On behalf of my country, of my people, I ask for your forgiveness." [58] Now the US, the UN, Belgian and the Anglican church have all formally apologized. That seems to us a good, small, first step. It is time they ensured that commensurate financial reparations back up their solemn words of repentance.

France and Opération Turquoise

15.53 On July 19, 1994, at the moment when the new Rwandan President was being sworn in, the French forces had transformed the south-west quadrant of the country into a safe zone. French troops had been present from 1990, when they played the key role in preventing a swift RPF victory, until the UNAMIR contingent arrived in December 1993. At that stage, French uniformed soldiers departed, but covert intelligence services remained.

15.54 When Habyarimana's plane went down, French officials had contradictory views of the Rwandan scene. Some had no illusions about the fate of Rwanda once the trigger was pulled; they knew perfectly well, and reported it plainly, that if, or more likely when, the next open conflict came, the result would be an enormous tragedy. Others refused to take the situation seriously at all, and were taken by surprise by what subsequently occurred. They were accustomed to messy problems, including violence, in their sphere of influence in Africa, and to cleaning up the mess pretty swiftly.[59] As Bruno Delaye, President Mitterrand's chief adviser on Africa, once told a delegation of human rights advocates, it was true and regrettable that Hutu had done terrible things in Rwanda, but "that was the way Africans were." Rwanda, then, would be just another "routine bloodletting", and as long as it did not get out of control, as long as only a few dozen or even a few hundred Rwandans were killed, France could remain largely detached.[60]

15.55 Initially, therefore, the French establishment, chose to do nothing whatsoever to address the genocide in its "backyard". A delegation of French aid workers who knew Rwanda well met with Mitterrand's advisers on Africa to urge them to use their influence to stop the atrocities being carried out in the genocide. But as Dr. Jean-Herve Bradol of Médecins Sans Frontières reported: "I was completely depressed because I realized... they did not have any will to stop the killings." [61]

15.56 On the other hand, based on a great deal of evidence well known to Paris, the possibility of serious violence and disorder could hardly be ruled out. Both French citizens in Rwanda and Rwandan friends of France could be endangered. As a result, with no warning to the UN or to UNAMIR, on April 8th and 9th, some 500 French troops landed at Kigali airport to evacuate French citizens as well as some 400 Rwandans, many of them linked to the Habyarimana family. Some were leading Akazu members, including, most notably, Madame Habyarimana herself, who was flown out on the very first plane to leave.[62] No Tutsi were flown out, not even those who had long worked for French organizations,and scarcely any Hutu targeted by the plotters.

15.57 The resultof this French action, writes one scholar, "is captured in the images of the women, men,and children who climbed the gates of the French embassy, and of those [Rwandans] who had served the French government but were left to fend for themselves in the face of genocide, while those who for years had sown the seeds of ethnic hatred and helped build a vast machinery of death were lifted to safety in French planes." [63] The French troops did not take the slightest action against their Hutu allies and comrades-in-arms who had initiated the genocidal rampage from which the soldiers were rescuing their fellow French citizens.

15.58 Even more troubling information came from Colonel Luc Marchal, the commander of UNAMIR's Belgian contingent, who was at Kigali airport when the first three French planes landed. As he later revealed in a series of media interviews, "Two of those three planes were carrying personnel. And one was carrying ammunition...for the Rwandan army... [T]hey just remained a few minutes in the airfield, and immediately after [the ammunition] was loadedin the vehicles they moved to the Ikonombe [army] camp." [64] After the arms were off-loaded and the evacuation was completed, the French troops left Rwanda. For the first time since October 1990, there were no French soldiers in Rwanda.

15.59. In mid-June, nine weeks into the genocide,with hundreds of thousands known dead and the handwriting on the wall for the genocidal government, the French government announced plans to ship troops to Rwanda for "humanitarian reasons." Several quite different factors drove this change of heart. There was considerable pressure in France from civil society groups to help end the slaughter, and the President was anxious to respond. The genocide was receiving considerable media attention, much of it raising awkward questions of France's responsibility. According toone outside expert whose advice was sought at the time, there was concern in the government to demonstrate that France remained a powerful force that could be counted on in Africa, especially against anglophone interlopers.[65]And some still believed there was an opportunity to rescue its old friends from the Habyarimana regime.[66]

15.60. Whatever the combination of motives,through "OpérationTurquoise" French soldiers were to return to Rwanda to save those Rwandan citizens not yet slaughtered at the hands of the very forces that France had advised andtrained. [67] The Carlsson Inquiry's verdict was harsh: "Like the rapid deployment of national evacuation forces, the sudden availability of thousands of troops for Opération Turquoise, after DPKO [UN Department of Peacekeeping Operations] had been attempting for over a month to find troops to expand UNAMIR II, exposed the varying levels of political will to commit personnel in Rwanda. The Inquiry finds it unfortunate that the resources committed by France and other countries to OpérationTurquoise could not instead have been put at the disposal of UNAMIR II.[68]

15.61. It is not just in hindsight that this entire episode seems so contrary to elementary common sense. Even at the time, those who knew anything about Rwanda were properly outraged. The RPF angrily condemned the initiative as a thinly-veiled ploy to save the tottering Hutu government. The Organization of African Unity, which, as we will see, had let France know in advance that it strongly disapproved of any such move, now made its objections publicly known.[69]

15.62. A group of Tutsi Catholic priests who had survived the killings issued a cri de coeur to their superiors: "Those responsible for the genocide are the soldiers and the MRND and the CDR political parties at all levels but especially at the highest levels, backed by the French who trained their militias. This is why we consider that the French intervention, describing itself as a humanitarian one, is cynical. We note with bitterness that France did not react during the two months when the genocide was being committed,though she was better informed than others. She did not utter a word about the massacres of opposition members. She did not exert the slightest pressure on the self-proclaimed Kigali government, although she had the means to do so. For us, the French have come too late for nothing."[70]

15.63. In France, there was equal cynicism. Le Monde examined the government's record and wondered why it had been "satisfied with selfishly repatriating French nationals in April and approving, like everybody else, the withdrawal of the 2,000 UN troops in Rwanda just as one of this century's worst massacres is taking place? Why this belated wakening which is happening, as if by coincidence, just as the RPF is gaining the upper hand on the ground? France will find itself once again accused of coming to the rescue of the former government, but its initiative will effectively shore upAfrican regimes that are just as corrupt, like that of Zaire's General Mobutu." [71]

15.64. On the ground in Rwanda, General Dallaire was furious at the very idea. "He knew of the French secret arms deliveries to the FAR [during the genocide], and when he learned of the French initiative he said: 'If they land their planes here to deliver their damn weapons to the government, I'll have their planes shot down.''" [72] More diplomatically, he sent a long cable to New York setting out a detailed analysis of the possible problems which OpérationTurquoise might cause UNAMIR. That France, was unexpectedly seeking Security Council approval of its operation only compounded the problems. The most invidious and awkward of these was the feeble Chapter VI mandate that so constrained UNAMIR in contrast with the expansive Chapter VII mandate proposed for Turquoise. "To have two operations present in the same conflict area with the authorizationof the Security Council but with such diverging powers was problematic." [73]

15.65. It also seemed impossible to justify such a decision on rational grounds. Even the Secretary-General, with his extremely close ties to France, acknowledged that, "France had long been deeply involved with the Hutu and therefore was far from ideal for this role." [74] Nevertheless, the Carlsson Inquiry reports that Boutros-Ghali "personally intervened in support of an authorizationof OpérationTurquoise," arguing for "an urgent decision." [75] On June 22, in defiance of history, experience, and reason, the UN Security Council authorized OpérationTurquoise with 10 members in favour and five abstaining, just two votes more than the required majority. France, the US, and Rwanda, still represented by the interim Hutu Power government after two and a half months of genocide, were among the 10 yes votes.

15.66. Demonstrating how swiftly Security Council members could move when they chose, French troops were ready to go within hours of the mission being authorized on June 22. Cynics noted that the 2,362-man force was several times larger than any of France's earlier contingents, and that its heavy equipment and massive firepower seemed inconsistent with a humanitarian mission. [76] They also observed that after much French rhetoric about the operation constituting a multilateral force that would include, besides France itself, Italy, Spain, Belgium, Ghana and Senegal, [77],only Senegal actually sent troops: 32 men, 1.4 per cent of the total force,whose equipment was supplied by France.[78]

15.67. Once it arrived, France declared itsintention to carve out a "safe zone" in south-western Rwanda. This move was in fact foreshadowed in the mission's original orders, which was to carve out as large an area as possible in which Hutu rule would prevail after the inevitable RPF victory. Hundreds of thousands of Hutu fleeing the RwandanPatriotic Army (RPA) rushed to camps for internally displaced persons (IDPs) in the zone, seeking safety and hoping that the country might perhaps be partitioned and that the people in the south could remain free from Tutsi domination. At one stage, more than a million people, including some Tutsi, had found their way to the zone.

15.68. Analysts calculate that in the course of their mission, the French force did save not the "tens of thousands" of people proclaimed by President Mitterrand, but probably some 10,000-15,000Tutsi, [79]a feat that can only be applauded. But beyond any doubt, their other task was to give support to the interim government. Most of the genocidaire regime, large numbers of high-ranking military officers, as well as thousands of heavily armed interahamwe and the majority of the Rwandan forces (now called Ex-FAR) managed to escape the inexorable RPF advance by retreating to the conveniencеof the safe zone. Indeed, France actually declared that it would use force against any RPF encroachment on the zone.[80]. Once it was clear the RPF could not be halted, however, France took the next logical step and facilitated the escape of much of the Hutu Power leadership into Zaire.[81]

15.69. To this day, Africa continues to pay dearly for this unanticipated development. The genocidaires were able tosurvive to fight another day. The successful flight to Zaire of an extensive part of the Hutu Power apparatus, to which France contributed, is beyond question the single most significant post-genocide event in the entire Great Lakes Rregion,launching a chain of events that eventually engulfed the entire area and beyond in conflict.

15.70. France's proclaimed neutrality was alsocast into doubt in other ways. Although there were exceptions, including those who were shocked and appalled to discover that the genocide was real, many French soldiers went out of their way to be sympathetic to Hutu and unfriendly to Tutsi.[82]

15.71. French officers set the tone and the ethical standards. In the name of neutrality, they shielded the genocidaires. Colonel Didier Thibaut, one of the French commanders, was asked by journalists about his troops working alongside FAR soldiers and government officials accused of being mass murderers. "We are not in a war against the Rwandan government or the armed forces," he said. "They are legal organizations. Some members might have blood on their hands, but not all. It is not my task and not my mandate to replace these people." [83] Journalists also noted that, "While the French continue to insist on humanitarian motives, there is a perceptible slant to their interpretation of the crisis. Colonel Thibaut played down the atrocities against Tutsi by highlighting the suffering of the majority of the Hutu population. He said there were hundreds of thousands of Hutu refugees in his area who had fled the RPF advance. He said there were not nearly as many Tutsi displaced, but omitted that most of the Tutsi who tried to flee were dead or still in hiding." [84]

15.72. France would not agree to arrest officials accused of genocide who were taking sanctuary in its safe zone. Survivors bitterly complained later that the French refused to detain genocidaires even when given detailed evidence of their crimes, including reports that some continued to threaten survivors in the safe zone itself.

15.73. The reason given by the Foreign Ministry in Paris, following the lead of the President's office, was that, "Our mandate does not authorize us to arrest them on our own authority. Such a task could undermine our neutrality, the best guarantee of our effectiveness." [85] This rationalization was not convincing. First, France was never neutral. Secondly, it never sought a change in its mandate. Thirdly, it could have acted unilaterally. Fourthly, the Genocide Convention was surely all the mandate necessary to arrest those accused of genocide.

15.74. Criticized at the UN and elsewhere for its refusal to arrest leaders of the genocide – indeed, for protecting them [86] – France chose not to change its stance, but to rid itself of the problem. By the time the French troops left inAugust, not a single genocidaire had been turned in, either to the United Nations or to the newly established government. In fact, the opposite happened. When the new regime in Kigali demanded that genocide leaders be handed over to them, the French military staff, according to a French military journal, initiated and organized the evacuation to Zaire of the genocidal government from the safe zone.[87]

15.75. Eventually, the army and the militia were allowed to slip safely over the border into Zaire; Colonel Tadele Selassie,commander of an Ethiopian contingent that had landed after the genocide as part of belated UNAMIR II, saw French vehicles being used to transport Rwandan soldiers to safety in Zaire.[88] Some troops left with all their equipment and arms intact, while some were in fact disarmed by French troops before leaving. Some of these arms were handed over by Turquoise to the Zairian army, and some heavy weapons confiscated by French troops were transferred to RPF forces. It is also true that the genocidaires managed to find several routes, not just the Turquoise safe zone, through which to slip arms into Zaire, and that once inside Zaire,weapons were easily available from a large variety of sources.

15.76. Turquoise, as the UN mandate permitted, lasted for another full month after the RPF took over in Kigali. The French government, not satisfied with its role to this stage, acknowledged the new RPF government only perfunctorily and continued to support its old Hutu protégés. French authorities permitted Ex-FAR soldiers to move back and forth between the safe zone and Zaire without hindrance. Sometimes the French helped them on their way; they were seen re-fuelling army trucks before they took off for Zaire with the goods looted from local homes and businesses. In Zaire itself, French soldiers drove their Rwandan colleagues around in official vehicles, and on at least one occasion,as investigators for the parliamentary inquiry discovered, French soldiers delivered 10 tons of food to Ex-FAR troops at Goma.[89]

15.77. Throughout this period, the Ex-FAR continued to receive weapons inside the French zone via Goma airport in adjacent Zaire. Some arms shipments had French labels, although the pertinent documents revealed that they did not come from France. Other shipments did come from France. Although French officials have consistently maintained that all arms shipments to the Habyarimana government ended right after his murder, the evidence tells a different story. Gerard Prunier, the French Africanist who was recruited by theMitterrand government to advise on Turquoise, was told on May 19 by Philippe Jehanne, a former secret service man then working for the Minister of Co-operation, that, "Weare busy delivering ammunition to the FAR through Goma. But of course I will deny it if you quote me to the press.[90]

15.78. But arms shipments did not cease even then. Having documented the rearming of the Rwandan government in the early1990s, in 1995 the Human Rights Watch Arms Project issued a new report, "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide." Based on extensive on-the-ground research and interviews, the report found that five shipments of arms had been sent from France to Goma in May and June, while the genocide still raged. President Mobutu's troops assisted in delivering the arms to FAR soldiers across the border. The French consul in Goma justified these shipments as the fulfillment of contracts negotiated earlier with the government of Rwanda.[91]

15.79. France has constantly denied sending arms to Rwanda once the genocide was unleashed, yet we know France was involved. It is possible that the arms were part of a covert action, not officially endorsed by the government. It was widely known that a faction of the French military was fanatically pro-Hutu and anti-RPF and was capable of such an act. The report of the French parliamentary inquiry pointed out that the French arms trade included both official and unofficial deals, yet it explicitly ruled out investigating the latter. It also noted that the French para-statalagency that controlled the arms business had laid down many rigorous regulations on doing business in arms, yet 31 of 36 arms transactions withRwanda were conducted "without following the rules." [92]

15.80. Through July, August, and September, according to UN officials, the French military flew a raft of genocidaires out of Goma to unidentified destinations. These included the genocide leader, Colonel Theoneste Bagasora, as well as interahamwe, Ex-FAR and militia troops.[93] None of these men had shown an iota of remorse. On the contrary, as we will soon see, they were refreshingly candid about their next steps. They were going back to finish the work they had not quite completed. Thanks to the unanticipated opportunity provided in substantial part by France, they could now begin re-organizing themselves from Zaire and elsewhere.

15.81. Both during and after the genocide, France remained utterly unrepentant and, in its own eyes, utterly blameless for any aspect of the Rwandan tragedy. Paris continued formally to recognize the genocidaire government for 10 weeks after it launched the genocide and, at the end, many in the French establishment were bitter that "their" side had been defeated by what Chief of Staff General Jacques Lanxade labelled the "anglo-saxon conspiracy."[94]

15.82. Once the RPF took over, wherever French officials had influence they pressed to make life difficult for the new government. The European Union had special credits for Rwanda worth nearly $200 million, but the French veto prevented any unblocking of those funds until late in the year, and even then only part could be released. At a conference in The Hague in September, the French ambassador stood up and left the room when President Bizumungu gave an address.[95] In November, the regular Franco-African summit went on without Rwanda, which was deliberately not invited, and with the participation of Zaire, which was. Mobutu appeared, significantly, next to President Mitterrand.[96]

15.83. Asked by a journalist about the genocide, Mitterrand replied: "The genocide or genocides?" [97] This response reflected the straight Hutu Power line: Tutsi were killed in the course of a war, Tutsi inflicted as many casualties as they suffered and, in any event, the Hutu deaths in the refugee camps of east Zaire evened up the score. Foreign Minister Alain Juppe made the official French position explicit. Five weeks after the genocide ended he told an interviewer that in Rwanda, "One could not say that good was on the side of the RPF and evil on the other."[98]

15.84. At the same time as it was provocatively insulting the new Kigali government and assisting Hutu Power leaders, the French did not hesitate to lecture them. Before any aid would be forthcoming, Alain Juppe let it be known, the government would have to "negotiate." "What is the Rwandese nation?" he asked. "It is made of two ethnic groups, Hutu and Tutsi. Peace cannot return to Rwanda if these two groups refuse to work and govern together. This is the solution France, with a few others, is courageously trying to foster."[99] Along the same lines, the Minister for Co-operation explained that, "The Kigali government is an anglophone Tutsi government coming from Uganda....I am only asking them to make one step toward democracy, to create a healthy judicial system, and to set a date for the elections."[100]

15.85. The consequences of French policy can hardly be overestimated. The escape of genocidaire leaders into Zaire led, almost inevitably, to a new, more complex stage in the Rwandan tragedy, expanding it into a conflict that soon engulfed all of central Africa. That the entire Great Lakes Region would suffer destabilization was both tragic and, to a significant extent, foreseeable. Like the genocide itself, the "convergent catastrophes" [101] that followed suffered from no lack of early warnings. What makes these developments doubly depressing is that each led logically, almost inexorably, to the next. What was lacking, once again, was the international will to take any of the steps needed to interrupt the sequence. Almost every major disaster after the genocide was a result of the failure to deal appropriately with the events that preceded it, and what was appropriate was evident enough each step of the way.[102]

The Organization of African Unity

15.86. Throughout April, May, June, and July, the OAU, like the UN, failed to call genocide by its rightful name and refused to take sides between the genocidaires (a name it would not use) and the RPF,.or to accuse the one side of being genocidaires. On April 7, the slaughter was denounced as "carnage and bloodletting" or "massacres and wanton killings,"[103] but the condemnation was strangely impartial; no group was condemned by name, implying that the two combatants were equally culpable. Both parties were urged to agree to a cease-fire and to return to the negotiating table. On April 19, at a press conference, the OAU Secretary-General took the same approach,[104] as he did in a letter to Boutros-Ghali on May 5.[105] In early June, at long last, 14 individual heads of African states condemned the genocide by name, but only days later at the OAU Summit, the interim government was welcomed as the official representative of Rwanda.

15.87. Under the circumstances of the time, this Panel finds that the silence of the OAU and a large majority of African Heads of State constituted a shocking moral failure. The moral position of African leaders in the councils of the world would have been strengthened had they unanimously and unequivocally labelled the war against the Tutsi a genocide and called on the world to treat the crisis accordingly. Whether their actual influence would have been any greater we will, of course, never know.

15.88. In any event, the OAU and various African leaders threw themselves into attempts to end the massacres and settle the conflict as swiftly as possible. Tragically, none of these efforts succeeded. Just as Rwanda, when the crunch came, did not finally matter to the international community, neither did the world heed the appeals of Africa's leadership.

15.89. On April 8, as the nature of the crisis started to become apparent, the OAU Secretary-General issued a statement expressing his outrage at the murders of Prime Minister Uwilingiyimana, her colleagues, Rwandan civilians, and the 10 Belgian UN soldiers. Three days later, the African group at the UN urged the Security Council to consider expanding the mandate and size of UNAMIR. President Mwinyi of Tanzania, facilitator at Arusha, attempted to convene a fast peace conference, but it failed to materialize.

15.90. Around mid-month, reports were emanating from New York of possible reductions in, if not a complete withdrawal of, UNAMIR from Rwanda. The OAU reacted with the same incredulity as this Panel did when we investigated the matter. "It was tantamount," a senior OAU representative told us, "to increasing the killing. The message to Rwandans was: 'You have to fend for yourselves.'" In more diplomatic yet unmistakably forceful terms, the OAU Secretary-General wrote Boutros-Ghali expressing "grave concern" at the prospect of UNAMIR being reduced, let alone withdrawn. Africans might interpret such a move as a sign of indifference... for Africa's tragic situation...[and]an abandonment of the people of Rwanda at their hour of need." What was needed from the UN was "more determination and resolve in addressing the crisis in that unfortunate country."[106] This plea, as we know only too well, also proved futile.

15.91. Throughout April, May, and June, the OAU continued to call for greater and more effective UN involvement in Rwanda, while senior OAU officials held a series of meetings with delegations from the US, Belgium, France, and other western countries. The OAU Secretary-General also tried a more concrete initiative. In May, in Johannesburg, taking advantage of Nelson Mandela's inauguration as President of South Africa, he met with the heads of Zimbabwe, Zambia, Tanzania, Ghana, Nigeria, Namibia, and Senegal, all of whom were prepared to contribute contingents to a strengthened version of UNAMIR; Ethiopia and Mali were equally forthcoming. The OAU Secretary-General then saw both Boutros-Ghali and US Vice-President Al Gore, also attending the great occasion, and pleaded for logistic support for these African troops. Once again he got nowhere. Even though the OAU well understands that "when people want to deploy with great speed, they do so,"[107] the first African troops with UNAMIR II arrived only in October, three months after the war and the genocide had ended.

15.92. But the OAU's reluctance to take sides in the Rwandan conflict continued to result in practices that this Panel finds unacceptable. It was bad enough that the genocide was never condemned outright. But this failure was seriously compounded at the regular Summit meeting of OAU Heads of State in Tunis in June, where the delegation of the genocidaire government under interim President Sindikubwabo was welcomed and treated as a full and equal member of the OAU, ostensibly representing and speaking for Rwandan citizens. If it was intolerable, as so many have angrily said, for this government to be allowed to keep its temporary seat on the Security Council in New York throughout the genocide, and for its ministers to be welcomed at the French presidential palace, how much more offensive for it to have been treated at Tunis with the same respect and the full paraphernalia of protocol as other legitimate African governments?

15.93. It was only too obvious that the permanent members of the Security Council were quite indifferent to, if not outright contemptuous of, African opinion on African questions. This was blatantly demonstrated again when the French decided in June to launch Opération Turquoise. In Tunis that month, at the OAU Summit, the OAU Secretary-General informed the French Ambassador to Rwanda of the commitment by a number of African governments to provide troops for UNAMIR II; in turn, the Ambassador assured him of France's support for the UN initiative. But he did not at that time share with the OAU Secretary-General his government's plans for Opération Turquoise.

15.94. Soon after, the two men met again in Addis Ababa, the French Ambassador now sought OAU support for an initiative that would come under a UN mandate and would involve, besides France, forces from Italy, Spain, Belgium, Ghana and Senegal. The OAU Secretary-General refused to offer his sanction. On the contrary, he made the OAU's many doubts about Turquoise unmistakably clear. Why were the French proposing this initiative when the Security Council had just decided on UNAMIR II and when several African states had committed troops to that operation? Why was France not offering logistic support to these African troops? Why was France not offering its troops to serve under UNAMIR II? If France's proposed initiative really involved troops from six nations, why not become part of the UN's international force?

15.95. France was disappointed at this OAU response, and its Ambassador tried once again to bring the OAU on side. Instead, the OAU Secretary-General reiterated his previous concerns. The two agreed that further consultations were called for.[108] Ten days later, however, on June 29, with no further consultations with the OAU, the Security Council officially endorsed Opération Turquoise, giving it a far stronger mandate than had been assigned to either UNAMIR or UNAMIR II. African leaders were infuriated at being ignored in such a flagrant, cavalier, manner: "Would any other part of the world," OAU officials demanded rhetorically, "be treated with such disdain, contempt, indifference?" [109] Nor were feelings assuaged when it emerged that the vaunted multilateral force was a fiction. France was the only non-African country to participate in Turquoise, Ghana was not included, and the handful of troops from Senegal (32 compared to France's 2,330) were funded and armed by France.

15.96. In the meantime, realizing that an RPF victory was only a matter of time, the OAU turned its attention to the causes that had triggered the conflict, especially the refugee situation, which had now taken on truly monumental proportions. The genocide in one country, it was already abundantly clear, was about to trigger a continent-wide crisis.

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[1] Des Forges, 598.

[2] James Woods, Frontline interview.

[3] Des Forges, 598.

[4] "United Nations Independent Inquiry," December 1999, 14.

[5] Assemblée nationale, Mission d'information commune, Tome 1 rapport, 344.

[6] "United Nations Independent Inquiry," December 1999, 17.

[7] "The Triumph of Evil," PBS Frontline, USA, 1995; "Rwanda: triumph of a Genocide," CBC, Prime Time Magazine, Canada, 1994; "Rwanda: the Betrayal," Channel 4, UK, 1995; "The Bloody Tricolour," Panorama, BBC, UK, 1995.

[8] "United Nations Independent Inquiry," December 1999, 18.

[9] Ibid.

[10] A knowledgeable observer.

[11] Adelman, "Role of Non-African States," 23.

[12] "United Nations Independent Inquiry," December 1999, 16-17; Cynthia McKinney, "Two Families, One Genocide, and the United Nations: Two Families, Victims of Rwanda Genocide, Seek Reparations from the United Nations for UN Complicity in Murders During the 1994 Rwandan Genocide," Newsletter from U.S. Congresswoman C. McKinney, 15 December 1999.

[13] Anyidoho, chapter. 5.

[14] James Woods, Frontline interview.

[15] Ibid.

[16] Cited in US Committee For Refugees, "Rwanda: Genocide and the Continuing Cycle of Violence," presentation to the US House of Representatives Committee on International relations, Sub-Committee on International Operations and Human Rights, May 5, 1998

[17] Ibid.

[18] African Rights, Death, Despair, 1120.

[19] Report of the Secretary-General pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica, 15 November 1999, 110-111.

[20] "United Nations Independent Inquiry," December 1999, 46.

[21] Willum, 10, 15.

[22] Security Council Document: 49th year, 3377th meeting, Monday 16 May 1994 (S/PV.3377), 5.

[23] African Rights, Death, Despair, 1137.

[24] UN Independent Inquiry, Recommendation 12, 51

[25] Michael Barnett, U.S. Mission to the UN 1994, Frontline interview.

[26] United Nations Secretary-General, "Report of the Secretary-General on the situation in Rwanda, reporting on the political mission he sent to Rwanda to move the warring parties towards a cease-fire and recommending that the expanded mandate for UNAMIR be authorized for an initial period of six months, S/1994/640 (31 May 1994), par.5.

[27] Ibid., par.43.

[28] James Woods, Frontline interview.

[29] African Rights, Death, Despair, 1130.

[30] General Romeo Dallaire, "The End of Innocence: Rwanda 1994," in Jonathan Moore (ed.), Hard Choices: Moral Dilemmas in Humanitarian Intervention (Langham, Maryland: Rowman and Littlefield, 1998).

[31] A knowledgeable observer.

[32] Frontline interview.

[33] United Nations Secretary-General, "Statement on Receiving the Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda," 16 December 1999.

[34] "Triumph of Evil," Frontline, Chronology.

[35] Ibid.

[36] Iqbal Riza, Frontline interview.

[37] Ibid.

[38] Tom Longman, "State, Civil Society and Genocide in Rwanda," in Richard Joseph (ed.), State, Conflict and Democracy in Africa (Boulder, Colorado: L. Rienner, 1999).

[39] Ibrahim Gambari, "Guns over Kigali: A Review Article on the Rwandan Genocide," West Africa, 19 (October-1 November 1998): 747.

[40] Col. Luc Marchal, Frontline interview.

[41] Prunier, 107.

[42] Colette Braeckman.

[43] Sénat de Belgique, "Rapport," 6 December 1997.

[44] Philip Gourevitch, Frontline interview.

[45] Des Forges, 620.

[46] Ibid., 615.

[47] Colette Braeckman interview.

[48] "United Nations Independent Inquiry," December 1999, 43.

[49] Des Forges, 618.

[50] "United Nations Independent Inquiry," December 1999, 44.

[51] Des Forges, 620.

[52] Ibid.

[53] Adelman, "Role of Non-African States," 6.

[54] "Rwanda: Autopsy of a Genocide," CBC, Canada, 1994.

[55] Des Forges, 177; Millwood, Study 2, 44; Sénat de Belgique, "Rapport," 6 December 1997, 525.

[56] Boutros-Ghali, Unvanquished.

[57] Lt. Luc Lemaire, Frontline interview.

[58] IRIN, Belgian Premier apologizes, 7 April 2000.

[59] Gérard Prunier, "Operation Turquoise: A Humanitarian Escape from a Political Dead End," in Adelman et al. (eds.), Path of a Genocide.

[60] Prunier, "Operation Turquoise."

[61] Interview with Dr. Bradol in "The Bloody Tricolour," BBC Panorama, 28 August 1995.

[62] Des Forges, 613; Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 268.

[63] Callamard, 176.

[64] Col. Luc Marchal, interview on BBC Panorama television documentary, "When Good Men do Nothing," August 1994; Jean de la Gueriviere, "Un officier belge maintient ses déclarations sur l'attitude de la France lors du génocide rwandais," Le Monde (France), 23 July 1995.

[65] Prunier, 281.

[66] Des Forges, 668.

[67] Adelman, "Role of Non-African States," 13.

[68] "United Nations Independent Inquiry," December 1999, 47.

[69] Organisation of African Unity, "The OAU and Rwanda, Background Information," document presented to IPEP, November 1999, 35-39.

[70] African Rights, Death, Despair, 1142.

[71] "Not the Ideal Candidate to Intervene," Le Monde (France), 23 June 1994.

[72] Prunier, 287 (note 14).

[73] "United Nations Independent Inquiry," December 1999, 47.

[74] Boutros-Ghali, Unvanquished.

[75] "United Nations Independent Inquiry," December 1999, 47.

[76] Prunier, 291.

[77] OAU, "OAU and Rwanda," 36.

[78] "United Nations Independent Inquiry," December 1999, Annex 1, 15.

[79] Millwood, Study 2, 54-55.

[80] Raymond Bonner, "French establish a base in Rwanda to block rebels," The New York Times, 5 July 1994.

[81] Adelman, "Role of Non-African States," 12; Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 294.

[82] African Rights, Death, Despair, 1148-1150.

[83] Chris McGreal, "French compromised by collaboration in Rwanda," The Guardian (London), 1 July 1994.

[84] Ibid.

[85] Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 325.

[86] Ibid., Tome 2 Annexes, 454.

[87] Des Forges, 687.

[88] Chris McGreal, "French accused of protecting killers," The Guardian (London), 27 August 1994.

[89] Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 172.

[90] Prunier, 278.

[91] Human Rights Watch (Arms Project), "Rearming with impunity: International support for the perpetrators of the Rwandan genocide," 1995.

[92] Assemblée nationale, Mission d'information commune, Tome 1 Rapport, 172.

[93] Des Forges, 688.

[94] "France intervened in Rwanda to curb Anglo-Saxon axis," The Times (London), 23 August 1994.

[95] Prunier, 337.

[96] Huliaris, 595.

[97] Prunier, 339.

[98] African Rights, Death, Despair, 1154.

[99] Prunier, 339.

[100] Le Monde (France), 29 December 1994.

[101] David Newbury, "Convergent Catastrophes in Central Africa," Nov. 1996.

[102] Bonaventure Rutinwa, "The Aftermath of the Rwanda Genocide in the Great Lakes Region," IPEP commissioned paper, 1999.

[103] Statement of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, Addis Ababa, April 14, 1994.

[104] Press statement of the OAU Secretary-General on the Tragic Situation in Rwanda and on the proposed peace conference in Arusha, Tanzania, April 19, 1994.

[105] Letter from the OAU Secretary-General to the Secretary-General of the UN, May 5, 1995, CAB/RWANDa/1994.

[106] Salim Salim to Boutros-Ghali, 21 April 1994.

[107] A knowledgeable observer who met with the Panel but prefers to remain anonymous.

[108] OAU, "Background Information," 35-39.

[109] A knowledgeable observer who met with the Panel but prefers to remain anonymous.

CHAPTER 16

THE PLIGHT OF WOMEN AND CHILDREN

16.1. Women and children are too often the forgotten victims of war. That is why we made the decision to dedicate a separate chapter to their plight. They were not, after all, forgotten by the killers during the genocide, who specifically targeted Tutsi women as part of their carefully organizsed programme. They were raped, tortured, mutilated, and killed. Ultimately, their elimination was central to the genocide plan: Tutsi women had to be eradicated to prevent the birth of a new generation of children who would become the RPF of the future, Tutsi children and babies had to be wiped out before they grew into subversive adults. It was an item of faith among the genocidaires that they must not repeat the mistake of their predecessors in the massacres of 1959 to 1963, who allowed women and children to survive. The genocidaire saw the RPF invasion by the sons of the exiles as a direct consequence of that oversight. They determined that the blunder would not be made again.

16.2. Hutu Power propaganda routinely contrasted trusted Hutu women with treacherous Tutsi women. An earlier chapter described the notorious "Hutu Ten Commandments," one of the most widely distributed and popular Hutu tracts circulated before the genocide. The first three commandments spoke directly to this caricature of Tutsi women as subversive temptresses who should be avoided at all costs:

1. Each Hutu man must know that the Tutsi woman, no matter whom, works in solidarity with her Tutsi ethnicity. In consequence, every Hutu man is a traitor:
*- who marries a Tutsi woman
*- who makes a Tutsi woman his concubine
* who makes a Tutsi woman his secretary or protegée.

2. Every Hutu man must know that our Hutu girls are more dignified aand more conscientious in their roles as woman, wife, and mother. Aren't they pretty, good secretaries, and more honest!

3. Hutu women, be vigilant and bring your husbands, and sons to reason!

16.3. Women, in other words, constituted a secret, sexual weapon that Tutsi leaders used cynically to seduce and weaken Hutu men. The extremist newspaper Kangura, which frequently ran pornographic cartoons featuring Tutsi women, explained: "The inkotanyi [members of the RPF] will not hesitate to transform their sisters, wives, and mothers into pistols to conquer Rwanda. The conclusion was irresistible: Only when no Tutsi women were left could Hutu men be safe from their wicked wiles."

16.4. The plan to eliminate Tutsi females was implemented with ghoulish zeal and unimaginable cruelty. Books have been filled with these disgusting accounts of these horrible deeds. To understand Rwanda after the genocide, it is important to have no illusions about the sadism of the perpetrators on the one hand, and the excruciating suffering of the victims on the other. This included Hutu women as well. Rwanda being a patrilineal society, children took their father's ethnicity. Hutu women married to Tutsi men were sometimes compelled to murder their Tutsi children to demonstrate their commitment to Hutu Power. The effect on these mothers is also beyond imagining.

16.5. The level of violence and overall trauma to which women and children were exposed in Rwanda was unique in many respects. The long-term effects of this aspect of the genocide are enormous, and finding remedies is essential to the peace-building process. For millions of Tutsi and Hutu alike, the family unit – a fundamental structure in any society – was shattered during the genocide, and the consequences for reconciliation and reconstruction are enormous. In this chapter, we will describe the impact of the genocide on women and children,indicate some of the initiatives that have been taken to meet the situation, and suggest urgent priorities for the future.

WOMEN

16.6. Of the many moving experiences that this Panel shared in the course of its work, nothing touched us more than a meeting with three women who had just barely survived the genocide. We have already described this numbing encounter in the Introduction to this report. The following section is particularly inspired by those women, whom none of us will ever forget.

Demographics

16.7. According to a recent source, "Shortly after the genocide it was estimated that 70 per cent of the Rwandan population was female, reflecting the greater number of men killed in the genocide and the large number of Ex-FAR and militia men who had fled the country. That figure is still sometimes quoted today, although it is quite out of date. Thanks to the return of millions of refugees and those living in the diaspora, the figure today is closer to 54 per cent. If we focus on economically active women (by subtracting the young and old) the telling figure is that more than 57 per cent of the population is female. But even this figure does not tell the complete story, since some 150,000 men are in the army or in jail awaiting trial. This means that the women of Rwanda shoulder a disproportionate burden of the nation's economic and reconstruction activities."[1]

16.8. These numbers make women central to the country's future economic and social development. But the nature of the Rwandan economy enhances that role even more. Because 95 per cent of Rwanda is rural, agriculture is by far the largest economic sector, and women produce up to 70 per cent of the country's total agricultural production.[2] As a result, "women are the main agents of reconstruction and change in Rwanda today, and any consideration of Rwanda's future must take into account both the differential needs of women and their contribution to economic and social reconstruction." [3] This reality has direct implications for the policies and programmes of the Rwandan government, as well as for international and national NGOs, bilateral and intergovernmental aid agencies, and international financial institutions.

16.9. Not long after the genocide, half of all remaining households were headed by women. By 1999, 34 per cent of households were still headed by women or minors (usually female), an increase of 50 per cent over the pre-genocide period.[4] The great majority of those women had been widowed by the war or the genocide. The large number of female-headed households is another of Rwanda's pressing social and economic problems. In many cases, women and their dependants find themselves in dire economic difficulty because of the loss of the male relatives on whom they had depended for income. Rwanda remains a staggeringly poor homeland for most of its inhabitants, but even within that harsh reality, women-headed households are far more likely to be poor than those headed by males.[5]

16.10. Soon after the genocide ended, more than 250,000 widowed victims registered with the Ministry of Family and Women in Development. Most had lost not only their husbands, but also their property. By 1996, the government was faced with about 400,000 widows who needed help to become self-supporting.[6] Since the new regulations of post-genocide Rwanda made it impermissible for government operations to ask about ethnic identities, it is not known how many of these women were Tutsi and how many Hutu. In any event, ethnicity was inconsequential to rehabilitation; the poverty and despair were was something to be dealt with for all.

Inequality

16.11. In the unwritten laws of Rwandan custom and tradition, women have been people of second-class status, leaving poor Rwandan women even worse off, as a group, than poor Rwandan men. Although the Rwandan constitution guarantees women full legal equality, discrimination based on traditional practices has continued to govern many areas, including inheritance. At the time of the genocide, under customary law, a woman could not inherit property unless she was explicitly designated as the estate's beneficiaries. As a result, many widows or daughters had no legal claim to the homes of their late husbands or fathers, or to their male relatives' land or bank accounts.

16.12. After the genocide, a commission examined the situation and recommended ways to redress it, and the government subsequently introduced an amendment to the civil code that would at last give women the right to own and inherit property. However, the machinery of Parliament moved slowly, and passage of the amendment did not occur until the year 2000. Even now, some fear that the undertaking will be sidelined by a larger government project to revise the entire legal code concerning land ownership. While the overall land issue is admittedly central to efforts to achieve long-term peace and reconciliation, there is no reason why assuring women the right to inherit land and property should not be incorporated in any future land reform bill.[7]

16.13. The current government has also pledged to adopt a comprehensive action plan for the systematic elimination of other forms of discrimination against women. Examples of such invidious discrimination abound. The penal code, for example, accords women found guilty of adultery one-year prison terms, while men found guilty of the same charge are given from one to six months' incarceration along with – or instead of – a trivial fine.[8] The Panel strongly hopes that the initiative to remove such bias is pursued vigorously,for, as we have already stated, it is impossible to see how the political and social transformation necessary to rebuild Rwanda can succeed without empowering women females, the majority of the population, to rebuild their lives.

16.14. The developments just described reflect the beginnings of a significant transformation of the customary position and status of women in Rwandan society. As in many other places, Rwandan women traditionally have had restricted access to participation in the economy and public life of their country. A woman's value in society has been related to her status as wife and mother, and women in general have been expected to adopt a submissive attitude toward their husbands.[9]

16.15. One observer has described how status effects education and employment: "[Consequently,] traditional education for girls did not include formal schooling, but instead preparation for her role as wife and mother. There was no incentive to educate a girl because the economic gains from her labour went to another family as soon as she married.... As [one official put it], 'In Rwandan culture, a girl's school is in the kitchen'....Adult women in Rwanda face difficulties finding paid employment because they have been denied the chance to pursue education. For the general population, illiteracy rates for women are higher than for men: 50.5 per cent of women are illiterate, versus 43.6 per cent of men. However, for the population over 30, the difference is much larger: 67.4 per cent of women are illiterate compared to only 43.5 per cent of men.... The women and girls under 30 have benefited from cultural and legal changes that have enabled more girls to go to school." [10]

16.16. Social change is always an evolutionary and often a protracted process, but circumstances help dictate the pace. With women now comprising the large majority of Rwanda's adult working population, they are taking on new roles and responsibilities out of sheer necessity. Most importantly, as we will show below, there is a concerted effort among women's groups and in the government to address the needs of Rwandan women and to engage them in the all-important processes of reconstruction and reconciliation.

Rape

16.17. The "Hutu Ten Commandments", which we described at the beginning of this chapter, were followed scrupulously during the genocide, with horrific consequences for women. It is not surprising that, given the difficulties in collecting accurate data, estimations of the total number of women who were raped vary wildly, from thousands to as many as hundreds of thousands. Large numbers of women who were raped were later killed and remain unaccounted for, while others were spared death only to be raped.[11]

16.18. During the genocide, rape was routinely used as an instrument of war by the genocidaires to destroy women's psyches, to isolate them from their family or community ties, and to humiliate their families and husbands. Many of the women were abducted and raped by men they knew – their neighbours or, in the case of some schoolgirls, their teachers. This has made it extremely difficult for women to return to their previous communities. Some have tried to take their own lives out of guilt and hopelessness. Even though they were innocent victims, others are filled with shame because they have given birth as a result of being raped or because they are Catholics and have had abortions, contrary to the laws of their church.

16.19. Many women were raped by men who knew they were HIV positive, and were sadistically trying to transmit the virus to Tutsi women and their Tutsi families. Women and girls were raped in their homes, in the bush, in public places, and at roadblocks. Sometimes they were killed soon afterwards. Some assailants held their victims captive for weeks or months for sexual purposes. Attackers often mutilated their victims in the course of a rape or before killing them. They cut off breasts, noses, fingers, and arms and left the women and girls to bleed to death.

16.20. Since rape was widely regarded as shameful for the victim, it was often enveloped in secrecy. As a result, compiling statistical evidence on rape during the genocide is difficult. However, there is no question that it was used as a systematic tool by the Hutu masterminds to wipe out the Tutsi population. According to testimonies given by survivors, we could conclude that practically every female over the age of 12 who survived the genocide was raped. Considering the difficulty of assessing the actual number of rape cases, confirming or denying that conclusion is not possible. However, we can be certain that almost all females who survived the genocide were direct victims of rape or other sexual violence, or were profoundly affected by it. The fact that most survivors reported the belief that rape was the norm for virtually all women during the genocide is significant in itself. It implies that most women have chosen to remain silent about their ordeals, almost a collective decision of the women of Rwanda not to seek justice for that particular violation.

16.21. As is still true everywhere, victims of rape must be asked to make the extraordinary effort of addressing this painful topic publicly if adequate care and justice are to be provided. Despite a more acute public awareness of the issue, the injustice of social stigma attached to rape has not yet disappeared anywhere in the world, and Rwanda certainly is no exception.

16.22. The plight of a rape victim herself is often disregarded, and the focus misdirected to the shame and social degradation thought to be brought upon her family or community. As a result, blame is shifted from rapist to victim, stigma is reinforced and women are victimized in perpetuity, made to feel isolated long after the attack is over. In many communities, rape is equated with adultery, adding to the pressure on women to keep their violation secret.

16.23. In Rwanda, the shame attached to rape was also reinforced by the fact that, among both survivors and returnees, rape victims are often perceived as collaborators with the enemy, women who traded sex for their lives while their families were being murdered. Many have found themselves ostracized by their communities. In many cases, these are women who were forcibly taken as "wives" by members of the militia and the military and treated as sexual slaves, forced to perform sexual acts repeatedly for one or many men. The women who survived these forced marriages reveal enormous internal conflict when describing their ordeals. A woman may acknowledge that she had no choice, and she will despise the man she refers to as "husband"; at the same time, she may be struggling with the notion that, had she not been enslaved by this man, she would most probably not have survived.

16.24. Both Hutu and Tutsi women were raped, but there were differences in both the number of assaults and the reasons for them. Tutsi women were specifically targeted because of their ethnicity. There were fewer attacks on Hutu women, who were singled out mainly for their political affiliations or kinship relations with Tutsi. Many other women and young girls were targeted regardless of ethnicity or political affiliation, especially if they were deemed to be beautiful, by rapists who wanted to demonstrate that they could violate any woman with impunity. Many Hutu women who fled the war and genocide also found the refugee camps of Tanzania and Zaire to be nightmare zones controlled by genocidaires. Rape was commonplace, and many of those who eventually returned to Rwanda share many of the same traumas and problems as the women and girls who were raped during the genocide.

16.25. Victims of sexual abuses during the genocide have suffered persistent health problems since, especially from sexually transmitted diseases including syphilis, gonorrhoea, and HIV/AIDS. Many suffer both the physical and psychological torment of mutilation. Because abortion has been illegal in Catholic Rwanda since colonial times, doctors report that many women require treatment for serious complications due to self-induced or clandestine abortions of rape-related pregnancies. Unfortunately, the number of physicians available to provide the enormous amount of treatment required is grossly insufficient.

16.26. A survey of 304 women, taken soon after the genocide by the Ministry of Family and Promotion of Women in Development in collaboration with UNICEF, recorded that 35 per cent said they had become pregnant after being raped. Another study conducted in February 1995 by the same Ministry found that of 716 rape cases examined, 472 women had become pregnant and over half of them had aborted.[12] The "pregnancies of the war," c"hildren of hate," "enfants non-désirés," or "enfants du mauvais souvenir" (terms for the children born of rape) are estimated by the National Population Office to number between 2,000 and 5,000;[13]; obviously, the number of rape-induced pregnancies was considerably higher. Women who have decided to raise a child conceived by rape often encounter resistance from their families and ethnic groups and have been ostracized and isolated. Many of these women refused to register the birth or seek medical treatment, fearing retaliation if the facts were known. In most cases, women who became pregnant after rape aborted the pregnancy, sometimes even as late as the third trimester. Infanticide has also resulted from shame and fear.

16.27. Rape is a crime under Article 360 of the 1977 Rwandan Penal Code, and it is punishable by five to 10 years of imprisonment. The country is also obligated to prosecute rape under two international conventions it has ratified, the Geneva Conventions and their optional protocols and the Genocide Convention. Under the Organic Law passed on August 30, 1996, gender violence is categorized as a crime of the first order.

16.28. Out of the horror of the rapes committed during the genocide has emerged some positive developments in international law. The International Criminal Tribunal for Rwanda (ICTR) at Arusha, (Tanzania), which we will discuss in a subsequent chapter, established a Sexual Assault Committee to co-ordinate the investigation of gender-based violence; and it has both prosecuted and convicted for gender-related crimes. This was the first time that an international tribunal had convicted anyone on the charge of rape. The ICTR (and its equivalent for Yugoslavia) are the first two international tribunals to include rape as a crime against humanity and a war crime under their mandates. The significance of the conviction is that it sets a precedent under international law that rape is indeed, while not a genocidal act, at least a crime against humanity. The conviction of one burgomaster (mayor), Jean-Paul Akayesu, for the crime of rape as part of a systematic plan, and the pending trial of Cabinet Minister Pauline Nyiramasuhuko for ordering rape to be used during the genocide, are significant steps for Rwanda and international human rights law overall.

16.29. Thanks to the intervention by a group of women's human rights scholars and NGOs, the indictment against Jean-Paul Akayesu was amended during his 1997 trial by the addition of three counts under the Geneva Conventions and its protocols. These included: first, rape as a crime against humanity; secondly, other inhumane acts as crimes against humanity; and thirdly, outrages upon personal dignity, notably rape, degrading and humiliating treatment, and indecent assault. These three additional counts would prove to be precedent-setting in terms of international law.

16.30. Akayesu was found guilty of crimes against humanity for rape and sexual violence. The ICTR concluded from the evidence that he had ordered and instigated sexual violence but that he had not participated in rape himself. The human rights groups had argued that rape and other forms of sexual violence, including killing pregnant women, constituted genocide, and that in the specific case of Rwanda, rape and sexual violence were an integral part of the genocidal campaign.[14] The ICTR Tribunal, however, did not charge Akayesu with rape in the context of genocide.

16.31. It is also significant that for the first time ever, a woman has been charged by an international tribunal with the crime of rape. Pauline Nyiramasuhuko, the Minister of Family and Women's Affairs during the genocide, has been charged with rape in the context of command responsibility. In other words, she is responsible if it is proved that she knew that her subordinates were raping Tutsi women and failed either to stop or to punish them.[15] The tribunal's judgement is awaited with great interest around the world.

16.32. While these are historic judicial advances, which we strongly applaud, they can provide little immediate comfort or security to the rape victims themselves. Most of the victims have not come forward willingly about their experience. Some women are unaware that their violation is even prosecutable. Others have little confidence in the justice system and fear reprisals. Understandably enough, they feel uncomfortable telling their stories to male prosecutors or translators, and fear that by reporting the crime, they will place themselves in danger not onlyof reprisals, but also of isolation from their own community. The damage from rape is always severe, complex and long-lasting and the genocidal context has merely exacerbated all these usual consequences.

Women perpetrators

16.33. It should be understood that women were not only victims of violence during the genocide. Many became its perpetrators – against men, but also against other women. This phenomenon was sufficiently widespread that African Rights, a human rights organization that was the first to document systematically the horrors of the genocide, published a study in 1995 called Not So Innocent: When Women Become Killers, that focusses specifically on the participation of women in the genocide. Many women were guilty of committing gender-based violence. Most of these women were poor, some very poor, but others came from all sectors of Rwandan Hutu society: teachers, peasants, young students, nuns, and mothers of households. Some took other women as prisoners and asked that their captives be raped in their presence. At other times, they used sticks and other implements to commit the rape themselves.

16.34. Hutu Power leaders, some of them women, encouraged these atrocities, but ordinary Hutu women also performed the deeds. Once the genocide was finally triggered, unrestrained violence on the part of many average Hutu exploded – the culmination of years of poverty, scarcity and repression, combined with years of ritual dehumanizsing of the Tutsi and constant manipulation by their Hutu leaders. What some Hutu women did to some Tutsi women is yet another manifestation of a society that, for 100 long days, completely lost its bearings, and suffered a collective human breakdown. This phenomenon of violence perpetrated against women by women seems not to have been common in other comparable situations, and it requires greater study.

16.35. Some 1,200 women have been imprisoned in Rwanda for alleged participation in the genocide – about three per cent of the total prison population. When this statistic was gathered, 20 per cent of the female inmates were breastfeeding mothers, which raises yet an additional dilemma – the problems faced by the children of these mothers.[16]

Women and development

16.36. Regardless of their status Hutu, Tutsi, displaced, returnee, survivor it is no exaggeration to say that all women in Rwanda have faced severe problems due to the upheaval caused by the genocide, a situation exacerbated by their generally disadvantaged gender status. However, out of tragedy has come hope. Important and optimistic developments have taken place based on the recognition of women's central place in any future hopes for reconstruction and reconciliation and the concomitant emergence of a growing number of women's organizations since established to deal with the broad spectrum of issues facing women. In recent years, it has come to be understood around the world that women are indispensable to successful development, a truth that has special resonance in Rwanda. Because women form the large majority of the working population, they are key to economic development and reconstruction. There is growing realization that, without substantial progress toward equitable economic development, the achievement of sustainable, long-term peace will be even more difficult.

16.37. Since independence, Rwandan women have organized themselves into socio-professional associations, co-operative groups, and development associations. However, women's associations began taking on new importance in the post-conflict society, as they have attempted to address both women's specific post-conflict problems and the lack of social services provided by the state.

16.38. At the local level, women are creating or re-constituting self-help groups or co-operatives to assist survivors, widows or returned refugees, or simply to meet the everyday needs of providing for their families.[17] NGOs and donors have recognized the potential benefits of these groups to reconstruction and development, and they have assisted them or helped to form new groups. One such development effort is the Women in Transition (WIT) Programme, established as a partnership between the Rwandan Government Ministry of Family, Gender, and Social Affairs (MIGEFASO) and USAID in 1996 in response to the sharp increase in female heads of households. During its first two years, the programme identified genuine women's associations and provided assistance in the form of shelter development, agriculture, livestock, or micro-credit.[18]

16.39. Another major development project targeting women, the UN High Commissioner for Refugees' Rwandan Women's Initiative, works with numerous women's associations as its implementing partners. According to UNICEF, women's groups have become "authentic and operational relays for development projects at the grassroots level" because they "favour direct and participatory management, facilitate the participation of women in training and income-generating projects, and enable access to inputs supplies. They are also and above all solidarity groups, enabling women in a difficult situation to organize into pressure groups that put women's needs more firmly on the agenda. Finally, they facilitate the integration of returnees, by directly intervening in reinstallation projects...." [19]

16.40. Women's associations are also active at the national level, engaged in meeting the special needs of women survivors and returnees, empowering women politically and economically and reconstructing Rwandan society. Thirty-five organizations that work in women's rights, development, or peace have organized themselves into a collective called Pro-Femmes Twese Hamwe (Pro-Women All Together). The Pro-Femmes Triennial Action Plan states that the organization works for "the structural transformation of Rwandan society by putting in place the political, material, juridical, economic, and moral conditions favourable to the rehabilitation of social justice and equal opportunity, to build a real, durable peace." In addition to their programs for peace and reconstruction, Pro-Femmes also provides its members with support for capacity building and assists them with communication, information, and education.

16.41. Women's participation at the local level is also being increased by the recent creation of "Women's Committees" at each of the four levels of government administration. A joint initiative of the MIGEFASO and women's organizations, these grassroots structures consist of 10 women who are chosen in women-only elections to represent women's concerns at each level.

16.42. The importance of such developments should not be minimized. Suzanne Ruboneka of Pro-Femmes Twese Hamwe, who helped to organize the committees, explained to a foreign researcher why women-only forums were critical for women to become involved in public decision-making: "In our culture, there are still barriers for women to express themselves in public. Women still don't dare express themselves publicly, especially when there are men present. Consequently, there are no places for women to think, to look for solutions, to play a real role. Many women are illiterate, and their point of view is never considered. How can we motivate women,give them the chance to get together to express themselves, without fear?[20]

16.43. Traditional constraints on women are not the only obstacle they face. It is both surprising and disappointing that considerable international assistance to Rwanda has been slow to recognize the special needs of women. While some programmes are now designed specifically for them, many agencies still lump together the particular difficulties of women with more general issues. Some consider assistance to women to be covered under projects for vulnerable groups, such as those addressing resettlement and housing. Much American assistance to Rwanda, for example, tends to fall in two categories: democracy and governance, and aid to the displaced. Assistance to women usually falls into the latter category, which includes health, food security, family reunification, and aid to orphans.

16.44. As we have seen, however, there are also significant exceptions to the rule, and we can only hope that the exceptions are the path of the future. The Women's Committees have already been identified by the donor and NGO community as conduits for development assistance. The Rwandan government gave each committee the responsibility for setting up, contributing to and managing Women Communal Funds (WCF). Still in the nascent stages of development, these funds are intended to help start economic activities at the commune and sector level while allowing grassroots women to participate in funding decisions that affect their lives. This is accomplished in part through micro-credit activities, in which the WCF provide small loans at minimal interest rates to women who might otherwise not be able to secure credit.

16.45. In an important breakthrough, USAID has identified assistance to women as an objective of its work. Working with Ministry officials, it has funded the Women inTransition Programme, which funds the activities of the Women's Committees at the commune level and offers training and guidance to the WCF Women'sCommittees.[21]

16.46. At the same time, UNIFEM, the United Nations Development Fund for Women (UNIFEM), has funded programmes for women in selected displaced persons camps and returnee women's groups. Through its African Women in Crisis initiative, UNIFEM has focused on reproductive health, trauma management, and quality of life improvement for women and girls. UNICEF has instituted a programmewith the Ministry of Justice for the protection of children in conflict with the law; this also includes programmes for women in detention, such as advocacyand support for pregnant women, and for women in prison with their children, reinforcing the Ministry of Justice's Inspection Unit for monitoring detention conditions for women and children.

16.47. One major conclusion that follows from this discussion seems to us evident. At the end of this report, we will argue that Rwanda is entitled to massive reparations from a world that betrayed it at its moment of greatest need. Yet we have no illusion that such reparations will come easily or swiftly. In the meantime, there are immediate needs that deserve to be seen as priorities. Given the frightening scarcity of resources available to Rwanda, the bottomless funding needs of reconstruction and development and the government's dependence on foreign aid for fully 80 percent of its budget, special attention deserves to be paid to the role of women.[22] If NGOs, bilateral foreign aid donors, and international financial institutions choose not to take into consideration the special needs of Rwandan women and their special contributions to reconstruction, they will be ignoring the very people most central to the moral and physical rebuilding of the country. We believe donors must build in a strong gender component in all their programming, paying special attention to the new roles women are playing in Rwandan society, as we have described them, and designing both development projects and reconciliation projects accordingly.

Women, reconciliation, and peace

16.48. Some Rwandan women have decided they have a special role to play in overcoming the bitterness of the past and the many remaining divisions of the present, and we warmly applaud their efforts. A recent study tells us that, "Rose Rwabuhihi, a Rwandan woman working with the UN, asks the following question,which is surely at the heart of the matter: 'Is there a way such that we can live together?''' Suzanne Ruboneka of Pro-Femmes Twese Hamwe had serious reservations about reconciliation as conceived by certain foreign aid donors and NGOs, believing they have not understood the nuances of Rwandan culture. She has proposed a specific conceptualisation of reconciliation for Rwandan women: “We have to ask ourselves how things arrived here. Each Rwandan must ask herself this question. Each Rwandan must ask, 'What did I do to stop it?'' Because this small group of Rwandans that killed were our brothers, our husbands, our children. And as women, what did we do, what was our role in the whole thing? Each person must take a positionfor the future. What must I do so that tomorrow will be better, that there will not be another genocide, that our children can inherit a country of peace? Each person holds a responsibility to be reconciled with herself.”[23]

16.49. What, then, is the special role of women in the process of finding waysto live together in peace – which is,after all, the key to national reconciliation? As Rose Rwabuhihi pointed out toan interviewer, women share common problems in the realms of health, nutrition, water,and caring for children, all of which are now more difficult than ever, given the economic and social crises that have followed the genocide. They also have in common a lack of formal power within the system to influence decisions affecting their lives. “Theyshare these problems; they could maybe look for peace together,”she notes, recognizing that "the crisis is killing me as it is killing her."

16.50. Suzanne Ruboneka also believes that women's common struggles give them a special role in national efforts at peace building. "It was women and children who were the victims of all these wars – widowhood, rape, pregnancy – are we going to continue to be the victims of future wars? It is men who make war. Women are saying, 'Stop the war. We want peace.'"

16.51. These spokespeople for Rwandan women do not suggest that women are, by their nature, more peaceful than men and are therefore more naturalpeacemakers. The evidence of the genocide is only too categorical on this point. What they do suggest, however, is that the women of Rwanda – often without the assistance of men – are now left to rebuild society, and that as they do, they will face many common problems that transcend ethnicity and politics. As an impressive new corps of leaders understands, by tackling these problems together, women may be able to build bridges to the future.

16.52. This is the approach used by Pro-Femmes Twese Hamwe in its efforts to build peace among Rwandan women. As Suzanne Ruboneka puts it, the strategy is to make women "see the reality of things. We are all here,in the same country, we must live here, all of us, and we must live in peace. We are all women, and as women, that's something that unites us, whether we are survivors or refugees, (old or new), professionals or grassroots women,intellectual or illiterates. We have the opportunity to work together, to tell the truth. We have realized that we need to get past all these differences to find the real problems."

16.53. An academic sums up the initiative in this way: "Pro-Femmes Twese Hamwe's Action Peace Campaign is designed to enable women to recognize the need to live in peace, and give them the tools necessary to live together at the local level. Theyare organizing "dialogue clubs" in as many of the grassroots cellule-level Women's Committees as possible, in which the elected representatives bring together women from the community to discuss the conflict on a regular basis. The first discussion in each club is about the causes of the genocide. The organizers hope eventually to have a dialogue club in every cellule-level Women's Committee in Rwanda."[24] It seems to us that these fine initiatives can only be a positive force for peace and reconciliation in a country that needs them desperately.

CHILDREN

16.54. Children in Rwandansociety traditionally occupied a central and key position. The child was seen as the hope and future of the family. According to custom, children were supposed to enjoy love, care, and the protection of the family and the community. The genocide turned these values completely upside down.[25]

16.55. UNICEF reports that a very large number of children were killed during the genocide.[26] Maternity clinics, orphanages, children's homes,and schools were all systematically targeted. An additional 100,000 children were separated from their families.[27] Not all the orphans or separated children were Tutsi, although no exact ethnic breakdown is available. When hundreds of thousands of Hutu fled into Zaire and Tanzania, thousands of children were abandoned along the route, whether lost in the shuffle or deliberately left behind. All over the country, people were put into the position of looking after relatives' or other peoples' children, while the camps for the displaced were filled with children living on their own.

16.56. By late 1995, only 12,000 children in Rwanda and 11,700 in eastern Zaire had been reunified with their families.[28] In the same period, over 12,000 children were crowded into 56 centres that had been turned into temporary orphanages,while more than 300,000 children had been taken in by families.[29]

16.57. Even now the situation remains grim. Many children still have not been reunified with their families. At the same time, the government wants to help ease the added burdens of the 200,000 families that have adopted children. Most have only the most meagre of resources, which is equally true for the government. It also needs to develop and sustain a programme to look after more than 100,000 children who may not be absorbed into families in the near future.

Psycho-social trauma

16.58. It will hardly come as a surprise for readers to learn that, while the genocide traumatized the entire population in Rwanda, children and women suffered most acutely. In a UNICEF study of 3,030 children, Exposure to War Related Violence Among Rwandan Children and Adolescents, virtually all had witnessed some kind of violence during the genocide. The statistics tell the terrible story. More than two-thirds had actually seen someone being injured or killed, and 79 per cent had experienced death in their immediate families. Twenty per cent witnessed rape and sexual abuse, almost all had seen dead bodies, and more than half had watched people being killed with machetes and beaten withsticks. Children killed other children, forced or encouraged by adults. TheUNICEF report indicates that almost half of surviving children witnessed killings by other children.[30]

16.59. Almost all of the children interviewed had believed that they themselves would die during the war and 16 per cent reported that they had hidden under dead bodies tosurvive. Several thousand girls and women had been raped, exposing them to HIV and its physical and social consequences.

16.60. This study also indicated that the majority of the children continue to have intrusive images, thoughts,and feelings despite attempts to remove the events from their memories. They also suffer continuing physical reactions, such as trembling, sweating, or increased heart rates. All of this is compounded by constant anxiety that they may not live to become adults, which in turn brings on depression, fear, and sleep disturbances. The Secretary-General's SpecialRepresentative for Children in Armed Conflicts estimates that 20 per cent of Rwandan children are traumatized still.[31]

16.61. The National Trauma Recovery Centre, opened in Kigali in 1995, is designed for the psychological healing of children. So far, the centre has given training in trauma identification and healing methods to over 6,000 Rwandan teachers, caregivers in children's centres, health and social workers,NGO staff,and religious leaders.[32]

Child-headed households

16.62. Five years after the genocide, somewhere between 45,000 and 60,000 households are still headed by children under 18, with some 300,000 children living in such households. According to recent estimates, 90 per cent of these households are headed by girls with no regular source of income.[33] They are the legacy of the genocide and the subsequent mass migrations of people into neighbouring nations and back again. What is worse, the numbers of child-headed households are now increasing due to HIV/AIDS. The children of these families have experienced immense pain and trauma, problems that have larger societal implications. Today, many children who have returned to Rwanda exist as best they can, gathered under plastic sheets and on matted grass in the wilderness; often, they are not even related but are merely trying to survive together.[34] Others have gone back to the decrepit and crumbling homes of their deceased parents, where the eldest child functions as parent to his or (more frequently) her siblings.

16.63. There has been precious little help for the children taking on this role. Communities, unable to decide whether to treat them as adults or children, have tended to leave them to fend for themselves.[35] Inevitably, these children become vulnerable to many problems: they are abused sexually and used as slave labourers;, their land is stolen by adults; and they often wind up forsaking their education. Most children find it difficult to articulate their circumstances, so their feelings often go unheard and misunderstood. In therapy, many draw pictures of their family members without mouths voiceless victims, trying to handle their problems alone.[36] The need for food and basic amenities are not the only issues that need to be addressed. Children in child-headed households are more in need of love and attention than any other group.

16.64. A 1998 World Vision report on child-headed households in Rwanda described their specific needs as education, health, security, recognition, livelihood, and friendship – a daunting litany for any society, let alone one facing Rwanda's multiplicity of challenges. But the reality is inescapable: The nation's children obviously need to develop the skills to survive, but in addition they have huge psycho-social needs. We applaud the World Vision report for drawing attention to the key issue: "The haunting question that should provoke us into action is, what sort of adults will they become?"

Unaccompanied children

16.65. The Rwandan government has estimated there were between 400,000 and 500,000 unaccompanied children after the genocide.[37] By late 1994, 88 centres for such children had been established. The mass return of refugees from Zaire in late 1996 created more separations, adding possibly another 130,000 unaccompanied children to the total. At present, there are 38 centres caring for 6,000 children without homes, most of whose parents died in the genocide or became separated from their children as they fled the killings. Some of these children were found roaming the streets. It surely goes without saying that all have devastating psycho-social problems.

16.66. Ideally, children should be able to leave these centres for a more normal family setting relatively quickly, but many obstacles impede this process. Few families can afford to feed an extra mouth. Relatives often refuse to recognize young family members, unable to cope with the responsibility this would imply. Some children are too young to convey any information about their backgrounds, making it extremely difficult to trace their families.

16.67. Placing children in foster families is more complicated than it might appear. While there are some children who are taken in by relatives, friends or neighbours spontaneously, others are placed in new families, an initiative by the government working together with NGOs to take children out of the centres. To date, about 1,150 children have been fostered through this programme.[38] But there are important cautionary steps that must be followed here. More than a few families have accepted children for their own interests, not those of the children. Children must be protected from families that will use them simply as free labour, abuse them sexually, or prevent them from attending school.

Street children

16.68. In 1997, UNICEF reported that 3,000 children were living in the streets of Kigali and that, "Begging, prostitution and delinquent behaviour were becoming more visible.."[39] In April of the same year, a national seminar on street children was held, and a national initiative to protect and stop children from entering the streets was discussed. By January 2000, United Nations High Commission on Refugees reported that the number of street children had doubled to 6,000. UNICEF considers that 80 per cent of these children are probably not orphans, but were sent out by their poor families to beg. Little more than 10 per cent of this group are reached by UNICEF or NGOs working with street children, one reason why UNICEF is advocating a National Task Force on Street Children.[40]

Children in detention

16.69. Sad as it is to say, children, like women, were not just the victims of the genocide; many were participants. They had been transformed into genocidaires. By late 1995, there were over 1,400 children in some form of detention in Rwanda, although not all had been accused of genocide; some were simply accompanying an imprisoned parent.[41] In 1998, Amnesty International reported that almost 3,000 children under the age of 18 were being detained on charges of genocide.[42] UNICEF has worked to provide lawyers, train magistrates and judicial police inspectors, and rehabilitate detention facilities. Children must be over 14 years of age to be imprisoned in Rwanda, but initially younger children were also placed in prison. These children are now in a separate facility and are undergoing "re-education" or are released if found innocent.

16.70. A rehabilitation centre for child detainees was opened at Gitagata in 1995 and holds children between the ages of seven and 14. Over 950 boys have been transferred there from overcrowded Rwandan prisons and communal jails. Education and certain trades or skills are taught, and living conditions have been improved in terms of hygiene, psycho-social support, and protection issues.

16.71. There are still large numbers of children held in prisons, many of whom admit to having participated in the genocide. Some say they were just doing what everyone else was doing. Many were ordered to participate by their parents or respected elders.

16.72. There are often problems with reintegrating children who have been in prison. Their families often reject them because they are considered known killers by the communities. Some simply do not know the whereabouts of their families, while others' parents may also be imprisoned.

Child soldiers

16.73. Many children participated in the genocide – some as soldiers, although they were well below the age of 18. There were a number of reasons for children to become soldiers. Numbers of them had been separated from their families. Several were orphaned, and, in order to survive, attached themselves to combat units during the war. We emphasized earlier the severe problem of unemployment and landlessness for large numbers of young men in the early 1990s. From their perspective, the army offered an alluring combination of work, food and shelter, camaraderie, thrills, and prestige.

16.74. The problems faced by child soldiers when their wars end are by no means unique to Rwanda, and these have been well documented. The psychological effects on children who have been so immersed in violence are known to be devastating; they invariably have great difficulty reintegrating into society. In Rwanda, the Ministries of Rehabilitation, Education, Social Affairs, and Youth instituted a national demobilization project for boy soldiers with UNICEF support. The project is designed to assist some 4, 820 boys aged 6 to 18 – often called "kadogos," (Swahili for "little ones"), – who had been attached to military units (both Hutu and Tutsi factions). Approximately 2,620 minors have been demobilized in the Kadogo School in Butare, and the intention is to extend the project to include an additional 2,200 minors who still live with adult military groups around the country.[43]

16.75. But child soldiers are not simply a legacy of the past genocide; their use continues to this day. Although hard, reliable data are difficult to come by, a 1999 report on child soldiers in Africa says that Rwanda is among nine other countries that are deeply affected by this problem.[44] The anti-RPF rebels are the main users of child soldiers, but the numbers are hard to estimate, according to the Coalition to Stop the Use of Child Soldiers. Several reports give evidence of their existence. When rebels attacked a displaced people's camp in Gisenyi in 1998, children were seen among the rebels. When they are recruited, children and youth are normally used first used as porters, spies, and cooks; once they are trained, they will actively participate as soldiers. The interahamwe militia have been known to include girls as well as young males.[45]

16.76. In 1999, the Coalition to Stop the Use of Child Soldiers charged that children between seven and 14 (both street children in the urban areas and school children in the countryside) were still being forced to join either rebel groups or government troops.[46] Girls between 14 and 16 have allegedly been "recruited" to "service" the military and other clients.[47]. Though the government dismisses the figures as "ridiculous," an estimated 14,000 to 18,000 children are recruited to the armed forces every year. A researcher for the Coalition to Stop the Use of Child Soldiers claims that over 45,000 children presently go to military schools for non-commissioned officers in Rwanda.[48] In 1999, the Special Representative of the UN Secretary-General for Children and Armed Cconflict, Olara Otunnu, appealed to the Rwandan government not to recruit child soldiers.[49]

16.77. In October 1994, soon after the genocide ended, about 5,000 children under 18 were members of the Rwandan Patriotic Army (RPA), which claimed at the time that they had not been recruited, but sought the army out for protection during the genocide.[50] The government later claimed that all these children had been reunited with relatives and, sent to the Kadogo school or to other secondary schools. In 1997, a UNICEF survey documented 2,134 children associated with the army, about one-third of them as regular soldiers and the rest working as servants.[51] In 1999, one researcher estimated that over 20,000 children from Rwanda were still taking part in hostilities.[52]

Education

16.78. Many schools and education facilities were destroyed during the genocide. Over three-quarters of the nearly 1,800 primary schools and some 100 secondary schools were physically damaged.[53] In addition, many teachers and school administrators were killed, fled the country or participated in the genocide themselves. Almost all school children, as we have just seen, sustained severe traumas that severely impede learning and create enormous new challenges for under-trained, overburdened teachers. Many school buildings were used either as slaughterhouses or concentration camps. The consequences for the Rwandan education system can hardly be exaggerated.

16.79. The largest and most visible immediate effort to deal with this disaster was the UNICEF-UNESCO Teacher Emergency Packages (TEP), co-designed by UNHCR. This was a "mobile classroom" system designed as a four-to-five-month bridge, both to provide teachers and students with immediate psychological support and to prevent a total breakdown of educational services. UNICEF and UNESCO also helped in terms of basic office equipment, supplies, textbooks, and support for teacher training. A programme called "Education for Peace" was introduced into the primary school system in 1996 with the aim of fostering mutual understanding, tolerance, and conflict resolution.

16.80. Despite such efforts, however, it is not excessive to say the Rwandan education system is in crisis. At home, children face huge obstacles that impede their access to education: poverty, survival, trauma, child-headed households, illiteracy, and lack of support from families or communities. For those fortunate enough to overcome these barriers, the system presents new ones.

16.81. In 1997, the government carried out a comprehensive study of the education system; on the basis of that assessment, it has now drawn up policies and plans for improvement. It should be said that the government is investing a great deal of hope in the education sector, which "is expected to play a key role in three macro policies: poverty eradication, economic growth, and national reconciliation and national unity." As the government is the first to appreciate, however, these worthy and ambitious goals require major changes to a devastated and demoralized school sector that are bound to cost very substantial amounts of money.[54]

16.82. As of the year 1997, barely three of five school-age children were enrolled in primary school. On top of that, for those in school, learning did not come easily; 71 per cent of primary school aged children were enrolled in the first grade, but a mere 14 per cent of sixth graders passed the 1996-97 national primary school exam.[55] This is hardly surprising, given the children's barriers to learning from on the one hand and the inadequacies of the schools at the other: Primary education suffers from overcrowded classrooms, inadequate infrastructure, shortage of teaching materials, low proportion of qualified teachers, and an unfavourable school environment.

16.83. Of those successful primary graduates, between 15 and 20 per cent were admitted to secondary level. To gain a perspective on the magnitude of the challenge, the government's objective, if all goes well, is to raise those figures to a very modest 30 per cent by this year and 40 per cent in the year 2005. The quality of that schooling is another issue; barely two-thirds of secondary teachers have completed secondary education themselves. In 1998, in all of Rwanda, only 8,000 students completed secondary school, of whom just 1,800 will be able to go on to post-secondary.[56]

16.84. Even these small numbers, however, are overwhelming the capacity of post-secondary institutions – especially the National University of Rwanda (NUR), the only university in the country – to handle the influx. Yet enrolment at NUR stands at just 4,500 students.[57] The university also faces a critical shortage of local academics with the required qualifications, and can only continue operating by calling on the services of large numbers of visiting lecturers. As a result, the government is consistently looking for scholarships outside the country in certain cheaper universities, such as those in India in fields such as science, technology and management studies.

16.85. Technical and vocational institutions are in the most embryonic stage. Although the need for their skills is enormous, scientific research "seems to have collapsed completely," and "non-formal education suffers from the lack of clear formulation of its objectives."

16.86. Besides problems faced by all young people, opportunities are significantly grater for urban than for rural children, while all girls have to cope with still greater constraints. Institutional barriers in education for girls have been legally removed and there is nearly gender-parity in school enrolment, but it is also true that dropout rates are higher for girls than for boys. A 1997 UNICEF report notes that, "This disparity is often the result of survival strategies of poor families, which withdraw their female children first if there is not enough money to pay for the various costs associated with schooling."[58] Because education is not free in Rwanda, entailing substantial other costs such as school uniforms and books, families are often faced with restrictions on the number of children they send to school.

16.87. A 1996 socio-demographic Study carried out by the government found that one-quarter of all children from ages 10 to 14 were working. The proportion of girls in this group was higher than researchers expected, the majority being employed in the agricultural sector.[59] While post-genocide statistics on dropout rates are not yet unavailable, it is not unreasonable to suspect that in response to the pervasive economic crisis gripping the country, families faced with educating either a son or a daughter are choosing to educate the boys and engage the girls in subsistence agricultural work at home.

16.88. It is hard to over-emphasize the significance of these data. Rwanda's need for educated citizens is almost boundless. According to government data, the country has only one physician for every 60,000 people and one engineer for every 300,00 people. Only 2.6 per cent of government civil servants have university degrees, while another 3.8 per cent have no more than two years of post-secondary education. As of 1998, 46 per cent of primary school teachers and 31 per cent of secondary teachers were properly qualified.[60]

16.89. As we already noted, one of the government's hopes is that education will play a key role in national reconciliation and national unity. The goals are spelled out as follows: "To produce citizens free from all kinds of ethnic, regional, religious, or gender discrimination; to promote a culture of peace, justice, tolerance, solidarity, unity and democracy. Also respect for human rights." These are not only worthy goals, but they are critical for the new Rwanda to survive intact. We have no doubt that the world will join us in applauding these objectives. But it should be clear enough that a deeply troubled education system, burdened with the problems and challenges we have just outlined, cannot easily inculcate new values and belief systems. To meet these challenges, a child must be motivated to attend school, and the school must offer a conducive learning atmosphere and trained, equally motivated teachers. None of this can happen without the investment of large sums of money, far beyond the relatively meagre sums the government is now able to allocate to this sector. If the children of Rwanda are to make a positive contribution to the country's future, applauding is not enough. What Rwanda needs are the means to make this possible.

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[1] Heather B. Hamilton, "Rwanda's Women: The Key to Reconstruction," Journal of Humanitarian Assistance (10 January 2000), 1.

[2] UNICEF, "Children and Women of Rwanda: A Situation Analysis," 1997, 106.

[3] Hamilton, 2.

[4] Ibid., 4.

[5] World Bank, "Rwanda Poverty Note: Rebuilding an equitable society, poverty and poverty reduction after the genocide," Report No. 17792-RW, 1998, 6.

[6] Binaifer Nowrojee, "Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath," (Human Rights Watch/Africa, Human Rights Watch Women's Rights Project, Fédération internationale des ligues des droits de l'Homme) September 1996, 2.

[7] Hamilton, 5 and 8.

[8] Ibid.

[9] UNICEF, "Children and Women of Rwanda," 103.

[10] Hamilton, 6.

[11] Ibid., 3.

[12] Nowrojee, 78.

[13] Ibid., 3.

[14] The Amicus Brief regarding Rape in Rwanda, found at website: www.hri.ca/doccentre/violence/amicus-brief.shtml, March 2000.

[15] "Woman Charged with Rape by Rwanda Genocide Tribunal," Pan African News Agency, August 13, 1999.

[16] UNICEF Rwanda, "Rwanda Emergency Programme Progress Report 2," April 1995-January 1996.

[17] UNICEF, "Children and Women of Rwanda," 110.

[18] Hamilton, 6.

[19] UNICEF, "Children and Women of Rwanda," 110.

[20] Hamilton, 7.

[21] Ibid.

[22] Ibid., 10.

[23] Ibid., 9.

[24] Ibid.

[25] Zutt, 7.

[26] UNICEF Rwanda Publication, "Info notes, UNICEF Rwanda Emergency Programme," February 1996.

[27] Ibid.

[28] Ibid.

[29] UNDP Round Table Conference for Rwanda, UNDP Geneva, 18-19 January 1995, 117.

[30] UNICEF Rwanda, "Children First, Information Notes," July 1995.

[31] Olara Otunnu, Protection of children in armed conflict, 1999.

[32] UNICEF Rwanda, February 1996.

[33] Kajsa Overgaard, "Children in Rwanda: an Overview of Several Reports," (Nordic African Institute, Report on Rwanda and Burundi) Report 5, November 1999-February 2000, Section 5, 5.

[34] World Vision, "Surviving Without Adults: Rwanda, a World Vision Report on Child Headed Households," 1998.

[35] Ibid.

[36]Ibid.

[37] Overgaard, 3.

[38] Ibid.

[39] UNICEF, "Children and Women of Rwanda," 84.

[40] Michel Moussalli, Special UN Representative on Human Rights , "Report on the situation of Human Rights in Rwanda, 1999-2000," UN Economic and Social Council, 28 January 2000, 55.

[41] UNICEF Rwanda, February 1996.

[42] Coalition to Stop the Use of Child Soldiers (Switzerland), The Use of Children as Soldiers in Africa: a country analysis, 1999.

[43] Ministry of Labour and Social Affairs update with UNICEF support, "Children: the Future of Rwanda," 4 December 1995, 14.

[44] Report on child soldiers in Africa, released at the "Africa Conference on the Use of Children as Soldiers," Maputo, April 1999, cited in Overgaard, 6.

[45] Children of War, no. 3, October 1999, (Swedish Save the Children), cited in Overgaard, ibid.

[46] The Use of Children as Soldiers in Africa.

[47] Le Monde, cited in Nigel Cantwell, "Starting from Zero," UNICEF, Italy, 1997, 9.

[48] Gervais Abayeho (Consultant Researcher), The Use of Children as Soldiers in Africa, (Coalition to Stop the Use of Child Soldiers), 1999.

[49] Overgaard, 7.

[50] Cantwell, 51.

[51] UNICEF, "Children and Women of Rwanda," 84.

[52] Abayeho, "The Use of Children as Soldiers in Africa."

[53] Millwood, Study 4, 56.

[54] Government of Rwanda Document given to IPEP, "Education Sectoral Consultation," Kigali, February 1999.

[55] UNICEF Rwanda, "1997 Annual Report," December 1997, 108.

[56] Government of Rwanda Document.

[57] Ibid.

[58] UNICEF, "Children and Women of Rwanda," 108.

[59] Hamilton, 9-10.

[60] Government of Rwanda Document.

CHAPTER 17

AFTER THE GENOCIDE

17.1. When the war and the genocide ended on July 18, 1994, the situation in Rwanda was as grim as anything previously witnessed anywhere. Rarely had one nation or one people had to face so many seemingly insuperable obstacles with so few resources. In the words of one NGO observer, "Rwandans have been through a national nightmare that almost defies comprehension. Theirs is a post-genocide society that has also experienced civil war, massive refugee displacement, a ruthless [post-genocide] insurgency...deep physical and psychological scars that are likely to linger for decades... and economic ruin so extensive that it is now one of the two least- developed countries in the world."[1]

17.2. This was the context in which the victorious RPF launched their "Government of National Unity." It is hard to believe that any government anywhere has been confronted by more intractable challenges. On every front, they faced hurdles so formidable that any one of them, let alone all of them, must have seemed insurmountable. A new government apparatus had to be created. The tattered social fabric had to be repaired. There were no funds, and those promised by the outside world only barely trickled in through the first year. An infrastructure had to be rebuilt. The economy needed massive reconstruction just to return to its previous precarious state. A legacy of violence and a culture of impunity had to be transformed. International actors had to be satisfied. A system of criminal justice had to be restored so that the guilty would be punished to deter others, while their expected contrition would make forgiveness possible for their victims. The immediate physical and psychological needs of violated women and traumatized children had to be met. A million and one urgent tasks needed to be done yesterday, while directly across the border in eastern Zaire their nemesis once again stalked the land, and in the south-west, under French protection, the genocidaires were already congregating to fight another day.

17.3. The country was wrecked, a waste land. Of seven million inhabitants before the genocide, about three-quarters had either been killed, displaced, or fled; some 10 to 15 per cent of the victims were dead;, two million were internally displaced; and another two million had become refugees.[2] Many of those who remained had suffered greatly. Large numbers had been tortured and wounded. Many women had been raped and humiliated, some becoming infected with AIDS. UNICEF later calculated that five of every six of the children who survived had at the least witnessed bloodshed.[3] An entire nation was both brutalized and traumatized. They were, in their own phrase, "the walking dead."

17.4. The country had been poor even when it was ostensibly booming. It became poorer as a result of the economic crash and poorer still during the pre-genocide civil war. Now it was absolutely devastated. The economy was in a shambles. The GDP had shrunk by 50 per cent..[4] Per capita GDP was a pathetic $95.00, a decline of 50 per cent in one year; inflation stood at 40 per cent.[5] More than 70 per cent of Rwandans lived below the poverty line.[6] Nothing functioned. There was a country but no state. There was no money; the genocidaires had run off with whatever cash reserves existed. There were no banks. Thirty thousandvictorious soldiers had not been paid.[7] The infrastructure had been destroyed. There were no services. There was no water, power or telephones. There were no organs of government, either centrally or locally. There was no justice system to enforce laws or to offer protection to the citizenry.

17.5. Eighty per cent of cattle were lost, farm land was abandoned, land was destroyed by the movements of millions of internally displaced persons.[8] The support systems for agriculture were destroyed and more than $65 million was required for food aid for 1995.[9] Similarly, the entire health and education systems had collapsed. Despite exclusionary policies governing political and military positions, Tutsi had been disproportionately represented among the professions; as a result, over 80 per cent of health professionals had been killed during the genocide.[10] Medicine stocks had also been looted. Three-quarters of all primary schools had been damaged, school equipment and material stolen.[11] Over half the teachers were dead or had fled.[12]

17.6. Rotting bodies were everywhere; they filled school playgrounds and littered the streets, with neither people nor equipment to remove them. Hospitals, churches and schools had been turned into stinking stores of human bodies. An estimated 150,000 homes, mostly belonging to Tutsi, had been destroyed.[13]

17.7. Few governments can ever have faced greater challenges with fewer resources. On every front, internal and external, crises loomed. Only two members of the Ccabinet had ever had experience running a government; few knew anything whatever about public administration or government. Most had never been to Rwanda before the war.[14] Most of the educated, the skilled and the professionals were dead or in exile; many had supported the genocide.

17.8. In practice, the RPF victory meant a Tutsi triumph. But like the Hutu, the Tutsi were now as they had always been, far from a homogeneous, united community, more so as the exiles began returning "coming back" in massive numbers. The conquering RPF were mainly the English-speaking "Ugandans." There were of course the survivors; profoundly depressed and bitter, many were soon demanding justice and compensation. To join them, Tutsi families came home, from the world-wide Tutsi Diaspora but mostly from neighbouring Uganda, Zaire, Tanzania, and Burundi, including those who had left 35 years earlier, and those born in exile and who were setting foot on Rwandan soil for the first time.

17.9. The numbers were staggering; by November, only four months after the genocide had ceased, the return migration totalled perhaps 750,000 people, at least replenishing the pre-genocide Tutsi population.[15] in a literal sense it was almost an entirely new Tutsi people that emerged after the war. Even the army grew increasingly diverse as large numbers of indigenous Rwandan Tutsi joined the forces of the former Uganda exiles. While this diversity created its share of extra complications, the returnees often brought with them much-needed capacity skills, talent, drive, leadership that played an indispensable role in the reconstruction of the state.

17.10. Hutu were similarly divided. Whatever their role had been, all were terrified of being arrested or killed by the new rulers. Many were traumatized by the nightmare they had either witnessed first hand or actively participated in. Some were quite innocent of any crime;, some had merely obeyed orders;, others had been enthusiastic butchers. Some were full-blown genocidaires who had not fled. Some were guilt-ridden;, many just wanted a peaceable life without strife;, while others still regarded Tutsi as outsiders and could not accept that they, the Rubanda Nyamwinshi, the majority, the "natural" inhabitants of the land, were again to be ruled by a foreign people.

17.11. Social tensions remained acute. No one trusted anyone else. Ethnic polarization was total. The new Government of National Unity feared many of its citizens, and citizens feared their rulers. It was impossible to judge support for the RPF. Whom exactly did it represent, and how could its support be demonstrated? The social fabric of the nation had been ripped apart. The chances of peaceful co-existence between Hutu and Tutsi seemed negligible even while the RPF insisted that ethnicity did not count in the new Rwanda.

17.12. The Rwandan situation was unprecedented. Following the genocide against the Tutsi, the new government was largely controlled by Tutsi, who made up a very small percentage of the population. The country they, took over was made up mainly of Hutu, an unknown number of whom might have participated in the genocide.

17.13. This inherently problematic situation was yet another challenge for a government that needed none.. As a testimony to its legitimacy, it claimed to be following the precepts set down in the 1991 constitution, establishing a multiparty political structure, and respecting the Arusha accords, which established a formal for political power- sharing. Perhaps not surprisingly, this was really only true so long as the agreements of the past served the RPF's purposes. Those ministries that were to go to the former MRND ruling party, for example, the RPF unilaterally appropriated for itself.[16] And while the Arusha structure did not include a Vice-President, the new government did. Significantly, General Paul Kagame, who had masterminded the RPF during the civil war, took the two key positions of Vice-President and Minister of Defense.

17.14. Until early in the year 2000, when he resigned and was replaced by Paul Kagame, the new president was Pasteur Bizumungu, a Hutu who had joined the RPF in August 1990 just before the invasion. In fact, of 22 ministers, fully 16 were Hutu and only five were from the original "RPF Tutsi," as they were known.[17] As we noted earlier, most of the political parties had split prior to the genocide into those who did and did not support Hutu Power; just as the interim government from April to July had been composed of Hutu Power supporters from these parties, so the new Ccabinet came largely from their anti-Hutu Power factions. It was obvious that the ministers accurately reflected the ethnic composition of the country, even though the official government position was that ethnicity would no longer be a factor in Rwandan life; in the new Rwanda, all were to be just Rwandans. Nevertheless, it has always been difficult, then and to this day, to find anyone in the country aside from government officials who believed that real power in the land, political or military, has not been exercised by a small group of the original "RPF Tutsi." Here was another major dilemma for the government to reconcile: its public commitment to national unity and its private instinct surely understandable, especially in the first post-genocide years to rely on those it believed it could most trust.

17.15. Eleven months after the new government was sworn in, J.-D. Ntakirutimana, the Hutu chief of staff to Faustin Twagiramungu, the Hutu Prime Mminister, defected from the government. "For thirty years," he explained, "the Hutu had power and today it belongs to the Tutsi assisted by a few token Hutu among whom I figured...some of us believed the RPF victory would enable us to achieve real change. But the RPF has simply installed a new form of Tutsi power....The radicals from the two sides reinforce each other and what the RPF is doing today boosts up the position of the Hutu extremists in the refugee camps."[18] Little more than a month later, in August 1995, the Prime Minister himself resigned, and the next day four others followed suit, including another of the leading RPF Hutu in the Cabinet, Interior Minister Seth Sendashonga.[19] These high-profile resignations reflected the belief by the Hutu ministers that they were in the Cabinet only as tokens, an RPF public relations tool for the world's eyes.[20]

17.16. Such well-publicized resignations came as blow to the image of the new Rwanda that the government had worked so diligently to promote. It continued to insist that it respected the Arusha accords, though as we have seen they actually respected its provisions largely when they were consistent with other RPF goals. No longer did all citizens carry an identity card with their ethnicity enshrined, an important moral symbol but not one that would alone alter values and behaviour; this colonial vestige had been abolished in Burundi at independence, where even referring to Tutsi and Hutu was made an offence, with little perceptible impact on ethnic relations. To replace the simplistic previous ideology of "Rubanda Nyamwinshi" – Rwanda was a democracy because a Hutu administration ruled a country where the Hutu were the majority ethnic group was the equally simplistic proposition that it was now a real democracy because the RPF claimed to share power in a national unity government.

17.17. It was true that even after these resignations, a majority of ministers remained Hutu. In reality, however, many observers believed that what was really being shared was the appearance rather than the substance of power. Those who have studied governance in Rwanda since the end of the genocide tell of an unofficial government running parallel to the Cabinet that controls the decision-making process and makes the important decisions.[21] Titles are not always what they seem; without a single exception, all observers agree that the most powerful man in the country since July 1994 has been the Vice-President and Minister of Defense, General Paul Kagame, who had commanded the RPF forces during the civil war, and who became President early in 2000.

17.18. The pattern is clear enough here. Within two years of winning the war and forming the government, 15 of 22 chiefs of ministerial staff, 16 of 19 permanent secretaries, and 80 per cent of the country's burgomasters were RPF Tutsi.[22] Even when there were a majority of Hutu cabinet ministers, they were closely monitored by Tutsi aides. In the same period, 95 per cent of the faculty at the National University in Butare were Tutsi, as were 80 per cent of their students.[23] Almost the entire police force, the Local Defense units and the army were Tutsi. Six of the 11prefects and 90 per cent of the judges then being trained for the Justice Department were Tutsi.[24] So were the leaders of civil society, as the RPF moved decisively to place its allies in charge of all important social organizations.[25]

17.19. In short, it was not hard for critics of the government and they were ample to make the following case: Rwanda after the genocide looked remarkably similar to Rwanda until the genocide, except that the positions of the two ethnic groups had been reversed a military ethnocracy was in charge, even if a Hutu President, Hutu ministers such as Seth Sendashonga and members of the appointed Parliament provided a fig-leaf to conceal the naked truth. Under the circumstances, it is reasonable to question whether the majority of Hutu or the Tutsi survivors -- who were conspicuous by their absence in a government whose dominant figures had barely stepped foot in Rwanda prior to 1990 felt that this was a government that truly represented them. But since Rwanda was once again under an unelected government buttressed by the Tutsi-dominated military, public opinion could only be guessed at.

17.20. These were arguable criticisms of the new government. Yet it was not the issue of Tutsi power that seemed to vex the outside world most. Almost from the start, the government came under heavy pressure from Europe, North America and the UN Secretariat to demonstrate its commitment to reconciliation among all Rwandans.[26]

17.21. Rwanda could barely take the first tentative steps toward rebuilding without outside aid. We saw earlier in this report how even during the "good years" of the 1980s the country was highly dependent on external funds for much of its budget. Now its dependence had soared geometrically. Peacekeeping, mine clearance, restoring hospitals and schools, caring for orphans, recreating the infrastructure, preparing a war crimes tribunal the list was as endless as the treasury was empty. All required foreign aid and the assistance of international agencies. But need was only one issue; there was also the moral obligation of the "international community" to compensate for its responsibility in not preventing the genocide in the first place. For Rwanda, there was no equivalent of a German government or of German industrialists from whom reparations might be demanded; only the rich nations of the world and the international financial institutions they controlled were available as substitutes. Would there be an equivalent of the Marshall Plan for the Great Lakes Rregion of Africa? Would there be reparations by the international community for its active refusal to intervene to save the lives of hundreds of thousands of innocent human beings? The answer to both possibilities was a resounding nNo.

17.22. Under the circumstances, namely the genocide and the role of the international community, the response varied between the modest, the disappointing and, once again, the scandalous. A certain amount of good faith was demonstrated, and even some generosity. But contrasted with the need, and witnessing some of what Rwanda was forced to endure in the process, the world's response left much to be desired.

17.23. Some aid money for rebuilding had been allotted, for example; the government of Rwanda simply could not gain access to it. The World Bank had $140 million earmarked for Rwanda; the country merely had to repay $4.5 million in arrears before the new credit could be unblocked arrears unpaid of course not by them but by the Habyarimana regime.[27] About $1.4 billion had readily been found for emergency humanitarian aid for the refugee camps in the six months after the conflict ended, but it seemed impossible to find anywhere in the world the trivial amount needed for the World Bank.[28] Nor was it apparently thinkable that the World Bank should, under these unique circumstances, suspend its procedures and forgive this derisory sum.

17.24. Similarly, the European Union had special credits for Rwanda worth nearly $200 million, but the French veto prevented any unblocking of those funds till late in 1994, and even then only part could be released.[29]

17.25. In January 1995, the Kigali government convened in Geneva the first of a series of round table conferences where they could present themselves and their plans to the international community. Pledges for just under $600 million were made.[30] A follow-up meeting was held in July in Kigali. According to UNDP, “One of the concerns of the government expressed at the mid-term meeting was the slow rate of disbursements from the pledge made in January. The reluctance of donors to actually disburse funds was already seen as impeding the overall programming and budgeting for intended activities.”[31] What that meant concretely was that only 25 per cent of total pledges had in fact been disbursed.[32] On top of that, remarkably enough, of the first fraction of pledges actually disbursed, one-fifth went to pay arrears to the World Bank and the African Development Bank.[33]

17.26. Then one final question arose. To whom were funds to be disbursed? The answers differed greatly. To the RPF government, it should not even have been an issue. But to the donors, observing a country in chaos, facing great uncertainty, ruled by an inexperienced group of military men, the answer was equally clear but entirely different. From Kigali's point of view, prudent international lending simply added one final insult to injury. Much of the funding went not to the government at all but to non-governmental and UN organizations. Almost all country assistance, for example, by-passed the Kigali authorities and went through various international organizations.

17.27. Within the framework of this round table mechanism, some $2.9 billion was pledged from the international community between 1995 and 1998.[34] But in this rarefied world, a pledge is not a commitment;, and only $1.8 billion, or 62 per cent, of pledges, resulted in commitments.[35] The trail does end there, for commitments must become disbursements;, and by 1998, total disbursements equalled $1.17 billion I;in the end, only about one-third of the pledges made sitting around that round table actually ended up being distributed.[36]

17.28. The record was similar when it came to sectoral commitments. The European Union and the African Development Bank pledged funds specifically to rehabilitate export agriculture, but for months no funds were actually disbursed. By the end of 1995 only $6.4 million had been made available.[37] Promised aid to the health system was equally slow in being disbursed, especially in the initial stages, which added to the tensions between the government and international donors. Twenty million dollars were pledged to reconstructing the school system in January 1995; by May none had been disbursed.[38] In general, humanitarian aid --- charity --- continued to take precedence over longer-term reconstruction and development needs long after it was appropriate, mostly to suit the interests of the aid agencies, not the Rwandan people.

17.29. By the end of the year, while the pledges totalled $50 million, only four million dollars had been disbursed.[39] Boutros-Ghali understood the effect this was having in Kigali: "It is fully recognized how difficult it is for the government to undertake nation-building activities when it suffers from a severe lack of basic resources, including cash reserves. While the international community is calling on it to undertake such activities, the government is becoming increasingly frustrated with the international community's slow pace in providing the resources necessary for it to do so."[40]

17.30. Perhaps there was no better reflection of the world's shabby treatment of post-genocide Rwanda than the matter of the debt burden incurred by the Habyarimana government. The major source of the unpaid debt was the weapons the regime had purchased for the war against the RPF, which had then been turned against innocent Tutsi during the genocide. These facts were well established. We noted earlier that during the Rwandan depression of the late 1980s, a Structural Adjustment Program (SAP) had been negotiated between the government and the major international financial institutions shortly before the civil war of 1990. As it happened, the main measures of the SAP was applied only after the RPF invasion, yet none of its terms were reviewed or modified given the new circumstances.[41] SAPs invariably impose harsh austerity measures, and soon financial cuts were felt by already under-funded schools, health facilities, farm production support and infrastructure, while other related economic reforms resulted in the collapse of public services, increased unemployment, and an even more unstable social climate.

17.31. Yet these cruel measures affected non-military expenditures exclusively; military expenses took up a growing proportion of government revenues, including foreign loans. With the approval of the IMF, the army soon ballooned from 5,000 to about 40,000 men; it was external funds that made this possible.[42] The debt paid for the government's mobilization for war. After a mission in which they carefully examined all the books for the years between the invasion and the genocide, two international finance experts concluded that, "In their financial interventions, in their donations and loans, the international donors consciously agreed to meet the defence budgetary deficit, and by doing so financed the war and in the end the militias."[43] In other words, the military build-up leading to the genocide was financed by foreign debt with the full knowledge of the World Bank and the IMFas well as a series of multilateral and bilateral (national) donors. That debt totaled about one billion dollars when the RPF took over in July.[44]

17.32. For these authors, this analysis irresistibly raised the logical question: What is the responsibility of the donors towards the victims of the genocide who perished at the hands of the soldiers and militias funded by the Habyarimana government's debt? But this question seems never to have been raised at the time.

17.33. Instead, incredibly enough, the new government was deemed responsible for repaying to those multilateral and national lenders the debt accrued by its predecessors. The common-sense human assumption that Rwanda deserved and could not recover without special treatment and, that the debt would have been wiped out more or less automatically, had no currency in the world of international finance. Instead of Rwanda receiving vast sums of money as reparations by those who had failed to stop the tragedy, it in fact owed those same sources a vast sum of money. That foreign debt continued to grow each subsequent year, and as of 1999 it is estimated that Rwanda owed the world about $1.5 billion.[45] We will return to this remarkable situation at the end of this report.

17.34. While the RPF government's first overriding priority was finding the funds to rebuild the basic structures of society, potential foreign donors were fixated on political issues. The hypocrisy of the position was summarized by the London-based Economist magazine: "European aid ministers...would be less than honest if they continue to make their aid conditional upon the resolution of problems that aid itself could help resolve."[46]

17.35. Early elections were demanded, as if the new Rwandan rulers were too isolated to know how many dictators these same governments had sustained for so many decades. The Arusha accords, which the RPF followed when it suited them, had called for a transition period of 22 months under a coalition government before elections were to be held. The RPF quickly extended the time to five years. In 1999, it extended the time for yet another four years, on both occasions for the same reason.[47]

17.36. The RPF faced an impossible dilemma, and faces it still: It is difficult to see how it can ever win a free election. However many Hutu or moderate Tutsi have held prominent positions in the government, most observers agree that the majority of the Hutu population have perceived it as the embodiment of Tutsi Power.[48] For that same reason, many Hutu naturally pushed for early elections, knowing Hutu-dominated parties would be the easy winners. By the same token, when the outside world joined the call for immediate elections, in the eyes of the RPF that too seemed an implicit endorsement of the opposition.

17.37. There is another serious problem here that must be pointed out, although it is not often raised openly. Ironically, the potential for extremism and demagoguery is inherent in a free electoral process. We have repeatedly stressed in this report that ethnic conflicts do not just explode out of the blue; they are caused by the deliberate machinations of opportunistic troublemakers attempting to manipulate ethnic feelings for their own advantage. The temptation for politicians to revert to such tactics would surely be great in an election where the prize could well be their own accession to power. How extremists could be constrained from injecting, however subtly, their poison into a free election process needs considerable thought.

17.38. It was perfectly understandable, given the record of the previous year, that the RPF took office already furious at the UN. The UN Secretary-General soon exacerbated the bad feelings. On the one hand, Boutros Boutros-Ghali was passionate in expressing his remorse and guilt for the failure of the world to intervene to stop the genocide. "We are all to be held accountable for this failure, all of us," he told Le Monde newspaper in late May, "the great powers, African countries, the NGOs, the international community...&It is a genocide....I have failed....It is a scandal."[49] In a Time interview he openly vented his frustration at the world's priorities. Speaking specifically of the US, he asked: "Why don't they make as much fuss about Rwanda, where between a quarter and a half-million people have been murdered, as they do about one dissident in China?" [50] In his memoir he recalled with anguish that UN ambassadors told him in private conversations during the genocide that his efforts to upgrade UNAMIR were hopeless because of the US's adamant determination to stay out. And so while "close to a million people were killed in what was genocide without doubt, yet the Security Council did nothing."[51]

17.39. Yet in his report to the Security Council in November 1994, six months later and no more than four months after the RPF government was sworn in, Boutros-Ghali made some unexpected demands of the new regime. National reconciliation through power- sharing he stated was the priority for Rwanda. "It is evident that national reconciliation will require...a political understanding between the former leadership of the country and the present government....[52] But the RPF, besides wanting the refugees repatriated to Rwanda, also demanded that the former leadership of the country," the political and military leaders in the camps of eastern Zaire, be separated from the genuine refugees. After all, these were the genocidaires who, as we will see, were already planning and launching armed attacks into Rwanda against the Kigali government.. The Secretary-General was cautious. It was well- known that the Hutu Power leaders would bitterly resist being separated from the majority of refugees, and that it would take force to do so. It would be a "risky, complex and very expensive endeavour."[53] In the end, no will existed for such an endeavour, and the genocidaires remained free to pursue their hopes of undermining and destabilizing the fragile new government in Kigali, with disastrous long-term consequences for the rest of Africa.

17.40. As for repatriating the refugees to Rwanda, Boutros-Ghali acknowledged that the genocidaires were dissuading them from returning. "In light of the above, he reported, the UN had sought the views of the political and military leaders in the camps on conditions that would enable them to allow refugees the freedom of choice to return to Rwanda."[54] These conditions included "negotiations with the new government, involvement of the exiled leadership in all negotiation processes; involvement of the United Nations in facilitating negotiations between the government and the leadership in exile; ...power- sharing...organization of early elections; security guarantees, especially for the safe return of all refugees; and guarantees for the repossession by the refugees of their property."[55]

17.41. In the period leading up to and throughout the entire period of the genocide, as one scholar has observed, the world demonstrated "indifference and inaction" to Rwanda's plight. Now, only months after the event, to compound that history of irresponsibility, too many in the international community thought that the Rwandese ought to get on with the task of rebuilding their society. "Quit dwelling on the past and concentrate on rebuilding for the future,' was the refrain of much advice received."[56] One UN human rights official with experience in post-conflict situations could hardly believe the insensitivity and lack of understanding among humanitarian and development organizations. "Within six months of the end of the genocide, relief workers in Rwanda ....were often heard making statements such as, Yes, the genocide happened, but it's time to get over it and move on."[57]

17.42. We intend this chapter to provide a context, but not an excuse, for the new Rwandan government. Every slight, every humiliation and betrayal, every double standard imposed on the RPF was carefully noted. The legacy of bitterness that had built up before and during the genocide over international indifference now became a source of deep, lasting indignation for the new elite. The RPF government and army have been guilty of major human right violations in the past four years, which this Panel unreservedly condemns. There are no excuses for such behaviour. The genocide of the Tutsi does not for a moment justify the slaughter of innocent Hutu civilians. But we do understand that many of the acts of this government have been in reaction to the abysmal failure of the international community since the genocide to disarm the genocidaires.

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[1] U.S. Committee for Refugees, "Life After Death," 4,41-42.

[2] Millwood, Study 1, 57; Filip Reyntjens, "Estimation du nombre de personnes tuées au Rwanda en 1994", in S. Marysse and F. Reyntjens (eds.), L'Afrique des grands lacs. Annuaire 1996-1997 (Paris: L'Harmattan, 1997), 179-186.

[3] UNICEF, "Exposure to War Related Violence Among Rwandan Children and Adolescents".

[4] World Bank, "Rwanda: Country Assistance Strategy- Progress Report," June 1999.

[5] Millwood, Study 4, 36.

[6] World Bank, "Rwanda: Country Assistance Strategy;" International Monetary Fund, Rwanda: Enhanced Structural Adjustment Facility Economic and Financial Policy Framework Paper for 1998/99 2000/2001.

[7] Millwood, Study 1, 57.

[8] Millwood, Study 4, 42.

[9] Ibid.

[10] Ibid., 13.

[11] Ibid., 50.

[12] Ibid., 56.

[13] Ibid., 13-56.

[14] Prunier, 300.

[15] Ibid., 325; Millwood, Study 4, 16.

[16] Prunier, 329.

[17] Ibid., 300.

[18] Ibid., 368.

[19] Ibid.

[20] Ibid.

[21] Ibid., 330; Timothy Longman, "State, Civil Society and Genocide in Rwanda," in Ethnicity, Conflict and Insecurity.

[22] Prunier, 329.

[23] Ibid.

[24] Ibid.

[25] Ibid., 369; Longman.

[26] Prunier, 334.

[27] Ibid., 328.

[28] Ibid.

[29] Millwood, Study 4, 34 (note 12).

[30] UNDP, "Resource Mobilization and External Aid Flow to Rwanda," 1995-1999.

[31] Ibid.

[32] Ibid.

[33] Millwood, Study 4, 31.

[34] UNDP, "Resource Mobilization."

[35] Ibid.

[36] Ibid.

[37] Millwood, Study 4, 46.

[38] Ibid., 58.

[39] Ibid., 14.

[40] Secretary-General, "Report of the Secretary-General outlining three options for a possible peace-keeping operation to enhance security in camps for Rwandan refugees," 18 Nov. 1994, S/1994/1308.

[41] Michel Chossudovsky et al., "Utilization."

[42] Ibid.

[43] Ibid.

[44] Ibid.; Steve Kayizzi-Mugerwa, "Rwanda Looking Ahead, Country Economic Report" (Stockholm: Swedish International Development Agency, forthcoming), 13.

[45] Kayizzi-Mugerwa.

[46] Abandoned Rwanda, The Economist, 26 November 1994.

[47] Prunier, 331.

[48] Ibid.

[49] "Boutros Boutros-Ghali: Un scandale dont tout le monde est responsable," Le Monde (France), 27 May 1994.

[50] Time, 1 August 1994.

[51] Boutros-Ghali, Unvanquished.

[52] Secretary-General, S/1994/1308, para. 14.

[53] Secretary-General, S/1994/1308.

[54] Ibid.

[55] Ibid.

[56] Howard Adelman, "The Use and Abuse of Refugees in Zaire," IPEP commissioned paper, 1999, 22.

[57] Mark Frohardt, "UN Human Rights Field Operation in Rwanda," cited in Adelman, "Use and Abuse."

CHAPTER 18

JUSTICE AND RECONCILIATION

18.1. No issue is more vital to the future of Rwanda, nor more difficult, than the broad questions of justice and reconciliation. What punishment is appropriate for those participating in the genocide? What is the purpose of punishment: vengeance, accountability, deterrence, catharsis, a signal that the deadly culture of impunity no longer existed? Justice, in the distinction often used by South African Archbishop Desmond Tutu, can be restorative instead of retributive; which path should Rwanda choose? What would it take for survivors to forgive, even if they would never forget? How many Hutu would have to be convicted? What sentences would suffice? Would they have to admit their guilt, express their contrition, beg for forgiveness? What if some did and others refused? Was collective guilt to be ascribed to all Hutu? Where was the place of mercy, compassion and understanding? What did justice even mean after this unspeakable crime, and notwithstanding the facile statements from abroad was reconciliation in the foreseeable future a realistic possibility? Was there a model somewhere – the South African Truth and Reconciliation Commission – was an obvious example that made sense in the Rwanda context?

18.2. Resolving these quandaries has absorbed a great deal of the new government's time, and some fascinating and commendable resolutions have been attempted over the past six years. But there can also be little doubt that much justice dished out, both formally and informally, could best be described as rough. Frankly, without condoning this situation, it seems to us that many Tutsi would be inspired by an unquenchable thirst for vengeance and that many of them set out to wreak that vengeance. It is certain that great injustice was inflicted on many innocent Hutu in these recent years.

18.3. As for true justice, the reality is that its proper pursuit questions can be debated forever since there are few demonstrable truths in this area. The new government did not have forever, and swiftly made clear its answers. Vice-President Paul Kagame articulated it during a visit to New York in December 1994: “There can be no durable reconciliation as long as those who are responsible for the massacres are not properly tried.” [1] The culture of impunity could only be countered if the masterminds and master executors of the genocide were brought to justice.

18.4. The Rwandan government had no illusions about its capacity to try even the leaders. How could it? The country's justice system, already weak and compromised before the genocide, had now almost literally disappeared. Many court buildings had been wrecked. Of the few qualified legal professionals, many had been killed, had participated in the killings, or had fled the country. The Justice Minister had no budget and no car. There were five judges in the entire country, all without cars or proper offices.[2] Only 50 practising lawyers remained, about the number to be found in any medium-sized law firm in New York; most were not versed in criminal law, and of those who were, some refused to defend accused mass murderers and others feared for their own security if they did.[3] Kigali prison, built for 1,500, held over 5,000.[4] There was hardly food for the prisoners and no prison vehicles. There could be no reconciliation without justice for the perpetrators. There could be no end to the culture of impunity unless all could see that no person was above the law and that perpetrators of crimes against humanity would face the consequences. And there could be no thought of forgiveness without confession of guilt.

18.5. Among the many sources of particular bitterness felt by the government has been the failure of the Roman Catholic church to acknowledge any collective responsibility for the genocide. It was one thing for Hutu Power leaders to deny culpability, but quite another for the church that still commands the allegiance of almost two-thirds of the Rwandan people, Hutu and Tutsi alike. We have seen in an earlier chapter the unfortunate role played by so many Catholic clerics and the hierarchy in general during the genocide, from being active accomplices of the genocidaires to accusing Tutsi rebels of provoking the bloodshed to blaming the atrocities on both sides. The Pope had appealed for peace after the slaughter began, but failed to have his representatives in Rwanda pressure the killers to stop their deadly work.[5]

18.6. Both the Catholic and Anglican archbishops had been personally close to Habyarimana and acted largely as Hutu Power apologists during the genocide. The latter fled to exile and is shunned by his church; his successor has publicly apologised on behalf of the Anglican church for its role in the genocide.[6]

18.7. Nothing similar has emanated from the Catholic hierarchy in Rwanda. Asked one year later by a journalist whether he believed there had been a genocide, Monsignor Phocas Nikwigize, the Bishop of Ruhengeri, replied that, "I don't know. There were battles, deaths, massacres. On one side and the other there were deaths. That's what I know. As for genocide, I really don't know." Other priests adamantly insisted that the Catholic church had killed no one, had incited no one, and that not a single priest or nun was guilty of such behaviour. [7]

18.8. The Rwandan government has repeatedly demanded a formal apology from the Vatican, but with no success. The Pope has stated that he hopes any clergy who was involved would have the courage to face the consequences and "be accountable in the eyes of God and men."[8] But the church refuses to acknowledge any culpability as an institution nor will it agree to conduct an inquiry.[9] The government's anger boiled over when the Pope then joined others in appealing for clemency for those facing executions after some of the genocide trials. We regret that in his February 2000 apology for the past mistakes of the church, the Pope chose not to include, or even apparently allude to, Rwanda. But it is by no means too late for him to do so, and to urge his Rwandan flock to confess whatever guilt they carry and to actively seek reconciliation with their fellow citizens. In our view, this would constitute a major contribution to healing in the country.

18.9. The tension has now moved to the tribunal in Rwanda (see below), since some 20 priests and nuns are among those awaiting trial in connection with the genocide. Most prominent is the archbishop of the prefecture of Gikongoro, Augustin Misago, whose trial began in late 1999. Some media were told that "the case is widely seen as a showdown between the government and the powerful Catholic church in Rwanda," and the case is indeed being attended by senior Vatican officials. We can be certain that more will be heard in the months to come about the role of the Catholic church in the last 100 years of Rwandan history.[10]

The Arusha tribunal

18.10. In November 1994, only several months after the genocide, the Security Council approved Resolution 955 to create an International Criminal Tribunal for Rwanda (ICTR), modelled directly on and named after the tribunal that already existed for the former Yugoslavia (ICTY).[11] The question immediately arose, however, whether the new body would be given the resources to do its job seriously. How exactly would ICTR function, since the chief prosecutor of the original tribunal, South African Judge Richard Goldstone, was now named chief prosecutor of the second, even though one was based in northern Europe and the other in east-central Africa.

18.11. Nor did Africa mean Kigali or elsewhere within Rwanda, as the Rwandan government believed was essential for the trials to become part of the public process of post-genocide recovery. As one senior Ministry of Justice official put it, Rwandan authorities envisioned the leading genocidaires being tried in Rwandan courts before the Rwandan people according to Rwandan law.[12] That way, the survivors and other Tutsi might be prepared to forgive ordinary people who had participated in one way or another. Instead, the UN decided to locate the new court in Arusha, the town in Tanzania that gave its name to the 1993 accords between the RPF and the Habyarimana government. Yet Arusha was either an expensive flight or an extremely long and uncomfortable car ride from Rwanda. Bringing witnesses from Rwanda was complicated. And inevitably, the proceedings seemed very distant from Rwanda and the Rwandan public.

18.12. The decision was deeply resented by the new government. But under the circumstances, it was perhaps hardly surprising that the UN had doubts about Rwanda's capacity to mete out proper justice or uphold international standards. There was also a sense around the UN, articulated explicitly by Secretary-General Boutros-Ghali in May, that the international community had failed Rwanda in its time of greatest need. A number of observers believed that the ICTR was one way of rectifying this wrong. The tribunal would be seen as the international community's court, as the international community taking responsibility for a heinous crime against humanity, even if it meant further alienating the RPF from the UN.

18.13. Finally, and more substantively, some at the UN felt the tribunal could not be entrusted to Rwanda so long as the death penalty was part of Rwandan law, while life imprisonment was the maximum penalty that ICTR could hand down. But this issue was not as clear-cut as it seems, especially from the Rwandan perspective. Had not the Nazis at the historic Nuremberg war crimes trials and the Japanese war criminals in Tokyo faced the death penalty after World War Two. They had committed either the crimes that prompted the Genocide Convention to be written, or at the very least crimes against humanity. Were the crimes of Hutu Power of a lesser order of magnitude than these? According to Rwandan officials, when they argued that ICTR should mandate the death penalty out of respect for Rwanda's laws, the UN countered that it was Rwanda that should change its laws and abolish the death penalty.[13] One wonders whether the same advice has been proffered to the US, China, and Russia

18.14. The preamble to the ICTR statute states that "in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would...contribute to the process of national reconciliation and to the restoration and maintenance of peace."[14] Following the precedent of the ICTY, the tribunal's mandate was to judge persons accused of genocide and crimes against humanity. But unlike the tribunal for the former Yugoslavia, the Rwandan court was limited to crimes committed during 1994 only. This constraint hampers the prosecution of those who planned the genocide before 1994 – Hutu and their allies and those who have committed the extensive crimes against humanity and other gross violations of human rights in 1995 or after, whether Hutu or Tutsi. While this unfortunate limitation at least seems to be even-handed, in practice it is seen by wary Hutu as biasing the tribunal in favour of the government side, a perception reinforced by the exclusive concentration of the tribunal on crimes committed by Hutu during the genocide. Some Hutu do not see justice being done, a major barrier to the reconciliation the government covets and the country so desperately needs.

18.15. ICTR's resources were a serious issue as well. Early in 1998, the deputy prosecutor pointed out that the court was functioning with about 50 investigators while 2,000 had been available to prepare cases for the Nuremberg trials.[15] The same year, Amnesty International scrutinized the tribunal's work based on "international standards and best practice." While acknowledging the "tremendous obstacles [it faced] in creating a whole judicial process from the ground up," three years after it began they found that, "The little experience in running a court has led to inefficiency and confusion, unacceptable delays, and in at least one case a dangerous breach of confidential information."[16] Similarly, David Scheffer, the US Ambassador-at-Large for War Crimes Issues, understood that, "The needlessly slow trial work... has tarnished the credibility of the tribunal and created significant difficulties for the Rwandan government as it seeks to promote reconciliation and dispose of its own colossal caseload of approximately 130,000 suspects."[17]

18.16. Nor did the ICTR prosecutors develop a clear strategy for its work. Early on, foreign governments handed over to it suspects they had arrested but did not want to prosecute. These became the focus of the tribunal. Instead of any coherent attempt to put on trial the political and military masterminds of the genocide, the prosecutors found themselves putting together cases of local importance that happened to have been surrendered to them. But the tribunal also faced unexpected resistance as well from African states in handing over important suspects under their jurisdictions. Both these problems began to be ameliorated in 1997, when from the one side, the OAU pressed its members to co-operate with the tribunal, while prosecutors finally decided to seek out high-ranking officials to try.

18.17. The tiny number of suspects that the court has processed has also long been a source of concern and even distress. Contrary to the expectations of the Rwandan government, from the start the tribunal was not really expected to try more than some 20 suspects a year; after all, only 24 defendants had been named at the Nuremberg trials.[18] ICTR formal proceedings began only in November 1995; its first indictment against eight unnamed individuals implicated in massacres was signed a month later.[19] Four years later, only 28 indictments had been issued and only seven accused had been convicted.[20] There were at the end of 1999, 38 individuals in custody.[21] In August 1999, in an effort to accelerate the frustrating process, the prosecutors recommended that the tribunal hear cases of various accused together, in groups organized according to their roles (military leaders for example) or the particular massacre they have allegedly participated in; so far, the court has agreed to hear military leaders together. This experiment will be watched closely, to see whether due process and expedited trials are compatible.

18.18. While the Arusha tribunal has provided some grounds for disappointment, its real contributions should not be minimized. First, its very first conviction of a local burgomaster, Jean-Paul Akayesu, was for genocide, making it the first international tribunal to hand down a conviction for this ultimate of crimes; the Nuremberg tribunal did not have the mandate to commit for the crime of genocide. The magistrates rejected the defence argument that Akayesu must be judged in the context of a brutal war between two armies. The court instead found that this conflict was merely a pretext for the organizers of the genocide to destroy the Tutsi of Rwanda. "The chamber," the judges said, "is of the opinion that genocide appears to have been meticulously organized."[22]

18.19. Some human rights authorities consider this unprecedented verdict a major turning point in international law, a clear signal that the international community will enforce its conventions against genocide and war crimes. Moreover, as we have seen earlier, Akayesu was also found guilty of rape. This was the first time that rape as a systematic attack on women or as part of a larger plan had been officially recognized in international law as a crime against humanity [23]; this too was a major victory for its long-time advocates. But while a crime against humanity, the tribunal ruled that rape in this context was not a form of genocide.

18.20. It is also significant that for the first time ever, an international tribunal has charged a woman with the crime of rape. Pauline Nyiramusuhuko, Minister of Family and Women's Affairs during the genocide, has been charged with failing to fulfill her command responsibility as a minister by preventing her subordinates from raping Tutsi women. [24] Her trial has yet to begin.

18.21. In these important, precedent-setting ways, it must be recognised that the ICTR is making history. It is also important to realise that some of those who have been and are being tried in Arusha were among the leaders of the genocide, while The Hague tribunal has largely dealt with Balkan suspects of minor status.[25] The Rwandans, for example, include Jean Kambanda, Prime Minister of the government during the genocide, and Colonel Theoneste Bagosora, whom many regard as the central figure in the conspiracy. As an historic first for Rwanda, Kambanda pleaded guilty to the crime of genocide, while Bagosora has always stubbornly insisted that the Tutsi are the real guilty parties.[26] Bagosora's trial could be particularly revealing since Kambanda, at his own trial, offered to testify for the prosecution in other trials. Whether this commitment still stands, however, we will examine below.[27]

18.22. ICTR is making history as well because it is in the end sailing in uncharted waters, as the otherwise critical Amnesty International report acknowledged. Rwanda was not the Balkans, and many of the issues and specifics are dramatically different. In a real sense, the Arusha tribunal is attempting to evolve a system of international criminal justice out of nothing, and it is simply unfair not to appreciate the magnitude of their task and the absence of simple solutions. It is also important to view the tribunal from the perspective of international criminal law and international human rights law. Seven convictions and 36 others being held in pre-trial detention seem a tiny total. But it also reflects the complexity of the work and the determination to operate within accepted international standards of criminal justice.

18.23. ICTR's last decision in 1999, for example, was to find Georges Rutaganda, a leading member of MRND and senior official of the interahamwe, guilty of one count of genocide and two counts of crimes against humanity; the three judges of Trial Chamber I sentenced him to life imprisonment.[28] This brought the number of convicted persons to exactly seven. Most media reports of the Rutaganda decision seem to have been based on the one and one-quarter page press release issued by ICTR's Press and Public Affairs Unit.[29] But the complete text of the judgement is in fact 87 pages, a comprehensive legal document whose very content helps illuminate why each case requires so much time and attention. The fact remains, however, that Rutaganda's crimes had been committed in the first half of 1994, the indictment against him was submitted in February 1996, and his trial ended only in December 1999. On top of that, the Canadian lawyer who acted as his defence counsel immediately announced plans to appeal the verdict and the sentence.[30] In fact most of those convicted have appealed their judgements, adding yet another lengthy step in a process that abides scrupulously by international standards yet to most Rwandans must seem interminably protracted. To this stage, only one appeal has been upheld.

18.24. Perhaps the most useful perspective is the one offered in a recent analysis of post-genocide justice in Rwanda: "Ten years ago it was hard to imagine that an international institution would be able to contribute in such a manner to the fight against impunity for the worst human rights violations. The ICTR experience will also be invaluable for the future International Criminal Court." [31]

The case of former Prime Minister Jean Kambanda

18.25. The ICTR record would be easier to evaluate were it not for the disturbing and inconclusive case of Jean Kambanda, Prime Minister of Rwanda during all but the first two days of the genocide. By pleading guilty to genocide, Jean Kambanda was making history. His 1998 trial should have been the opportunity for the untold inside secrets of the genocide to be revealed to the entire world. In an abbreviated but important way, that is indeed what happened. Yet the trial proved to be far less illuminating than it might have been, and considerable mystery and confusion surrounds it, especially since Kambanda has only recently recanted his sworn confession.

18.26. At the time, an ICTR prosecutor handed down a six-count indictment, accusing the former Prime Minister of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, and two counts of crimes against humanity. Each count set out a small amount of information about his personal role in the crime he was being accused of. When Kambanda appeared before the Trial Chamber, it emerged that "he had concluded an agreement with the Prosecutor, an agreement signed by his counsel and himself and placed under seal, in which he admitted having committed all the acts charged by the Prosecution."[32] A tribunal spokesperson told a press conference that the details of the sealed plea bargain "may be released to the public after sentencing."

18.27. At the trial, Kambanda repeated the plea of guilty on all counts that he had made in his formal plea agreement. It will be particularly interesting to see what a genocide-denier like Colonel Bagasora will respond at his trial. Given that denial remains a favourite tool of Hutu Power advocates even to this day, Kambanda's confession is of vital significance. Not only did he fully concede the existence of a deliberate genocide against the Tutsi population of Rwanda, he equally acknowledged that it was planned in advance. His full confession can be found in Chapter 1 of this report.

18.28. Kambanda's lawyer argued that he should be sentenced to only two years since he had been such a co-operative defendant and had pleaded guilty. The prosecutor joined in asking the judges to take his co-operation into consideration. But the court, noting that despite pleading guilty the defendant "has offered no explanation for his voluntary participation in the genocide, nor has he expressed contrition, regret, or sympathy for the victims in Rwanda, even when he was given the opportunity to do so by the Chamber," sentenced him to life imprisonment.[33] On the other hand, his wife and children, who had experienced death threats in exile, were promised protection, apparently a part of the plea bargain.[34] But, the sealed pact itself was not opened, contrary to expectations.

18.29. Three days later, Kambanda appealed the verdict.[35] Four days after that, he wrote a bitter, five-page letter to the court protesting that he had been refused the lawyer of his choice and accusing the lawyer he was assigned of working against him.[36] The lawyer he requested was no longer accredited to the tribunal. The lawyer offered him, who assisted in his plea agreement with the prosecution, was a long time friend of the Deputy Prosecutor.[37] In January of 2000, Kambanda's new lawyer announced that he was retracting his confession of guilt and asked that the guilty verdict be annulled and a new trial ordered.

18.30. It has now emerged that after his arrest in Kenya, Kambanda was detained for more than nine months in a secret safe house in Tanzania instead of the UN detention facility in Arusha.[38] In all this time he did not make an initial appearance before the tribunal or have counsel, but there are contradictory versions of whether he was denied a lawyer or refused one. There appear to have been violations of the tribunal's regulations and of international law as well, which calls for the accused to appear immediately before the tribunal. It is also claimed that during this period of detention he was interrogated by the prosecution and that there exists anywhere between 50 and 100 hours of tape of these conversations.[39] It is possible, but not certain, that defence lawyers for other defendants have heard some or all of these tapes. But if they exist, their content is unknown.

18.31. Perhaps they would tell us more than the specific series of accusations to which Kambanda pleaded guilty. One of the grave disappointments of his trial was the missed opportunity to have him divulge everything he knew about the events leading up to and during the genocide. According to tribunal rules, a guilty plea automatically does away with the need for presentation of evidence by defence counsel and the court moves directly to sentencing. But in the process, the opportunity to learn the full story is sacrificed.

18.32. The significance of these unusual proceedings should not be underestimated. Kambanda's guilty plea was a cornerstone of prosecution strategy to show that the genocide was planned and that other political leaders at the time should therefore also be prosecuted. It was also at the heart of the prosecution's current strategy to hold joint trials. Kambanda had promised to testify against other defendants, such as Bagasora. It now seems highly unlikely he will do so. Insiders in the Office of the Prosecutor are said to recognize their vulnerability on this important case. All we can reasonably say at this stage is that the unfolding of this very disturbing story will be watched with more than usual interest by people around the world.

The Rwanda justice system

18.33. There has been from the first tensions between the ICTR and the justice system reconstructed by the RPF government. Under the circumstances, it may well be that such tensions are inevitable. Whatever the objective assessment of the ICTR's work, it is hardly surprising that the Rwandan government failed to appreciate its contributions. In any event, whatever transpired in Arusha, Rwanda had its own genocide-related justice issues to deal with.

18.34. In the event, the government's ambitions for justice through its own Rwandan National Tribunal ran no more smoothly than the process at the ICTR. Like the UN, and with no prior experience, it completely underestimated the inherent complexity of the task. The conviction was that the languid pace at Arusha was a travesty that ensured the guilty would never be brought to justice and that Rwanda would have to seek true justice on its own. With the help of funds and technical assistance from abroad, training programs were set up for judges, prosecutors, and other judicial staff, while courthouses were rebuilt and new judges appointed. In early 1995, preliminary hearings began for 35,000 imprisoned Hutu, but they were immediately suspended owing to lack of funds. By October, although there were still no trials, the authorities had rounded up another 25,000 detainees. Very large numbers of these people tens of thousands, according to some authorities were arrested or detained illegally.[40] Yet even these figures did not include those that Amnesty International described as being in "secret detention" and at risk of torture, execution or "disappearing."[41]

18.35. So frustrated were government members by both ICTR's initial dysfunction and their own that early in 1996 they created special courts within the existing judicial system. Three-member judicial panels in each of the country's 10 districts were to consider cases, its members drawn from some 250 lay magistrates who were to receive a four-month legal training course.[42] That same year, in an attempt to rationalize and expedite the process, a new law was introduced dividing the accused into a hierarchy of four categories according to the extent of their alleged participation in crimes committed between October 1, 1990, the day of the fateful RPF invasion, and the end of 1994.[43]

Category 1
*Persons whose criminal act or whose acts of criminal participation place them among the planners, organizers, instigators, supervisors, and leaders of the crime of genocide or of a crime against humanity;
*Persons who acted in positions of authority at the national, prefectoral, communal, sector or cell level, or in a political party, or fostered such crimes;
*Notorious murderers who by virtue of the zeal or excessive malice with which they committed atrocities, distinguished themselves in their areas of residence or where they passed;
*Persons who committed acts of sexual torture;

Category 2
*Persons whose criminal acts or whose acts of criminal participation place them among perpetrators, conspirators or accomplices of intentional homicide or of serious assault against the person causing death;

Category 3
*Persons whose criminal acts or whose acts of criminal participation make them guilty of other serious assaults against the person;

Category 4
*Persons who committed offences against property.[44]

An appropriate scale of punishments was allocated to each category; the death penalty was permitted, but not mandated for the highest category while there would be no imprisonment at all for the fourth and lowest, merely reparations to the victims for the crimes against their property. We should also note that the judges in Arusha have re-worded the last section in Category 1 to read “acts of sexual violence,” a far more common formulation than the Rwandan “sexual torture.”

18.36. Finally, in August 1996, trials began. Yet by 1998, notwithstanding these changes, no more than 1,500 people had been tried and a year later no fewer than 120,000 were still detained and awaiting trial, often in the most deplorable conditions.[45] The government acknowledged that several thousand detainees died that year from AIDS, malnutrition, dysentery or typhus.[46] Film footage from Rwandan prisons in the first year or two after the genocide show men crammed together with little sanitation in disgusting conditions, many of them with open wounds and paralysed limbs, the results they claimed of beatings and torture by RPF soldiers.[47] This situation is only marginally improved today, as anyone visiting a Rwandan detention centre or prison cannot avoid observing, while the more prominent prisoners being held in Arusha, to make matters worse, are known to live in relative comfort.

18.37. At the present rate, it is estimated it would take anywhere between two to four centuries to try all those in detention. The government has pledged to release all those against whom there is only minimal evidence or who have been unlawfully detained, a move that by itself would make large dent in the backlog.[48] Yet attempts to honour this pledge have met with harsh denunciations by the ever-vigilant association of genocide survivors, Ibuka, backed up by Tutsi extremists.[49] Meanwhile, Hutu continue to be arrested as suspects.

18.38. There were also many problems beyond the simple number of detainees and the inordinate length of time it was taking to bring them to trial. For the credibility of the justice system and the larger questions of justice and reconciliation, judicial independence and impartiality are essential characteristics. Yet as in virtually all other sectors of Rwandan public life, the justice system was dominated by Tutsi. Most of the new judges were Tutsi, as were most of the Supreme Council of the Judiciary and three of four presidents of the court of appeal.[50] Six Hutu judges were suspended in 1998 and later dismissed.[51] Moreover, the independence of the judicial system was called into question soon after the courts began to function, as military officers, civilian officials and other influential people did not hesitate to interfere with its operations. The question of professional competence was crucial as well for the system's credibility, and it was soon discovered that completely inexperienced judges with only four months training inevitably made many errors, some of which violated the rights of the defendants.[52]

18.39. There were also very serious questions raised about the quality of justice itself. There was more than enough reason to fear that the real offence of many of those detained had little to do with crimes against humanity. In too many cases, false accusations were made against those whose only "crime" was inhabiting land or property or working in a post that returning Tutsi refugees coveted. In other instances, accusers were known to be seeking retribution for some current or past wrong, real or imagined, but unconnected to the genocide. In some cases, authorities wrongly charged political rivals with genocide and imprisoned them without cause. Some prosecutors acknowledged that between 15 per cent and 20 per cent of detained persons in their areas were innocent.[53] One insider believed that 60 per cent of all detainees in Gitarama prison had either been falsely accused or were at most guilty of Category 4 crimes, which do not demand imprisonment.[54] And given the huge number of prisoners in such squalid conditions and the sluggish pace of the court system, for many the future effectively meant a slow death without ever coming to trial.

18.40. These difficulties were predictable and, under the circumstances, perhaps even inevitable. They also point to one of the reasons often given by those who oppose capital punishment: the possibility of error. This issue is particularly compelling in the Rwandan situation, where a combination of the inexperience of the judges, the inadequate investigations by prosecutors, and the strongly emotional atmosphere in society at large all increase the chances that errors of judgement will occur. Yet in April 1998, the Rwandan government carried out the executions of 22 people condemned to death for Category 1 crimes; in contravention of international criminal law, six had no legal counsel.[55] Their executions took place in public stadiums in several towns, the authorities encouraging the public to attend citing the educational effect of being witnesses. The scene in Kigali attracted thousands of spectators, who watched the killings in a celebratory mood, many expressing satisfaction that justice was at last not only being done but was quite literally being seen to be done. International human rights organizations strongly protested against the executions, joined by others who pointed to the inadequate procedures and the possibility of wrongful conviction, but to no avail.

18.41. Both in Arusha and in Rwanda, the justice process remains a laborious and frustrating one. But as in Arusha, so in Rwanda, positive changes and progress have occurred. We should not underestimate the impact of the trials on the sense within Rwanda that Hutu Power impunity may, finally, have come to an end; no reconciliation could even begin without this development. Moreover, the quality of the Rwandan system has improved considerably in a number of ways, another step along the long road to healing. The number of defence lawyers has dramatically increased to the point that Attorneys Without Borders are hoping that in the very near future there will be enough Rwandan attorneys and judicial defenders available (and willing) to provide legal counsel to genocide suspects.[56] Judges are gaining in experience and convictions have been better substantiated. And as with Arusha, some perspective is required here. As one authority usefully reminds us, "Probably no other criminal justice system in the world would be able to deal with such a large number of cases in a satisfactory manner, i.e. within a reasonable period of time and with due respect for all human rights norms."[57]

18.42. Yet major problems remain that must be addressed. Most pre-trial detainees have never had their detentions reviewed judicially. The investigations continue to be biased against those accused of participating in the genocide and witnesses for these defendants continue to be threatened. Those acquitted are sometimes re-arrested. Despite major improvements, legal assistance is not always given to all defendants. And finally, we must report the highly disturbing fact that cases of sexual crime remain largely uninvestigated.[58] Even though crimes of sexual violence were included in Category 1 by the government, which includes organizers of the genocide, and even though such crimes were virtually commonplace during the genocide, judicial personnel have shown little interest in prosecuting such crimes. As of mid-1998, the last date for which we have data on this matter, only eleven cases of persons charged with sexual crimes had been brought forward.[59] Those who recall the experience with which we chose to open this report will know how disappointing this matter is to our Panel. In terms of both justice and the potential for reconciliation on the part of countless Rwandan women, it is imperative that crimes of sexual violence be taken with the utmost seriousness and dealt with accordingly.

The Gacaca tribunals

18.43. To expedite their own procedures, to reduce its vast caseload, and to increase popular involvement in the justice system, the government has developed a new law that introduces local tribunals inspired by a traditional mechanism for local dispute resolution called the gacaca.[60] As one authority tells us, "Defining gacaca is a hard thing to do.... A gacaca is not a permanent judicial or administrative institution, it is a meeting which is convened whenever the need arises and in which members of one family or of different families or all inhabitants of one hill participate.... supposedly wise old men... will seek to restore social order by leading the group discussions which, in the end, should result in an arrangement that is acceptable to all participants in the gacaca. The gacaca intends to 'sanction the violation of rules that are shared by the community, with the sole objective of reconciliation'...."[61] The objective is, therefore, not to determine guilt or to apply state law in a coherent and consistent manner (as one expects from state courts of law) but to restore harmony and social order in a given society, and to re-include the person who was the source of the disorder.

18.44. The outcome of the gacaca may therefore not at all be in accordance with the state laws of the country concerned. This situation, which prevails in many other, if not all, African countries is known as legal pluralism: the body of legal prescriptions is made up of two (or more) major components. On the one hand, there are indigenous norms and mechanisms, largely based on traditional values, which determine the generally-accepted standards of an individual's and a community's behaviour. On the other hand, there are the state laws, largely based on the old colonial power's own legislative framework and introduced together with the nation-state and its general principles of separation of powers, rule of law, et cetera.[62]
Generally, the types of conflict dealt with by the gacaca are related to land use and land rights, cattle, marriage, inheritance rights, loans, damage to properties caused by one of the parties or animals, et cetera. Most conflicts would therefore be considered to be of a civil nature when brought before a court of law....However traditional the roots of the gacaca, it gradually evolved to an institution which, though not formally recognised in Rwandan legislation, has found a modus vivendi in its relation with state structures.[63]

18.45. The present intention is not to use the traditional gacaca process but to create a new process with similarities to the indigenous mechanism in the hope of promoting harmony and reconciliation while greatly expediting the trials of the tens of thousands accused. The gacaca process is meant to handle all cases except those in Category 1, which means they would still have the grave responsibility for those accused of killing under Category 2. The gacaca decision no doubt indicates the government's ongoing commitment to the elusive search for justice and reconciliation. But there must be no underestimating the difficulty of this key task. There is simply no simple and straightforward means to deal with the question of justice and punishment, as countries from East Timor to South Africa to Guatemala attest, and whether gacaca is the appropriate tool will take time to determine. Certainly it is an ambitious undertaking that will require careful planning and significant resources. The government's proposal identifies the need for a massive popular education campaign, a large-scale training program for the many people who would be involved at the various administrative levels, and an extra US$32 million in the first two years. The relationship between the two parallel justice systems will also need to be co-ordinated with great care.

18.46. Serious questions have been raised as to the capacity of this mechanism to operate fairly and efficiently. From their perspective, some survivors groups have expressed fears that the current proposals amount to some form of disguised amnesty. They are concerned that a Category 2 suspect (a person guilty of intentional homicide or of a serious assault causing death) might confess and, as a consequence, be released after a short prison term. Fears have also been expressed that the proposed system may be used to settle personal scores through some form of collusion between defendants and local inhabitants, especially in rural areas with large Hutu majorities. Amnesty International has expressed concern that that those accused in gacaca trials will not be allowed representation by defence counsel, that those judging complex and serious cases will have no legal training, and that "fundamental aspects of the gacaca proposals do not conform to basic international standards for fair trials guaranteed in international treaties which Rwanda has justified."[64]

18.47. At the same time, there are equally legitimate questions whether real justice is possible in a country with a tightly controlled political system, and where mutual suspicion understandably remains the order of the day. How can genocide survivors and their families and genocide suspects and their families be expected to find common cause in the search for justice? "In some communities, the general willingness to participate in an open discussion on truth, responsibility, guilt, acknowledgement, and punishment may be available. However, the prevalence of extreme suspicion and social antagonism in certain other communities may make any top-down attempt at imposing collective truth telling and restoration of social harmony a lost cause."

18.48. For justice to be rendered, especially through the proposed gacaca tribunals, and for the latter to have the desired restorative and reconciliatory effect, people need to buy into the process: this in itself requires a high degree of freedom of speech and a political spirit of openness and room for dissenting opinion. As one member of the Liprodhor human rights organization was quoted saying, "for people to express their belief in this system and, as a direct consequence, for the gacaca tribunal justice system to function, you would ideally have some sort of referendum. But who, in today's Rwanda, would dare to say no? Those who protest are soon indirectly threatened. During commune assembly meetings, for instance, a burgomaster sometimes denounces the behaviour of someone who disagrees, by saying that he t'hinks like the previous regime.' This comes close to an accusation of complicity in genocide. Therefore, people prefer to remain silent."[65]

18.49. These are serious issues. There is little question the new tribunals will dramatically increase the overall capacity of the state to try suspects and we should note that the new gacaca is a state system. But speed and efficiency, important as they are, must also be accompanied by fairness. Basic human rights must not be sacrificed either to productivity or local participation. This cardinal principle was recognized in the Dakar Declaration, adopted in September 1999, following the Seminar on the Right to Fair Trial in Africa, organized by the African Commission on Human and Peoples' Rights. According to this important statement, "It is recognised that traditional courts are capable of playing a role in the achievement of peaceful societies and exercise authority over a significant proportion of the population of African countries. However, these courts also have serious shortcomings which result in many instances in a denial of fair trial. Traditional courts are not exempt from the provisions of the African Charter relating to fair trial."[66]

18.50. The government's draft proposals have not yet been introduced in Parliament. When they do, we can only hope they reflect the concerns raised by those who are sympathetic to the government's intentions but rightly believe that the new system must conform to high standards of judicial fairness.

Future challenges

18.51. Even should gacaca live up to the highest expectations, however, questions of reconciliation and justice are bound to remain. The magnitude of the problem alone makes that inevitable, although innumerable other sources of tension continue to exist. That is why concerned citizens, both in and outside Rwanda, bring forward supplementary or alternative solutions. One of them, inevitably, is the establishment of a national or international truth and reconciliation commission for Rwanda. Given that we are speaking of genocide, we believe there is no acceptable alternative to criminal prosecution of all the key individual perpetrators. But scholars and human rights advocates have made a sensible case for a Rwandan national truth and reconciliation commission more or less along the lines of the well-known South African experiment.

18.52. Such a commission, it is hoped, would fill a serious vacuum in Rwandan life: "Unless an independent institution is developed that provides the opportunity for victims to tell their stories and for those who are guilty of human rights violations to confess, Rwandan society will continue to live under the shadow of division, tension and violence... This body need not replace criminal prosecutions or grant amnesties. In fact, international law prohibits the granting of amnesty for the gross violations of human rights that have occurred in Rwanda. The commission should instead complement other activities already under way in Rwanda, serving as a forum in which victims can tell of their suffering and be heard and acknowledged, and so regain their dignity."[67]

18.53. It is largely forgotten that in the Arusha accords, the parties agreed "to establish an International Commission of Inquiry to investigate human rights violations committed during the war." This is among the aspects of the accords not acted on by the present government. Such a commission could be similar to the internationally sponsored and staffed Truth Commission that was established in El Salvador, a model different from that of South Africa. But the ground rules are comparable, and very demanding. All perpetrators of crimes against humanity or genocide must first acknowledge their guilt to themselves, and then confess publicly. Human rights violations committed by all parties would need to be faced. Is it realistic to expect either genocidaires or RPF officials to co-operate in this exercise?

18.54. To this stage, of those responsible for the genocide, only a tiny number have acknowledged guilt, large numbers have not abandoned their genocidal ideology, many are still actively waging war to take over the country again and finish their "work," no acts of restitution from successful Hutu in the diaspora have been forthcoming, nor has a Hutu group anywhere collectively apologized. In late 1996, in a rare initiative, Hutu joined Tutsi and Europeans in a meeting in Detmold, Germany. The two dozen participants were all Christians from different denominations, and all accepted some responsibility for the 1994 genocide and asked for mutual forgiveness. Yet there are no easy steps along the road to reconciliation. While the initiative was applauded by some, many criticized it, in particular because of the assumption of collective responsibility by ethnic groups as a whole.[68]

18.55. On the other side, of those still in government, hardly any have acknowledged even the existence of major human rights abuses committed by the RPF. Some individual soldiers have been convicted and even executed for criminal acts, and the government never denies that individuals have indeed committed terrible acts. Yet, as Paul Kagame has insisted, these are isolated cases that do not reflect government policies. And while he openly agrees that it is often difficult to distinguish between ordinary Hutu and genocidal Hutu, Kagame dismisses any charges of massive RPA massacres as shameless attempts to equate that behaviour with the genocide.[69] Yet there cannot even be the beginning of reconciliation and national healing without acknowledgement of guilt. As we have asserted before, the reality of the genocide does not excuse human rights abuses by its victims or their representatives. Nor is it self-evident that models of reconciliation elsewhere have worked as hoped. There have been many more such experiments than most of us knew. They have occurred, for example, in Chile, Guatemala, El Salvador, Argentina and Haiti. A commission of Muslims, Serbs, and Croats is being considered for Bosnia, whose job would be to write common history of their war – an unenviable task, as Rwandans should be the first to acknowledge. Although of course the contexts are in crucial ways different, the people of East Timor have begun precisely the same debates as their counterparts in Rwanda.[70]

18.56. A thoughtful new study of South Africa's Truth and Reconciliation Commission (TRC) only complicates theissue. The writer questions whether the process in fact served to widen the huge gap that divides South Africans and concludes that it will take more than one generation for true reconciliation to occur.[71] Yet on the basis of the same study and a comparison with other comparable efforts to find national healing, another writer argues that, "For all the limitations of South Africa's Truth Commission, it seems to have been more successful than anything else yet tried, in part because its designers could learn from the mistakes of nations that had come before."[72] South Africans themselves evidently share these conflicting and highly ambivalent views. A survey showed that among the black population, 60 per cent believed the Truth Commission had been fair to all sides, 62 per cent thought its work had made race relations in the country worse, and 80 per cent felt that its work would help South Africans to live together more harmoniously.[73] One analyst intriguingly compares South Africa with Rwanda: in the first, the Truth Commission exemplifies the dilemma involved in the pursuit of reconciliation without justice, whereas Rwanda exemplifies the opposite: the pursuit of justice without reconciliation. [74]

18.57. The exceedingly controversial notion of an amnesty in Rwanda receives attention as well. The idea is that only the leaders of the genocide would be tried and punished. One long-time Rwanda scholar argues that, "Amnesty for the 'rank-and-file' of the genocidaires, for the hundreds of thousands who may have killed because they had no other choice, would serve a salutary purpose if conducted along the lines of the [South African] Truth and Reconciliation Commission, with full disclosure of their deeds by the killers." Such disclosure was the sine qua non of amnesty. In South Africa killers walked free, but with the world knowing of their guilt; that was the sole penalty they paid. It has resulted in great bitterness and endless disputes. As Archbishop Desmond Tutu warned, amnesty would "cause a lot of people heartbreak," and indeed it did for many families who watched their relatives' murderers becoming free men. But as Tutu has said, "Amnesty is not meant for nice people. It is intended for perpetrators." For people like Tutu, amnesty was a form of restorative justice which is concerned not so much with punishment as... with healing, harmony, and reconciliation.[75] Yet as the survey demonstrated, amnesty failed to bring any of these to many black South Africans.

18.58. There is also, however, a practical case to make for amnesty. First, what incentive is there for Ex-FAR soldiers and interahamwe to give up the fighting, unless it is the chance to begin normal life afresh? In South Africa, amnesty became the explicit price paid to the white establishment to give up power peacefully; is a comparable scenario possible for Rwanda? Secondly, there is the more practical question of the capacity of the justice system ever to try all present suspects, even with the new gacaca tribunals. Here too there are South African parallels. As the Trutch Commission itself wrote, "If the South African transition had occurred without any amnesty agreement, even if criminal prosecution had been politically feasible, the successful prosecution of more than a fraction of those responsible for gross violations of human rights would have been impossible inpractice."[76]

18.59. These comments demonstrate the extraordinary complexity of the problem. It may be that Rwandans share a general consensus regarding the need to eradicate the culture of impunity. But even impunity is in the eye of the beholder, and perceptions in Rwanda today differ radically. Victims of the genocide, overwhelmingly Tutsi, perceive the current situation as ongoing impunity, since so few perpetrators have been tried and found guilty. Others, predominantly Hutu, perceive the current situation as massive political and ethnic oppression, since tens of thousands of their families are directly affected by the detentions, despite the fact that they insist on their innocence and in any event should be considered innocent until proven guilty. How are these conflicting perceptions to be reconciled?

18.60. The tragic truth, as one observer puts it, is that, "The government seems caught in a vicious cycle. It is perceived by the Hutu masses as an occupying force maintaining power through the use of arrest and intimidation. The jails, filled with people who are the sons, brothers, cousins, nephews, or fathers of most Rwandan Hutu, are a persistent reminder of this power. But from the government's perspective, without the arrests and the consequent intimidation, the Hutu masses may revolt against the minority government."[77]

18.61. But this leads us to the heart of the matter. Justice and reconciliation in Rwanda is not the function of the justice system alone. If other government policies foster injustice and divisiveness, the best court system in the world will not produce reconciliation. If Hutu Power leaders incite Hutu to hate, how can there be reconciliation? Can there be reconciliation within Rwanda while the government and genocidaires continue their life-and-death battle on the fields of the DRC? Can there be reconciliation while the country faces bitter poverty and few amenities?

18.62. Mahmood Mamdani, an insightful Ugandan scholar looking at Rwanda, notes the irony "that while the current government does not tire of shouting from the rooftops that 'we are all one people, we are all Rwandese,' I believe there never has been a time in the history of Rwanda when the Bahutu and Batutsi were so polarized a function of their long and tragic history."[78] He describes the dichotomy this way: "After 1994, the Tutsi want justice above all else, and the Hutu [want] democracy above all else. The minority fears democracy. The majority fears justice. The minority fears that democracy is a mask for finishing an unfinished genocide. The majority fears the demand for justice is a minority ploy to usurp power forever." [79] Yet it is surely clear that any successful state, Rwanda's not least, must offer both justice and democracy. Some formula must be found that offers the minority the security it must be assured of and the majority the right to govern. This is challenge enough for any country, let alone one with the infinity of other challenges that face Rwanda today.

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[1] Prunier, 342.

[2] Prunier, 343 footnote 65.

[3] Amnesty International, "News Release, AI INDEX: AFR:47/13/97," 8 April 1997.

[4] Prunier, 343 footnote 65.

[5] Des Forges, 286, 642, and 768.

[6] Ibid., 768.

[7] As seen on "Rwanda: the Betrayal," presented by Lindsey Hilsum, Channel 4 Television, UK, 1995.

[8] Daniel Licht, "L'eglise protégé des abbés impliqué dans les massacres," Golias, 2 avril 1999.

[9] Ibid.

[10] Alison Des Forges interview; EIU Country Report, "Rwanda," 4th Quarter 1999 (Economist Intelligence Unit, 1999), 13; Chris McGreal, "Bishop's trial puts Church in dock for Rwanda massacre," Guardian Weekly (London), 26 August-1 September 1999; Tom Masland, "The Bishop in the Dock," Newsweek, 27 September 1999.

[11] See the ICTY Statute and ICTR Statute, which specifically states that the mandate of the ICTY would be expanded to include the Court in Arusha. Des Forges, 738.

[12] Gourevitch, We wish to Inform You, 253

[13] Des Forges, 762.

[14] Preamble to the ICTR Statute

[15] Des Forges, 741.

[16] Amnesty International, "International Criminal Tribunal for Rwanda: Trials and Tribulations," April 1998.

[17] David J. Scheffer, US Policy on International criminal Tribunals, address at Washington College of Law, American University, Washington, DC, March 31, 1998, 4.

[18] Telford Taylor, The Anatomy of the Nuremberg Trials: A Personal Memoir (London: Bloomsbury Publishing Ltd., 1993), Appendix.

[19] See ICTR Fact Sheet No.1: The Tribunal at a Glance, found at website:. www.ictr.org/ENGLISH/factsheets.htm.

[20] Ibid.

[21] Ibid.

[22] ICTR, Judgement 96-4-T.

[23] Des Forges, 744.

[24] Pan African News Agency, "Woman Charged with Rape by Rwanda Genocide Tribunal," 13 August 1999.

[25] Filip Reyntjens, "Talking or Fighting: Political Evolution in Rwanda and Burundi, 1998-1999," Current Affairs, 21(1999): 12-13.

[26] Theoneste Bagosora, L'assassinat du Président Habyarimana ou l'ultime opération du Tutsi pour sa reconquête du pouvoir par la force au Rwanda (Yaounde, Cameroon, 1995).

[27] ICTR, "The Prosecutor versus Jean Kambanda", 97-23-S, 4 September 1998.

[28] Foundation Hirondelle, "Former Rwandan Militia Leader Gets Life Sentence for Genocide," 6 December 1999.

[29] "Rutaganda convicted of genocide and sentenced to life imprisonment," ICTR/INFO 9-2-216en, Arusha, 6 December 1999.

[30] Foundation Hirondelle, "Rutaganda's Lawyer to Appeal Rwanda Tribunal Verdict," 6 December 1999.

[31] Vandeginste, 7.

[32] "Sealed pact to be disclosed after Prime Minister is sentenced, Registry says," FH Wire Service, 1 September 1998.

[33] Ibid.

[34] Ibid.

[35] ICTR, "Notice of Appeal," Case 97-23-S, 7 September 1998.

[36] "Former Rwandan Prime Minister sentenced to life for genocide insists upon the lawyer of his choice," FH Wire Service, 14 October 1998.

[37] Ibid.

[38] Foundation Hirondelle, "Former Rwandan Prime Minister Pleads Guilty Before UN Court, Background," 21 August 1998.

[39] Interviews with Carol Off, a Canadian journalist soon to publish a book about Arusha; "Former Prime Minister wants to retract guilty plea," FH Wire Service, 6 January 2000; "Defence Attorneys critical of Jean Kambanda's guilty plea before the ICTR," Press release, 4 May 1998.

[40] Vandeginste, 9.

[41] See Amnesty International, "Rwanda: The hidden violence: "disappearances" and killings continue," 23 June 1998, AI INDEX: AFR47/23/98.

[42] Amnesty International, "News Release, AI INDEX: AFR:47/13/97," 8 April 1997.

[43] The new law was passed 30 August 1996. Des Forges, 750.

[44] Organic Law No. 8/96, 30 August 1996. Published in the Gazette of the Republic of Rwanda, 35th year, no.17, 1 September 1996.

[45] Report prepared for IPEP by the Rwanda National Unity and Reconciliation Commission, "Some efforts made by the Government to build a new society based on national unity and reconciliation," February 2000.

[46]Des Forges, 753: also see Reyntjens, "Talking or Fighting?,"11.

[47] National Film Board of Canada, "Chronicle of a genocide foretold," The Rwanda Series, vol.3, 1996.

[48] Amnesty International, Rwanda: the Troubled Course of Justice, 26 April 2000.

[49] Vandeginste, 11.

[50] Reyntjens, "Talking or Fighting?" 11.

[51] Reyntjens, "Talking or Fighting," 11.

[52] Des Forges, 757.

[53] Des Forges, 754.

[54] Ibid.

[55] Des Forges, 761.

[56] Des Forges, 757; also see Avocats Sans Frontières, "Justice for All in Rwanda, Annual Report 1998," to be found at website: http://www.asf.be/frans/archives/e_rwanda98.htm.

[57] Vandeginste, 14.

[58] Ibid., 11-12.

[59] Des Forges, 750.

[60] Ibid., 761.

[61] Ibid.

[62] See John Pendergast and David Smock, "Postgenocidal Reconstruction: Building Peace in Rwanda and Burundi," Special Report for the United States Institute of Peace, Washington, DC, September 15, 1999, 17.

[63] Vandeginste, 14-16.

[64] Amnesty International, "Rwanda: the Troubled Course of Justice," 26 April 2000

[65] Vandeginste, 28.

[66] Ibid.

[67] Ibid., 15.

[68] A knowledgeable observer

[69] John Pomfret, "Rwandans led revolt in Congo; Defence Minister says arms, troops, supplied for anti-Mobutu drive," Washington Post, 9 July 1997.

[70] Susan Lynne Tillou, UN Transitional Administration in East Timor, "The Path to justice in East Timor," Toronto Star, March 16, 2000.

[71] Martin Meredith, Coming to terms: South Africa's search for truth (New York: Public Affairs, 1999).

[72] Tina Rosenberg, "Afterword: Confronting the painful past," in Ibid., ix.

[73] Meredith, 318-319.

[74] Mahmood Mamdani, "Reconciliation without Justice," Southern African Review of Books, (Nov-Dec 1996): 3-5.

[75] Meredith, 112, 318, 319.

[76] Ibid., 321.

[77] Tony Waters, "Conventional wisdom and Rwanda's genocide: An opinion," African Studies Quarterly, taken from "Relief Web," 9 December 1997, 4.

[78] Mahmood Mamdani, "From conquest to consent on the basis of state formation: Reflections on Rwanda," New Left Review , 216 (1996): 3-36.

[79] Ibid.

CHAPTER 19

THE KIVU REFUGEE CAMPS

The refugees

19.1. Well before the genocide had even been halted, two million mostly Hutu Rwandans – an impossible number to grasp – were stranded as refugees in neighbouring countries, their status and future anything but clear.[1] Some had actually been herded out by the genocidaires, using them as shelter for their own escape, while most others, terrified by a combination of real human rights abuses by the RPF and hysterical Hutu Power propaganda, gratefully sought refuge from the advancing troops. Would they want to return? Could they be trusted if they returned? Would they be armed? Could they be disarmed? Could they trust the new government? Could the new government cope with the needs they would generate? What about the large numbers of Ex-FAR and Interahamwe and genocidaire leaders who had escaped into the camps? The RPF knew better than most that refugees were a potential political and military problem, not just a humanitarian one. It had itself been a refugee-warrior army. Created by conflict, they returned three decades later to create conflict. What would be the impact of the Hutu refugees now in Zaire, Burundi, and Tanzania? The answer proved infinitely more convulsive than anyone could have anticipated.

19.2. The fleeing refugees made history. All numerical estimates in these situations are necessarily rough, but based on the research that has been done, we have a good sense of the scale of magnitude of the exodus. In a 24-hour period between April 28 and 29, the genocide not two weeks old, 250,000 Rwandans from the east crossed the small border bridge at Rusumo into western Tanzania; it was an exodus described by UN High Commission on Refugees (UNHCR) as the largest number in the shortest period it had ever experienced anywhere.[2] Yet within six weeks, another new record was set at the opposite end of Rwanda. Between July 14 and July 18, 850,000 Hutu walked across from north-western Rwanda into Goma, a small town in the Kivu district of eastern Zaire.[3] In terms of scale, rapidity and concentration, it seems to have had no competitors anywhere. But right from the beginning, a disastrous policy decision was made: The refugees were camped just over the border from Rwanda. Not only did this violate the 1969 OAU Convention on Refugees that calls for refugees, for reasons of security, to be placed at a reasonable distance from their country of origin, it provided the exiled Hutu Power leaders a perfect jumping-off spot for their raids back into Rwanda.

19.3. The estimated geographical distribution of the Hutu refugees in 1995 was as follows:
Burundi 270,000
Tanzania 577,000
Uganda 10,000
Zaire (Goma) 850,000
Zaire (Bukavu) 333,000
Zaire (Uvira) 62,000[4]

19.4. It is a reflection of our catastrophe-ridden age that hardly anyone discusses the mere 10,000 who arrived in Uganda, while the more than quarter-million who fled south into Burundi are usually examined in the context of that country's existing ethnic strife. Yet, as we have noted earlier, a mere handful of refugees turning up uninvited in any number of western countries can ignite an entire political crisis.

Tanzania

19.5. In fact, an intrusion of such magnitude is always unwelcome and invariably causes havoc in any country, and the poorer the country, the greater the predicament. Certainly Tanzania fit into this category. It was in deep economic trouble even before April 1994.[5] Then came the first 250,000 refugees from Rwanda. The Minister of Foreign Affairs described the impact: "The influx...brought population pressures in the border districts sheltering the refugees, environmental and ecological destruction, depletion of stocks, havoc to the social services and infrastructure, insecurity and instability in the border areas.[6]

19.6. Yet Tanzania seems to have dealt with the crisis in an exemplary manner, and the situation was quickly brought under a semblance of control. One critical key was the existence of an effective government that, instead of using the refugees as political pawns, was able to deal with security problems while it quickly developed a rational policy framework. UNHCR was appointed the overall co-ordinating agency of the relief efforts, its job being considerably facilitated by the presence in the region of only about 20 aid non-governmental organizations.[7] The UNHCR co-ordinator in the region later recalled that, "The cooperation between UNHCR and the NGOs in this emergency situation was almost perfect. We had an enormous advantage. We were already here and waiting. So were the NGOs. We had been working together on a project for Burundi refugees and we knew each other well." [8]

19.7. But Tanzania was to be peacefully invaded several more times. By the end of the genocide, another 300,000 Rwandans flooded in, and many of the camps were mere replicas of the social structures that had been left behind, with the same genocide leaders still very much in charge.[9] Militiamen ran loose, intimidating and killing at will. The following March, disturbances in neighbouring Burundi prompted 40,000 people to flee to Tanzania, but this time only half were permitted to enter, the border was closed, and the government announced its intention to repatriate all refugees within its borders.[10] The problems being created were devastating, while the international community failed to provide the material assistance that was desperately needed, although the crisis was no more of Tanzania's making than it was of nations oceans away. From Tanzania's point of view, its exemplary "open door policy," meant to provide temporary relief for fleeing refugees, was becoming a permanent dumping ground for the conflicts of its neighbours. A fluke of geography had landed it with an onerous burden that the world seemed disinclined to share.[11]

19.8. It could only be a matter of time before it decided it simply could not afford to be solely responsible. In 1996, Tanzania initiated a policy of forced repatriation of all Rwandan refugees except those who could demonstrate their lives were specifically endangered if they returned.[12] By the end of the year, an estimated 475,000 refugees had moved back to Rwanda.[13] Although human rights organizations criticized the Tanzanian decision, it was supported by UNHCR. Tanzanian officials have continued ever since to try to make the international community understand the invidious position of countries like itself, unlucky enough to find themselves on the front lines. But the will to share these burdens is distinctly lacking.

The role of the media

19.9. Yet the Tanzanian situation was a model compared to the fiasco in Zaire, which made the latter a heaven-sent opportunity for the televisions cameras. They could ignore the complexities, as usual, and emerge with an irresistible human interest story. The truth was that no one was prepared for the vast throng of humanity that materialized at the Rwanda-Zaire border.

19.10. The authority of the central government everywhere in Zaire was problematic; in the east of the country, the region around Lake Kivu, it was on the verge of disintegration. Only a few NGOs were present, and they were caught completely unprepared. So was UNHCR. Their contingency planning was based on an influx of 50,000 refugees.[14] In two days in Tanzania they had to deal with five times that many. Yet UNHCR failed to change their planning procedures in the light of this experience, not even after participating in a UN-co-ordinated contingency planning exercise that indicated the likelihood of a massive population movement out of north-west Rwanda directly across the frontier through the town of Goma in north Kivu.[15] As a result, the Goma exodus turned into a nightmarish debacle. The few resources were quickly overwhelmed. The shores of Lake Kivu, made of almost impenetrable volcanic lava, could not have been more inhospitable; beyond the lack of food and medicines were the problems of proper latrines, shelter, and clean water. After a week there were 600 deaths per day, after two weeks 3,000; and within the first month of their arrival, as many as 50,000 refugees had died 30,000 of them from cholera in the Goma camps.[16]

19.11. The outside world, looking at this nightmarish spectacle it had taken not a single step to prevent, compounded the crisis in every way imaginable. First came the media, and Rwanda's latest experience with the well-known "CNN effect." The Kivu refugees became an irresistible magnet for the giant western television networks. Viewers around the world who had barely known there was a genocide or a war, now learned of its other victims, the survivors of yet another outbreak of mindless violence between African tribes, so the media implied. This was par for the course for the mass media, as an academic study of the role of American television during this period in Rwanda illustrates.[17] Most American television correspondents and producers knew nothing of Rwanda when they materialized in the days after Habyarimana's plane was shot down. They had no sense of the country's background before April 6 and little interest in learning.[18]

19.12. In these situations, the routine rarely varies anywhere in the world, as demonstrated in a study by Human Rights Watch of communal conflict in 10 different jurisdictions.[19] Most reporters naturally gravitate to the same bars, where they repeat to each other the latest gossip and rumours, which then become the headline of the day. In Rwanda, an implicit, matter-of-fact racism soon took hold, as reporters quickly instructed each other and their audiences back home that the entire crisis was little more than the resurgence of ancient ethnic hatreds among Africans.[20]Here was yet another example of African "tribes" slaughtering each other, a simplistic notion good for an effective 10-second sound bite. As it happens, that Rwanda was nothing more serious than a case of Africans killing other Africans was precisely the line being spun by the genocidaires in a systematic and sophisticated campaign of disinformation shrewdly designed to disguise the reality of the genocide.[21]

19.13. A graph of American network television coverage of Rwanda prepared by the academics is illuminating.[22] Before April 6, there had been hardly any at all. So Americans came to the subject with almost no background information whatever. In April, May, and June, coverage was modest in quantity and simplistic in analysis. In July, it exploded, becoming a media sensation, the lead item on television news night after night. Throughout August, it steadily receded until once again it disappeared forever. And of course the July story was not about the genocide or even the war, except as they provided vague backgrounders to the starving, suffering, cholera-ridden refugees of eastern Zaire – a perfect story for the television cameras and for the ill-informed journalists covering it. In the process, the reality of the genocide as one of the most gruesome events of our time was virtually lost.

19.14. Such distorted media coverage happens to be welcomed more often than not by the international community; after all, if the conflict is deemed to be inevitable, or beyond control, outside intervention is pointless. Such was the case now. For the United States, for example, the policy consequences of the media's role had been all too obvious, and for the Tutsi of Rwanda all too tragic. TheClinton Administration was easily able to implement Presidential Decision Directive 25, severely limiting future American interventions in foreign crises, beginning with Rwanda. But the intensive television coverage of the Kivu refugees – the CNN effect in all its potency – pushed Clinton to deploy substantial Pentagon resources in what the military called a "feeding and watering" operation in eastern Zaire.[23]

19.15. One senior Administration official later described how the "CNN factor" worked. "All of a sudden" the multiple horrors of Goma "were being.. broadcast at the evening dinner hour into people's homes throughout... the United States. This in turn provoked an almost immediate public outcry... and people started contacting their Congressman who in turn started... contacting the White House and State Department demanding action. Two weeks earlier the same Congress had been more than happy not to have US involvement in another African adventure because Congress too was leery as a function of the Somalia syndrome. But once CNN and other media began portraying this disaster in Goma and the public started leaning on Congress, the US government was forced to act. [24]

19.16. It took the Americans almost two months to provide its promised vehicles for UNAMIR II, and in the end they never did arrive in Rwanda before the conflict ended.[25] But once the White House ordered the Pentagon to help the Kivu refugees, US troops were on the ground within three to four days.[26] The formula, then, was simple: The world allows the massacres to take place, then attempts to deal as best it can with some of the inevitable and, above all, visible consequences.

19.17. This reaction was by no means limited to the US. On the contrary, squalid refugee camps shown repeatedly on television elicited international concern and guilt that mere genocide had been insufficient to awaken. From April to December, the world responded with about $1.4 billion,half of it coming from the European Union and the US.[27] Funds that could not be afforded for peacemaking became generously available for refugee needs. Funds that could not be afforded for Rwandan reconstruction were available for the genocidaire-controlled camps of eastern Zaire; some two-thirds of all assistance was provided outside Rwanda, and just over 10 per cent of that went towards reconstruction. These imbalances were even true of the refugee crisis itself; by mid-1995, 20 times more aid had gone to refugees outside the country than to support the enormous task of refugee resettlement within Rwanda.[28] A simple, one-dimensional, humanitarian emergency was something the world thrived on – at least while the television cameras were on. But the full-fledged, multifaceted, complex emergency that the Kivus and Rwandan reconstruction actually constituted proved easier just to ignore.

Zaire: the aid givers

19.18. From around the globe, aid workers thronged to the Kivus. Some 100 different NGOs involved themselves in Goma and north Kivu at the peak of the response to the refuge influx.[29] We have no doubt that large numbers of aid workers were motivated by the greatest concern for the refugees. The performance of many NGOs was extremely impressive and efficient, while a good number of them co-operated closely with each other. There can be little doubt that they helped countless numbers of refugees.

19.19. But there was another, less positive, side to the story. Almost immediately the NGOs became another element of controversy and conflict. As was immediately demonstrated, there is no such thing as an NGO "community" any more than there is an "international" community. What there is, as the Kivus revealed, is simply a very large number of individual agencies and groups, some of whom behaved there in ways that were totally inconsistent with their own fund-raising rhetoric and ostensible value system.[30]

19.20. While some NGOs worked closely together, as we have already said, in too many cases this was not true. Co-ordination and co-operation among them was, and remained throughout, minimal, resulting in competition for the use of locally procured resources such as accommodation, office space, and equipment. This in turn inflated the cost of operations as well as the cost of living for ordinary Zairians in these areas. Some NGOs obviously had no right to be there at all, their staffs being inadequately trained and equipped for the task. Some gave undertakings to cover a particular sector or need and failed to deliver. Others refused to be co-ordinated, as if foreigners had a natural right to operate without constraints anywhere in Africa. Some were there only because such high-profile operations were invaluable for fund-raising purposes. Probably $500 million was raised by foreign NGOs from the general public, making the Rwandan refugees big business for them, and the competition among them for attention – the best means toexploit a disaster to attract more funds – was intense and not necessarily in the best interests of genuine refugees.[31]

19.21. Thanks to their use of terror and intimidation, the camps in eastern Zaire were effectively under the control of the Ex-FAR and the militia, who effectively hijacked the distribution of a significant amount of humanitarian aid. In a real sense, the refugees who wanted to return home to Rwanda were quasi-hostages. This was widely understood, as was the determination of the Hutu Power leaders to return to power in Rwanda. Yet none of this deterred most of the NGOs from working hand-in-glove with them. Most people also knew the tricks of the Hutu Power leaders: they routinely inflated the numbers in the camp to get larger rations, monopolized whatever share pleased them, and sold the rest to finance further political or military operations.[32] This was common knowledge, yet most aid agencies believed they had little choice.[33] A number gave serious consideration to withdrawing entirely but, like UNHCR, concluded that their mandate "and the humanitarian imperative of caring for the majority of vulnerable and needy civilians, women, and children made a withdrawal impossible."[34] The dilemma was unavoidable: Either play byHutu Power rules or abandon innocent civilians to their fate – a heart-wrenching decision that we certainly do not mean to belittle.

19.22. As a result, many NGOs became in practice caterers to Ex-FAR and the militia, some of whom had committed crimes against humanity and genocide. In practice, they were dependent on the military controlling the camps to carry out their humanitarian mission – if it is possible to reconcile the two concepts. Some provided food supplies to camps that were explicitly military, on the grounds that humanitarian aid did not take sides. Some of them hired known war criminals as assistants and helped to ensure their families were fed and received health care. Even a full year later, little had changed, one US NGO reporting that, "Too many international NGOs in Goma...continue to employ Rwandan individuals who are strongly suspected of participating in...mass murder... In many instances, the genocide participants are well known and easily identified." [35] Unfortunately, all this meant little attention and limited resources were available for the reconstruction of Rwanda itself. Its inexhaustible needs took a back seat to the more photogenic plight of the suffering multitudes in the camps, some 10 per cent of whom were not refugees at all but war criminals whose only suffering was their unfulfilled need to slaughter more Tutsi.[36] The Secretary-General's Special Representative for Rwanda considered this an area of especial frustration for the RPF; as far as the government was concerned, "the world was doing nothing" while humanitarian aid was going to the genocidaires in the camps who were re-arming and committing acts of sabotage on an increasing scale inside Rwanda.[37]

19.23. It is important to emphasize that at least some NGOs, outraged at the depredations of Hutu Power and embarrassed by their own unwilling complicity, did try to deal with their dilemmas. Fifteen prominent NGOs from north Kivu banded together to warn UNHCR they might withdraw from the camps unless there was immediate and decisive action to protect both the refugees and the relief effort.[38] In a joint statement, the agencies insisted that neither they nor UNHCR could fulfil their mandates of protecting and assisting refugees under existing circumstances. As they pointed out, when aid workers tried to intervene on behalf of victims of discriminatory practices, their own lives were threatened, threats they all took very seriously. Unfortunately, this joint action proved to be an isolated action, and accomplished little. It led to no greater systematic coordination among NGOs, and when UNHCR failed to make common cause with the 15 agencies, most resumed their programs. Finally, only Médecins Sans Frontières withdrew, arguing that they were doing more harm by bolstering the genocidaires than whatever assistance they provided to genuine refugees.[39]

19.24. Significant questions were raised by the actions of the NGOs in eastern Zaire during this period. Why did so many of them choose to work there rather than in Rwanda itself? Why did they continue doing work they knew was ethically dubious at best? Why were some NGO spokespeople seen on the media so frequently making statements about situations about which they clearly understood so little? At least a substantial part of the answer, as the important report of the 1996 Joint Evaluation of Emergency Assistance to Rwanda concluded, must lie in the institutional position of NGOs in terms of competitive fund raising. Once a disaster reaches international attention via the mass media, all NGOs must be seen to respond, even if the intervention is misguided or objectively of low priority. Otherwise they might lose credibility and profile with their donors. For NGOs, as one Goma relief worker candidly conceded, it becomes a case of "Be there or die" and for smart agencies, the lesson has become "Be there and be seen."[40] Once there, a further public relations imperative takes over: it is necessary to play up both the magnitude of the disaster and the efficacy of their own contribution. At times, needless to say, it becomes difficult to resist the temptation to magnify both.

19.25. We should emphasize that the role of Hutu Power leaders in the camps was not remotely clandestine. Their activities were public knowledge, because they spoke about their plans publicly and because they carried out their terrorist tactics openly. "Undaunted by fear of prosecution, they hold audiences with journalists, United Nations agency staff and representatives of non-governmental organizations in the camps and towns of eastern Zaire, in the Zairian capital Kinshasa, and in Nairobi, to boldly justify their actions." [41] The Ex-FAR received arms shipments in the camps,[42] conducted military training exercises, recruited combatants, and (in terms used in documents later found in one of the camps) planned a "final victory" and a definitive solution to Hutu-Tutsi antagonisms. The genocidaires "openly declare their intent to return to Rwanda and kill all Tutsi who [would] prevent us from returning" and, as Colonel Theoneste Bagasora, told an interviewer in November, to "wage a war that will be long and full of dead people until the minority Tutsi are finished and completely out of the country."[43]

19.26. The camps at this stage were home to both Hutu Power political leaders and Ex-FAR and interahamwe. Estimated figures for all categories disagree wildly, even among well-known authorities, and we cannot claim to be able to reconcile them. There seem to have been between 50 and 230 political leaders, and probably as many as 70,000 soldiers and militia. By any calculation, this was a formidable force.[44]

19.27. None of these were genuine refugees by most accepted definitions of the term. By international and OAU law, a refugee by definition cannot resort to violence.[45] Neither can those guilty of crimes against humanity be considered refugees. Nor could they be recognized in any quasi-formal way as refugee-warriors a rather exalted and morally ambiguous concept. Humanitarian agencies do not define as refugees those who take up arms against the regime from which they fled (although they are often central to the solution of refugee problems).[46] None of these considerations, however, deterred the UN, the international NGOs, most western states, and most media from routinely describing the settlements as ordinary refugee camps.

19.28. In fact it was impossible for even the most uninformed among the NGOs not to know the truth about the camps: They constituted a rump genocidal state on the very border of Rwanda. As early as August 3, only two weeks after the new government was sworn in, a report from the UN Secretary-General noted that, "It is known that substantial numbers of former Rwandese government forces and militia, as well as extremist elements suspected of involvement in the massacres of the Hutu opposition and RPF supporters, are mingled with the refugees in Zaire and are reportedly trying to prevent their return."[47] Later that month a UNHCR official declared: "We are in a state of virtual war in the camps."[48]

19.29. In October, senior UNHCR officials, led by UN High Commissioner for Refugees Sadako Ogata, who had understood early the need to separate out the armed elements in the camps, began warning publicly and urgently of the risks if the status quo prevailed. [49] A December UN report stated that, "Former soldiers and militia men have total control of the camps....They have decided to stop, by force if necessary, any return of the refugees to Rwanda....It now looks as if these elements are preparing an armed invasion of Rwanda and that they are both stockpiling and selling food aid distributed by caritative [sic] organizations in order to prepare for this invasion."[50] Observers reported that, "A common sight at the entrance to each camp...was a Mercedes saloon, still sporting Rwandan licence plates, full of men in dark suits and sunglasses, handing out huge piles of cash to young camp thugs."[51] Whoever disagreed with the leadership were simply killed, a sure way to deter returns to Rwanda.

19.30. The genocidaire leaders and their fronts had ready access to the media of the world, which effectively gave them a monopoly as the authentic voice of the Hutu people.[52] Not for a moment were they contrite about their past deeds or secretive about their future plans. The intention to attack Rwanda was openly, boastfully, proclaimed. In November, barely months after leading the genocide, the powerful Colonel Theoneste Bagasora told interviewers that the exiles had vowed "to wage a war that will be long and full of dead people until the minority Tutsi are finished and completely out of the country."[53]

19.31. Within the camps, the anti-Tutsi propaganda campaign that had begun with the RPF invasion of 1990 continued without losing a beat.

19.32. "The camp inhabitants were indoctrinated with genocidal rhetoric and a re-written history of Rwanda. Documents found in Mugunga camp in late 1996 [after the Hutu had fled] purporting to be history emphasized the unremitting repression of the Hutu by the Tutsi. These documents called for a just war of liberation against their oppressors and placed all responsibility for what had occurred on the shoulders of the Tutsi-dominated RPF."[54]

19.33. At the end of December the genocide President and Prime Minister, Theodore Sindikubwabo and Jean Kambanda, publicly proclaimed a new government-in-exile in Zaire and called for preparations for a renewed war. (Kambanda made history several years later when he became the first person ever to plead guilty to the crime of genocide.) We might point out what the RPF will not have failed to note at the time: These were the men the international community was demanding be included in negotiations for a new "broad-based government."

Zaire: the failure to disarm

19.34. Under France's controversial Opération Turquoise, a significant portion of the Hutu Power forces escaped across the border from the French safe zone in south-west Rwanda, some of them fully armed. The consequences were at least foreseeable.[55] The refugee camps were quickly militarized, security for real refugees deteriorated swiftly, and raids targeting Tutsi began across the border into Rwanda. In response, the RPF, its neighbouring governments and the OAU called for the urgent repatriation of all legitimate refugees and the immediate separation and disarmament of armed elements operating among the refugees. The OAU put substantial effort into pressing for these aims, especially the urgent need to separate and disarm the killers.[56]

19.35. Meetings of OAU and regional leaders were held in Arusha, Tanzania, in September 1994, attended by then US Secretary of State Warren Christopher; then in Bujumbura, Burundi early in 1995; then in Cairo under the auspices of former US President Jimmy Carter, together with Archbishop Desmond Tutu, and former Heads of State Julius Nyerere of Tanzania and General Amadou Toumani Toure of Mali, and then again in Tunis. The African position, while clear and consistent, nevertheless depended for its implementation on resources from the UN and international community. But the position was largely ignored and no such resources were offered.

19.36. The UN had taken charge of the situation in the camps, but it rejected both repatriation and separation. According to Boutros-Ghali, of 60 states contacted to contribute to a security force in eastern Zaire, only one responded positively. Accordingly, the Security Council, with the concurrence of the Secretary-General, decided that the security problems of the camps should be the responsibility of the UNHCR.[57] On the issue of repatriation, UNHCR, while sympathetic to immediate return in principle, made the reasonable determination that such a move was simply unrealistic at this early post-war stage.[58] It was the second issue that was far more controversial.

19.37. In effect, the Security Council was leaving the fate of the camps, not to say of the entire region, in the hands of Hutu Power, a decision we find not easy to understand. UNHCR's mandate explicitly requires its work to be humanitarian and not political in nature; it has no capacity whatever to be effective beyond this mandate. It was literally not possible for UNHCR to undertake such measures as the forced disarming of militias or their forcible separation from the refugees, and indeed neither was ever attempted.[59] Senior UNHCR officials urgently lobbied several governments, pointing out the crucial need to disarm the killers and their own inability to do so, but without result. In the end, UNHCR signed an unusual agreement with the government of Zaire to provide "elite troops" to ensure security in the camps. The Zairian Minister of Defence might call them "Ogata's soldiers," but in fact UNHCR's influence over the troops was severely limited. The men refused to disarm the refugee-warriors. Disarmament was the main motive of UNHCR in employing them, and eventually, after great cost, their corruption and brutality was too blatant to be endured further.[60]

19.38. Yet the task for the appropriate body such as a well equipped UN Human Rights Field Operation, was not overwhelming. Later it would be said in justification that the operation was simply too risky and would have led to massive casualties. But observers who had studied the situation and knew the camps well believed that the political leaders, who were recognizable could be separated from regular uniformed soldiers without major clashes.[61] And while the militia were often unidentifiable as such, they operated under the direction of their superiors; and if the chain-of-command were broken at the top they might have lost much of their effectiveness. At least, given the predictable consequences of not disarming this force, it made sense to try.

19.39. In summary, then, as a result once again of a deliberate policy choice by the international community, the camps remained under the control of unrepentant armed killers, who used them as bases to launch raids across the nearby border into Rwanda, adding substantially to the impossible burdens the RPF was already shouldering.

19.40. Why did the world's most important leaders allow this terrible situation to fester? Why did the world refuse to insist on the self-evidently sensible course of disarming and separating out the genocidaires? Our own research indicates three reasons. First, these operations would have cost more than western nations were prepared to consider. Secondly, any military action would have been dangerous; few states were ready to accept serious casualties for an operation that was, as always, of marginal real interest to them. In fact, after consultations with 60 countries that might have contributed troops, the Secretary-General reported that as of early 1995 only one had formally offered a unit.[62]

19.41. Finally, in a truly surreal twist, many NGOs in the Kivus feared the repatriation of the refugees to Rwanda at this time would damage their own self-interest. This was a moment when NGOs were unusually influential in the world, being seen as close to the ground and sensitive to the realities of the situation. This was exaggeration at best, myth at worst. As one old hand bluntly told an academic, "Inexperienced relief workers are treated as experts by even more ignorant reporters parachuted in for the event."[63] In fact, shrewd aid workers had their own agenda to sell. Many of them were only too pleased to exploit the moment for their own self-aggrandizement. Delivery of humanitarian assistance to refugees had become a lucrative business for them, while television coverage of the refugees' plight was made-to-measure for fund-raising purposes in wealthier countries.

19.42. Rwanda was far less open to the NGO world than the Kivus were. It was the new hot spot on their agenda, and few dared miss the opportunity to raise their profile for fund-raising purposes. Some 154 NGOs had materialized, with minimal co-ordination among them and little concern for working within the priorities of the new government.[64] Few of them seemed to have a grasp of the situation into which they had jumped. One long-time aid official despaired: "There are hundreds of inexperienced [NGO] kids running around here who know nothing about Rwanda. Worse still, they are not interested."[65] Disorderly, competitive, and often unco-operative, these newcomers had infuriated the RPF leaders, who could hardly lay their hands on a paper clip, while young foreigners from the West zapped around Kigali in their new, expensive, gas-guzzling, four-wheel-drive vehicles and monopolized scarce office space and equipment.[66] One year later, fed up with their uncooperative behaviour, the government expelled 38 NGOs entirely and suspended the activities of 18 others.[67]

19.43. Hutu Power leaders opposed the return of the refugees, and they did not hesitate to murder or at least intimidate any of those who disagreed. The refugees were a most convenient pawn for the genocidaires, which was among the reasons the new Kigali government demanded their return. First, they were a source of funds for Hutu Power in the form of humanitarian aid. Secondly, they were a great propaganda tool to demonstrate the callousness of the RPF who were falsely blamed for not allowing them to return. Thirdly, they were invaluable as buffers to prevent the arrest or disarming of the plotters themselves. Overall, then, the teeming camps constituted an ideal setting for Hutu radicals to implement their long-term plan to reorganize themselves, rearm, woo external sympathizers, invade Rwanda, restore Hutu Power and finish off their "work."

Rearming Hutu power

19.44 So the refugees remained, the armed killers remained, and the raids into Rwanda continued, with all the consequences foreseeable at the time. For it was no secret what was going on in the camps. As reports continued of the intensification of military activities in the camps and increased infiltration and sabotage in Rwanda, the Security Council took decisive action: It established an international commission of inquiry to investigate allegations of arms flows to forces of the former government.[68]

19.45 The commission, established in November 1995, almost a year and a half after the mass exodus to the Kivus, issued three reports before its work was suspended a year later (It was revived in 1998 for six months). It made several recommendations for implementing an arms embargo and for curbing the military training in the camps. All of them were ignored. The major finding was expected by anyone who had the slightest knowledge of the region and the flourishing arms trade. Mobutu had steadfastly supported the Rwandan government that led the country into genocide, including the provision of military support; and he continued to support that same government in exile.[69] Already there was a damning new report by the Human Rights Watch Arms Project, whose charges had been confirmed by Amnesty International and various BBC television programs based on their own investigations. As one scholar summed it up simply, "Mobutu was clearly in complicity with the FAR."[70]

19.46 In a March 1996 report, the commission confirmed these charges: There was intensive rearmament in the camps, Ex-FAR and interahamwe were training new recruits, and the Zairian army was implicated in both activities. The Zairian government blithely told the commission it had investigated the allegations against itself and had found them all to be false. Other countries alleged to be sources of arms included Belgium, France, Bulgaria, China, and South Africa. All denied it.

19.47 This put the commission in a ludicrous position. Lacking the resources to conduct investigations on its own, it had no alternative but to seek assistance in its work from the very states that were accused of breaching the arms embargo. Once these states reported that, like Zaire, they had conducted their own internal examination and had found no evidence of wrongdoing, the commission had little choice but to repeat these automatic denials.[71] States had no need to take the commission seriously, and acted accordingly. It ended as a sorry reflection of the weakness of the UN and its inability to resist what can only be called a global culture of impunity, yet the commission's findings were chilling. It drew attention to the critical problem of arms proliferation. The simple truth was that arms of all sorts were widely and easily available. Most originated outside Africa, where arms manufacturing remained a lucrative source of business in many countries. As we have seen, nothing seemed easier than to find both legitimate and illicit ways to get those arms into Africa. The end of the Cold War had also meant that vast quantities of unneeded weapons were now available at ridiculously cheap prices.

19.48 But Africa had its own source of arms proliferation as well. One, ironically, stems from the successes of the freedom movements over the preceding decades; according to International Commission of Inquiry Chair Mahmoud Kassem, countless millions of weapons still circulate from the wars of liberation in Mozambique, Zimbabwe, Angola, and South Africa. Another source is the various rebel groups that once were themselves government troops, including, among others, the armies of Presidents Habyarimana and Mobutu. This situation provides yet another major challenge to those seeking peaceful resolution to the conflicts of Africa.

19.49 In September 1996, after further investigations, the commission filed a second report, amplifying the first. It concluded again that there was ample and convincing evidence that Ex-FAR and the interahamwe militia were acquiring arms from a variety of forces in violation of the Security Council embargo and were conducting intensive training in Zaire and Tanzania with a view to invading Rwanda. They were also fund raising world wide to finance their activities, drug peddling being one of their money-raising schemes. The commission also established links between these Rwandan rebels and anti-government, anti-Tutsi insurgents from Burundi. Finally, the report had found even more evidence that Zaire continued to play a central role as a conduit for arms supplies to and military training of Rwandan and Burundian insurgents on its soil.

19.50 Once again, the commission made its recommendations, but this time it was too late. The foreseeable came to pass. Since the world refused to intervene against the menace to Rwanda in the camps, the intended victims decided – as they had warned often enough – that they had little choice but to do the job themselves. The regionalization of the conflict was now a step away.

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[1] Prunier, 312.

[2] Des Forges, 636.

[3] Millwood, Study 3, 35.

[4] Prunier, 312.

[5] Africa Information Afrique (AIA), "Tanzania: What rights for refugees?" found at website: gopher://csf.colorado.edu/00/Themati&/950807.tan.Who_Will_Help_Refugees, 7 August 1995.

[6] Bonaventure Rutinwa, "The Aftermath," 16.

[7] Millwood, Study 3, 152.

[8] Bonaventure Rutinwa, "The Tanzanian Government's Response to the Rwandan Emergency," Journal of Refugee Studies, 9, no.3 (September 1996).

[9] See graph of refugee population in Millwood, Study 3, 33.

[10] Rutinwa, "The Tanzanian Government's."

[11] Ibid.

[12] Rutinwa, "The Aftermath," 37.

[13] Rutinwa, "The Tanzanian Government's"

[14] Millwood, Study 2, 46-48.

[15] Ibid.

[16] Ibid, 36.

[17] Ibid, Study 2, 46-48.

[18] See Livingston and Eachus in Adelman et al..

[19] "Playing the Communal Card: Communal Violence and Human Rights," (1995)

[20] African Rights, Death, Despair, 250-257 and Livingston and Eachus in Adelman et al.

[21] Nik Gowing, "New Challenges and Problems for Information Management in Complex Emergencies: Ominous Lessons from the Great Lakes and Eastern Zaire in late 1996 and early 1997," paper presented at a conference titled "Dispatches from Disaster Zones: The Reporting of Humanitarian Emergencies," May 1998.

[22] Millwood, Study 2, 46-48.

[23] Livingston and Eachus in Adelman et al.

[24] Tony Marley, Frontline interview.

[25] Millwood, Study 2, 53.

[26] Ibid, Study 3, 58.

[27] Ibid, 24.

[28] Ibid, Study 4, 32.

[29] Ibid, Study 3, 152.

[30] Andy Storey, "Non-Neutral Humanitarianism: NGOs and the Rwanda Crisis," Development in Crisis, 7, no.4 (1997): 384-394.

[31] Anton Baaré, David Shearer and Peter Uvin, "The limits and scope for the use of development assistance incentives and disincentives for influencing conflict situations: Case Study: Rwanda," Development Assistance Committee: Informal Task Force on Conflict, Peace and Development Cooperation (Paris: OECD/OCDE), September 1999, 11.

[32] Prunier, 314.

[33] African Rights, Death, Despair, 1092.

[34] Dennis McNamara, Director, Division of International protection, UNHCR, statement to US House of Representatives Committee on International relations, Sub-Committee on International Relations and Human Rights, hearing on "Rwanda: Genocide and the Continuing Cycle of Violence," 5 May 1998

[35] Cited in ibid., 267.

[36] For evidence of the media and refugee situation, see Millwood, Study 3, 150.

[37] Joel Boutroue, "Missed Opportunities: The Role of the International community in the Return of the Rwandan refugees from Eastern Zaire," The Inter-University Committee on International Migration, The Rosemary Rogers Working Paper Series, Working Paper #1, June 1998, 25.

[38] Prunier, 313.

[39] African Rights, Death, Despair, 1091.

[40] Millwood, Study 3, 152.

[41] Human Rights Watch Arms Project, "Rwanda/Zaire: Rearming with Impunity, May 1995," 3-4.

[42] See "Rearming with Impunity," and Amnesty International, "Rwanda: Arming the perpetrators of genocide," 1995.

[43] "Rearming with Impunity," 2-3.

[44] Kate Halvorsen, "Protection and Humanitarian Assistance in the Refugee Camps," in Adelman et al., Path of a Genocide, 312

[45] Howard Adelman, "The Role of Refugees in the Rwandan Genocide," IPEP-commissioned paper, 1999, 4 and 11.

[46] Ibid.

[47] United Nations, "Report of the Secretary-General on the Situation in Rwanda," 3 August 1994, S/1994/924, paragraph 23.

[48] Ray Wilkinson, "Heart of Darkness," Refugee Magazine, 110 (Winter 1997): 5.

[49] Dennis McNamara.

[50] Africa News Report, 28 November 1994.

[51] Ray Wilkinson, 5.

[52] Gourevitch, We Wish to Inform You, 266.

[53] HRW, "Rearming with Impunity," 2-3.

[54] Howard Adelman, "The Use and Abuse of Refugees in Zaire," April 1996- March 1997, in Adelman ed., Humanitarian Intervention: Zaire 1996-1997, forthcoming publication, 6.

[55] Rutinwa, "The Aftermath."

[56] Amare Tekle, "The OAU: Conflict Prevention, Management and Resolution," in Adelman et al., Path of a Genocide, 128.

[57] Second Report of the Secretary-General on security in the Rwandan refugee camps, indicating that deployment of a UN peace-keeping operation to enhance camp security does not appear feasible, 25 January 1995, in The United Nations and Rwanda, 443.

[58] Millwood, Study 4, 89.

[59] See Gourevitch, We Wish to Inform You, 268-269; Millwood, Study 2, 60.

[60] Adelman, "Use and Abuse of Refugees," 10; Boutroue, 46-47

[61] Adelman, "The Role of Refugees," 18; Boutroue, 42.

[62] Millwood, Study 2, 60.

[63] Storey, "Non-Neutral Humanitarianism," 389.

[64] Prunier, 328.

[65] Storey, "Non-Neutral Humanitarianism," 389.

[66] Rudolph von Bernuth, "The Voluntary Agency Response and the Challenge of Coordination," Journal of Refugee Studies, 9, no.3 (September 1996): 285.

[67] Ibid.

[68] United Nations, "Report of the International Commission of Inquiry (Rwanda) S/1996/195," 14 March 1996.

[69] Prunier, 317 and 319.

[70] Arthur Klinghoffer, The International Dimension of Genocide in Rwanda (New York: New York University Press, 1998), 66.

[71] United Nations, S/1996/195, paragraphs 40-47.

CHAPTER 20

THE REGION AFTER THE GENOCIDE

The first continental war

20.1. The years from 1990 to 1993 were turbulent for Rwanda. The 11 months from the signing of the Arusha accords to the swearing in of the new government in Kigali on July 19, 1994, were perhaps as tumultuous as any the world had witnessed. And yet the end of the genocide was not the end of a terrible chapter in the history of one country. On the contrary, it was the opening of an entirely new chapter, almost as appalling as the first, but enveloping the entire Great Lakes Region in brutal conflict before becoming a war that has directly or indirectly involved governments and armies from every part of the continent. For Africa, the genocide was only the beginning.

20.2. Conflict was all but inevitable once much of Hutu Power escaped armed and unrepentant into Zaire and the UN then failed to disarm or isolate them. The inevitable was then accelerated by the re-emergence of Mobutu as a central actor in the tragedy. His informal lobby, consisting of several former but still influential Africa hands from the US, French, and Belgian governments, successfully put the pressure on former colleagues.[1] Given both Mobutu's singular record and his fatal illness, many were bewildered when France, with little resistance from the US, insisted that the refugees, including those who had planned and directed the genocide, be put under the authority of Mobutu; he was, insisted French President Jacques Chirac, "the best man placed to represent Zaire and find a solution to this [refugee] problem." [2]

20.3. This policy not only protected the genocidaires; it rehabilitated both the Mobutu network in Zaire and Mobutu in the world.[3] In November 1994, Mobutu – not long before denied even a French entry visa – was invited to a Franco-African Summit from which the new government of Rwanda was banned.[4]

20.4. Yet Mobutu's position could hardly be more transparent. A patron of Habyarimana and his clique from the first, Mobutu now associated with the leadership of the genocidaires, defended them diplomatically, and supplied them with arms.[5] Mobutu's network, as the UN Commission of Inquiry reported, now indeed regularly funnelled arms to the war criminals who had fled to the camps in eastern Zaire.[6] But all observers understood that Kigali's stance was equally transparent: the RPF would not long tolerate Ex-FAR and interahamwe genocidaires running loose directly across the border, perfectly positioned for raids back into Rwanda. Had there ever been a way to de-escalate the conflict after the Hutu Power escape into Zaire, the resurrection of Mobutu buried it. The move guaranteed disaster, sooner rather than later.

20.5. At the same time, the genocidaires based in the Kivus were modifying their strategy in a way that accelerated regional tensions even more. For the first year after their escape, their armed invasions into Rwanda were aimed mainly at economic targets. These attacks "increasingly generated harsh reprisals from the RPA...aimed at punishing suspected sympathizers accused of supporting the rebels. The effect, however, was to increase sympathy for the Hutu extremists from the Hutu population of Rwanda, precisely as intended by the militant excursions."[7]

20.6. But once the RPF army had developed an effective counter-insurgency strategy, the Hutu Power leaders changed their strategy to target local civilian authorities and genocide survivors. While successful in killing many people, by 1996 "the incursions had become counter-productive in terms of winning the 'hearts and minds' of the local population." Accordingly, the genocidaires adopted a third strategy, an attempt to secure their bases in eastern Zaire by the total ethnic cleansing of Zairian Tutsi, some of whom had lived in the region for generations.[8]

20.7. These related occurrences – the failure to disarm the genocidaires and the re-emergence of Mobutu – were the outcome of deliberate policies of omission or commission by the international community. Now, as a predictable consequence, they combined to trigger a series of stunning developments, most notably two successive wars centred on Zaire/Congo, whose impact continues as we write this report. The ramifications for the entire region and for the Organization of African Unity's commitment to conflict resolution have been unsettling, to say the least. As UN Secretary-General Kofi Annan said in July 1999, the presence of armed groups in the Democratic Republic of Congo (DRC) lies at the core of the conflict in the sub-region and undermines the security of all the states concerned.[9] Some have taken to calling it the "First World War of Africa," [10] others "Africa's First Continental War." [11] No one knows the toll in human lives, but it cannot be less than staggering; the estimate most often cited as of the end of 1999, as we will see in more detail below, is hundreds of thousands – quite possibly many hundreds of thousands – of combatants, refugees, and civilians.

The actors

20.8. The sheer number of actors is bewildering and greatly compounds the complexity of the situation. Throughout 1999 and into 2000 in the Great Lakes Region, six government armies (Congo, Rwanda, Burundi, Angola, Uganda, and Zimbabwe), two former government armies (Zaire and Ex-FAR), and over a dozen rebel groups opposed to one or another of the regional governments, have been intermittently engaged in violent confrontation. Other African governments, such as Chad, Libya, Sudan and Namibia were involved as well, but more peripherally, while the US and France were active behind the scenes; indeed, it appears the US had been training Rwandan troops almost since the RPF victory of 1994. [12]

20.9.But there are further Africa-wide complications. Nations from Zimbabwe to Egypt consider themselves to have interests, directly or indirectly, in the outcome of the Great Lakes conflicts. This is problematic enough. But it is significantly exacerbated by spectacular shifts in alliances among states, rebels and assorted other groups that have characterized these few years. The ancient logic decreeing that "The enemy of my enemy is my friend" proved irresistible, and as it so often does, has led to some remarkable associations.

20.10.By 1996, four civil wars were being fought in part or entirely on Zairian soil. These included the RPF government of Rwanda against the old genocidaires; the Tutsi government of Burundi against radical Hutu adversaries; the Ugandan government of Yoweri Museveni against two distinct rebel groups; and a number of rebel organizations against Mobutu. Towards the end of the year, these four crises finally converged in a large-scale regional conflict even while each of the individual civil wars continued to rage.

20.11.This series of cataclysms began in October 1996, when, for reasons we will explain, the Rwandan army (RPA), joined by local Tutsi fighters who had been trained in Rwanda and a small alliance of anti-Mobutu Zairians, attacked and forcibly closed down the camps in the Kivus. The RPF government initially denied all reports of its involvement, but six months later Vice-President Kagame took credit on behalf of Rwanda for the entire initiative.[13] A host of factors motivated the attacks.

20.12. Even before the genocide and the subsequent flood of refugees into Zaire, separate conflicts between Zairians of Rwandan origin and local groups had occurred in both north and south Kivu.

20.13. In the north, one scholar tells us, "the Banyarwanda – literally, people of Rwanda – battled indigenous Zairians, known (in French) as autochtones. About half of north Kivu's 3.5 million people were Banyarwanda, approximately 80 per cent of them Hutu (1.4 million) and 20 per cent Tutsi (350,000). Here, let it be emphasized, was another case where ethnic backgrounds were generally submerged in a larger Rwandan identity. Over the years in eastern Zaire, there had been broad social contact between Tutsis and Hutus and a great deal of intermarriage, to the point where the ethnicity of many individuals was impossible to identify."[14]

20.14. The Banyarwanda included those who had been brought into the area as plantation labourers by the Belgians during colonial rule and Tutsi who had fled during the Hutu-led pogroms leading to independence. A law of 1972 granted citizenship to all persons of Rwandese origin who had established residence in Zaire before 1950.[15] In 1981, a new law rescinded the nationality of these long-time residents, who were now rendered stateless.[16]

20.15. Even though the Banyarwanda were now numerically superior in north Kivu, they were persecuted in many ways. Over the years, tensions heightened between them and other ethnic groups over issues involving land, traditional authority structures, and political representation at the national level. Between 1991 and 1994, clashes erupted between Tutsi and Hutu Banyarwanda on the one hand and militias associated with local ethnic groups on the other.[17] These assaults provoked counter-attacks by the Banyarwanda in which some 6,000 people were killed and perhaps 250,000 were displaced.[18] This was the scene when the tidal waves from the genocide next door began to wash over eastern Zaire.[19]

20.16. The sudden arrival in July 1994 of 1,200,000 Rwandan refugees could only compound and transform the conflict in the Kivus.[20] Before, it was autochtones against all Banyarwanda. All that swiftly changed. Despite generations of cordial relations, Tutsi and Hutu in Zaire could hardly remain untouched by the genocide. Hutu Power exiles immediately saw a new source of recruits. A new alliance came into existence, as Hutu Banyarwanda united against the Tutsi Banyarwanda with Ex-FAR and interahamwe as well as the autochtones who were trying to murder them only days before. At the same time, the exiles brought automatic firearms with them that quickly replaced the machetes that had previously been the weapon of choice.

20.17. Through mid-1996, attacks on the Zairian Tutsi had become frequent, with hundreds dead and many thousands internally displaced.[21] The horrible climax occurred in May in Masisi, a region in north Kivu, when the new anti-Tutsi alliance, spurred on by official Zairian government policy, led to the ethnic cleansing of the Tutsi Banyarwanda in the region. Yet no one seemed to care besides other Tutsis themselves. "Perhaps the most incredible fact about the whole Masisi incident," writes one expert, "especially in the light of the 1994 genocide, was the virtual silence and inaction of the international community....The silence was almost as deafening this time. Even Médecins sans Frontières' urgent call to evacuate trapped Tutsis was unheeded. The lesson that the Tutsi in Zaire, Rwanda, Burundi and Uganda could not rely on anyone but themselves was now forcefully driven home." [22]

20.18. A comparable phenomenon emerged in southern Kivu. There the Tutsi were known as Banyamulenge, or people of Mulenge, after the area where Tutsi first settled when they migrated into the area at least two centuries earlier. Through all that period, relations between them and their indigenous neighbours were quite harmonious until the modern era, that is. Tensions first arose when the Banyamulenge, together with others of Rwandan origin, were deprived of their Zairian nationality. These tensions were then severely exacerbated after the assassination by Tutsi army officers of Burundi's elected Hutu President Ndadaye in 1993, when the subsequent massacres by both sides drove some 300,000 Hutu refugees into neighbouring south Kivu.[23]

20.19. Suddenly, local authorities, evidently taking their cues from their superiors, were found declaring that Banyamulenge would never be real Zairians and that their leaders would be expelled from the country.[24] In October 1996, for example, Lwasi Ngabo Lwabanji, the deputy governor of south Kivu, ordered all Tutsis to leave the country in a week. "Those of them who defy the order," he said, "[they] will be exterminated and expelled." [25] These officials encouraged the formation of interahamwe-like militias among local ethnic groups to attack the Banyamulenge.[26] Soon the militia were joined by the Zairian army in killing Banyamulenge and looting their property.[27] Banyamulenge anxiety, now great, was also heightened by the presence in their area of many Hutu Power exiles, as well as reports from the north of attacks by all against Zairian Tutsi. It was not long before killings began to be reported attributed to Banyamulenge militiamen.[28]

20.20. Several different strands of the Great Lakes saga now converged. In October 1966, the RPF government, backed by the government of Uganda, brought together a collection of four, small, anti-Mobutu exile groups in a military coalition called Alliance des Forces Démocratiques pour la Libération du Congo-Zaire (AFDL). Laurent Kabila, a long-time Mobutu foe, was designated as spokesperson for the new alliance, though he soon emerged as the de facto leader.[29] In fact, as many authorities agree, the characteristic most common to the four parties, besides being in exile and anti-Mobutu, is that all "had almost no following." [30] In truth, as Vice-President Kagame later acknowledged, the entire initiative had emanated from Rwanda: the Rwandan army was training Zairian Tutsi; it had close contacts with the newly formed Banyamulenge militia, it organized the AFDL; and RPA commanders were the military leaders of the AFDL.[31]

20.21. The Rwanda action, in turn, won the support of three more of Zaire's neighbours – Uganda, Burundi and later Angola – all of whom had serious grievances against Mobutu and who saw in Kabila the perfect figurehead for the alliance.[32] Moreover, although this was truly an African initiative, the US, now far and away the major external actor on the continent and an ally of the governments in both Uganda and Rwanda, threw its support as well behind the AFDL.[33]

20.22. What drove the four African countries? Angola, which only entered the fray in its late stages, had been undermined for decades by Mobutu's support for Jonas Savimbi and his UNITA rebels; they had wrecked the country. Here, the Angolan government hoped, was the opportunity to knock off both Mobutu and Savimbi at the same time.

20.23. Museveni's Uganda had been the birthplace of the RPF, and his government had continued to support them as they fought their way to victory from 1990 through the genocide in 1994. Uganda had always been the RPF's most important single source of arms. Rwandan Vice-President Kagame had been a senior military aide to Museveni, and the two men remained close. There was no love lost between the two heads of state of Zaire and Uganda. Mobutu feared Ugandan designs on eastern Zaire, which had in fact developed important economic and cultural ties to east Africa, while more than one Ugandan rebel movement was launching attacks on Uganda from military bases in Zaire; the fall of Mobutu seemed a chance to deny them a base of operations.[34]

20.24. Burundi had similar interests. The country was sinking ever deeper into the near anarchy of an endless civil war. In 1987, Major Pierre Buyoya had overthrown a regime that had ruled for 11 years. In 1993, Buyoya permitted multiparty elections in which he and his largely Tutsi party were defeated by a largely Hutu party. Three months later, Melchior Ndadaye, the new President, was assassinated by Tutsi officers; massive ethnic violence ensued. His replacement, Cyprien Ntaryamira, a Hutu, died five months later along with Rwanda's Habyarimana when the latter's plane was shot out of the sky, triggering he genocide. Yet another Hutu, Sylvestre Ntibantunganya, became president. In July 1996, with conflict between the two ethnic groups continuing to rage, the Tutsi-dominated army overthrew Ntibantunganya and for the second time Major Pierre Buyoya assumed the presidency.[35]

20.25. Many thousands of civilians were killed, with local Hutu officials and government soldiers each accusing the other of responsibility. In the aftermath, a new radical Hutu organization was formed, the National Council for the Defence of Democracy (CNDD) with an armed branch, the Democratic Defence Front (FDD). Both had established bases in south Kivu, where the FDD was recruiting, training and arming young Hutu with the avowed aim of staging a violent return to power in Burundi. Getting rid of Mobutu might mean a regime in Zaire that would not tolerate the presence of these elements on its soil. Still, Burundi's military contribution was the least significant.

20.26. It was Rwanda that played the largest role among the non-Zairian backers of Kabila's AFDL.[36] There were several reasons for its central role. First was the plight of the Zairian Tutsi who had been so supportive of the RPF after the 1990 invasion, providing recruits, weapons and money and reinforcing the perception among many autochtones that their loyalty to Zaire was equivocal. Second, as we have seen, was the increasingly genocidal tone of the anti-Tutsi propaganda being generated in the Kivus.

20.27. Finally, there were the camps, and the utter failure of the international community to control them. As we have earlier seen, although authorities disagree about exact figures, some tens of thousands of camp inhabitants were in reality Ex-FAR and interahamwe. For the RPF government in Kigali, far more than ethnic solidarity was at work here. The camps were the launching pads for Hutu Power to raid across the border, kill Tutsi, co-operate with and incite local Hutu on the Rwandan side, destroy infrastructure, undermine confidence in the government, and ultimately take back the power they still believed rightfully theirs so they could finish the "work" begun during the 100 days.

20.28. Time and again, as loudly as they could, RPF leaders had made it abundantly clear that if the international community failed to deal with this intolerable situation, they would do the job themselves.[37] As Kagame told an American journalist, he had travelled to Washington in August 1996 to meet with officials in the Clinton Administration. "I was looking for a solution from them. They didn't come up with any answers, not even suggestions." A State Department official confirmed that Kagame had been unequivocal. If the UN did not dismantle the camps, "somebody else would have to do it."[38] One way or another, the camps had to be cleaned out completely. Let the AFDL be the public face of the campaign; the RPF would vigorously lead them without publicly appearing to violate an international border. Indeed, although almost everyone concerned knew that it was Rwanda's show, the RPF consistently denied any involvement until Kagame's abrupt change of strategy more than half a year later.[39]

The destruction of the camps

20.29. In October 1996, the RPA, leading the anti-Mobutu alliance, began their attacks on the Hutu Power-dominated camps of eastern Zaire. Estimates of the number of deaths vary remarkably, but there is no question that many thousands of refugees were killed along with Hutu soldiers, and that massive social dislocation resulted. By mid-November, Ex-FAR and interahamwe militia were defeated in the major settlements. Their inhabitants, fighters and civilians alike, were forced to abandon their homes of these past two years. Suddenly, an estimated 640,000 returned home to Rwanda, stunning observers because they were not starving and disease-ridden, as a thousand rumours had insisted.[40] But another significant number, anywhere from tens of thousands to hundreds of thousands, depending on which source one accepts, and including many genocidaires and their families fled deeper into the Zairian rain forest, pursued both by humanitarian agencies who wanted to assist them and RPF troops who wanted to kill them.[41]

20.30. Only the final step in this extraordinary drama was visible to the world at large. Soon after the cholera epidemic of July-August 1994, the world's media had lost interest in the Great Lakes Region. The television crews packed up, leaving their audiences oblivious to the many months of murderous conflict in eastern Zaire that led to the attacks on the camps in October and November 1996. But in late October, escalating dramatically in early November, a remarkable phenomenon occurred. The media learned of the first attacks by anti-Mobutu forces on the Hutu camps and the consequent movement of some of the refugees. On the basis of this meagre information, rumours began to circulate, soon becoming predictions, then elevated into categorical assertions, that refugees were dying in unprecedented numbers around Lake Kivu. This was a tantalizing prospect the television networks found irresistible. Hundreds of television crews with little background in African affairs materialized at the Rwanda-Zaire border, where relief agency press officers reassured them that a disaster of unparalleled magnitude from starvation and cholera was about to descend.[42]

20.31. For the first half of November, the feared deaths of perhaps a million Rwandan refugees dominated the world news. In New York, UN Secretary General Boutros-Ghali asserted that "genocide by starvation" was taking place just out of camera range.[43] The Africa editor of the usually sober Economist magazine of London sounded feverish: "Catastrophe! Disaster! Apocalypse! For once the words are the right ones....hundreds of thousands are going to die of hunger and disease." [44] The European Commissioner for Humanitarian Affairs announced, "Five hundred thousand people today, probably a million in a few days, are dying of hunger," [45] while the head of the UN High Commission for Refugees feared "a catastrophe greater than the one we knew in 1994." [46]

20.32. As we have seen, even the best of NGOs are rarely able to resist the fund-raising opportunities that disasters provide as a kind of upside collateral benefit. They did not resist this one. Oxfam announced that, "Up to one million people in Eastern Zaire are dying from starvation and disease." [47] CARE warned that "over one million lives are at risk."[48] Save the Children's advertisement began: "The crisis in central Africa threatens to become the worst this century." [49]

20.33. Inevitably, the international community became part of the uproar. Most countries were pushed by the fear of yet another unspeakable humanitarian tragedy in Africa. But one country was pulled by a perceived opportunity. The issue was the need for international intervention, and the initiative came from France. The French Foreign Minister described the situation in the Kivus as "perhaps the most disastrous humanitarian crisis the world has seen," [50] and his government advocated an international mission to save a million refugees from starving to death.

20.34. Few, however, took this motive at face value,[51] and OAU support foundered when it was understood that inviting European troops to intervene would in practice mean predominantly French soldiers. A number of African states demanded that foreign troops should be used to disarm and neutralize the Ex-FAR. The US, however much it might have been regretted betraying Rwanda during the genocide, would still not countenance any idea that might result in actual fighting. Canada emerged to lead an international venture to ensure humanitarian aid to the supposedly starving refugees, and the Security Council passed a number of resolutions authorizing intervention in eastern Zaire by a "military neutral force" (MNF) for humanitarian purposes and to facilitate the voluntary, orderly repatriation of refugees to Rwanda.

20.35. But it was too little too late. In order to pre-empt what they saw as a diversionary international move, the anti-Mobutu rebels accelerated their attack and on November 14, the Mugunga refugee camp, the last bastion holding enormous numbers of refugees, collapsed. With the Ex-FAR and interahamwe driven out, some 640,000 refugees began the trek back to Rwanda, in full view of the television cameras. As one study properly stresses, only days after most of the media, western governments, the UN, and many relief agencies had reached a consensus that one of history's great human tragedies was imminent, their expectation was rather spectacularly shown to be false. There was no humanitarian tragedy of the scale or nature claimed.[52] The following day, November 15, the Security Council passed its last resolution formally authorizing the deployment of the MNF. But the humanitarian crisis for which it was intended dissolved in the full glare of the television lights. No troops or equipment got beyond the airport at Entebbe, Uganda. The camps had been cleaned out, and the genocidaires put to flight, and once again it had been done without the assistance of the international community.[53]

20.36. For television, the finale proved anticlimactic. Disasters are better television. Once the world's cameras recorded the astonishing spectacle of an endless line of refugees tramping home to Rwanda, neither starving nor diseased, the Great Lakes Region again disappeared from the television sets, and therefore the consciousness of the world. How Rwanda would cope with this latest mammoth challenge proved quite as uninteresting to the world's mass media as how it had coped after the genocide. Keeping track of those fleeing into the jungles of Zaire seemed just too daunting to be worth the effort. The well-known "CNN effect" struck central Africa once more. An excellent information service covering the Great Lakes Region called IRIN, established after the genocide by the UN but independent in its operations, enables specialists to follow events in the region closely. But the vast majority of the world never learned the fate of those who fled or of the major dirty war that rages still, because the mass media somehow determined that these tumultuous events in the heart of Africa were simply not gripping enough to be worth covering.

War crimes

20.37. The pursuit of the refugees into the interior of Zaire and the steady advance of the combined anti-Mobutu forces opened yet another appalling chapter in the litany of atrocities emanating from the genocide. The chase went on for months. While both sides were guilty of committing atrocities, human rights organizations concluded that the "nature and scale"of the abuses by the anti-Mobutu alliance were far more serious and extensive than those of the fleeing genocidaires. Refugee encampments were attacked and their inhabitants slaughtered at will. RPA troops did most of the killing. Special death squads hunted down Hutu by the thousands, only some of whom were genocidaires. Kabila's ragtag army, commanded by what Kagame later called "mid-level commanders," was made up largely by kadogos - boys as young as nine but mostly in their early teens, many of whom were given guns.[54]

20.38. By April 1997, the UN Commission on Human Rights was expressing its concern "at the continuing violations of human rights and fundamental freedoms in Zaire, particularly cases of summary execution, torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, inhuman and degrading prison conditions, particularly of children...and at the high number of civilian casualties as well as the widespread lack of respect for human rights and international humanitarian law by all parties."[55] The commission mandated a joint investigative mission, headed by the Special Rapporteur on Human Rights in Zaire, Roberto Garreton, to pursue these allegations. Kabila's AFDL refused to co-operate with the mission, however, and refused to provide its members free access to areas of Zaire under its control.[56]

20.39. But on the basis of meetings in Zaire as well as informants it met in Kigali and elsewhere outside Zaire, the mission concluded that, "There is no denying that ethnic massacres were committed and that the victims were mostly Hutu from Burundi, Rwanda and Zaire. The joint mission's preliminary opinion is that some of these alleged massacres could constitute acts of genocide. However, the joint mission cannot issue a precise, definitive opinion on the basis of the information currently available to it... The concept of crimes against humanity could also be applied to the situation....An in-depth investigation in the territory of the DRC would clarify this situation." [57]

As a follow-up, in July 1997, with Kabila now in power in the newly renamed DRC, Secretary-General Kofi Annan established an investigative team to break the deadlock between the President and the UN mission. When the team finally reported the following April, Annan had to acknowledge with "deep regret" that Kabila's new government had never allowed it "to carry out its mission fully and without hindrance." [58] Yet it too felt able to reach conclusions that were "supported by strong evidence": "The first [evidence] is that all the parties to the violence that racked Zaire, especially its eastern provinces, have committed serious violations of human rights or international human law. The second is that the killings by the AFDL and its allies, including elements of the Rwandan Patriotic Army, constitute crimes against humanity, as does the denial of humanitarian assistance to Rwandan Hutu refugees. The members of the team believe that some of the killings may constitute genocide, depending on their intent, and call for further investigation of those crimes and of their motivations." [59]

20.41. Yet no further investigation was carried out.

The second war

20.42. In May 1997, after an unexpectedly swift campaign reflecting the advanced state of decomposition of the Mobutist state,[60] the forces of Uganda, Rwanda, Angola, and (to a lesser extent) Burundi, together with Laurent Kabila's alliance of anti-Mobutu forces, the AFDL, succeeded in forcing the old tyrant of Zaire to flee; Kabila became head of state of the re-named Democratic Republic of Congo (DRC). France alone attempted to find place in the new government for certain of Mobutu's men, maneuvering to retain some influence with the new English-speaking regime. Otherwise, the Kabila victory was virtually universally welcomed. As Julius Nyerere later told members of this Panel, "We had all felt that Mobutu should go, and when he went we thought peace would prevail. That cherished hope soon faded."

20.43. Since the formal mandate of this Panel stops with the Kabila accession, it is not appropriate for this report to deal with subsequent events in detail, except where there are obvious implications for our recommendations. From this point of view, the unhappy story of the past three years can be told relatively briefly. Early 1998, the relationship between Kabila and his Rwandan and Uganda sponsors had already started to turn sour. In July 1998, he announced that the military co-operation agreement between Congo and Rwanda had served its purposes and would end.[61] Rwandan troops who had served the Congo government were now to return to their own side of the border as swiftly as possible. They did so, only to re-emerge almost immediately, this time as an enemy army. Within days, the Second Congo War had begun.

20.44. The sides now changed out of all recognition. Against Kabila ranged his old comrades from Rwanda, Uganda and Burundi, still allies with each other. But with him now was their former ally, Angola.[62] Zimbabwe and Namibia likewise joined the new war on Kabila's side, and in April 1999 these four nations signed a defence pact. It is important to note that the financial consequences of these commitments were not insignificant. Namibia announced at the end of 1999 that it would spend $120 million on defence this fiscal year, a 65 per cent increase over the previous year. The IMF suspended aid to Zimbabwe last year when it became apparent that Mugabe's support to Kabila was more costly than it had been led to expect; Zimbabwe's 10,000 troops are estimated to cost the country three million dollars a month.[63]

20.45. Besides these direct participants, many other countries in virtually every part of the continent have some kind of involvement or interest in this new war, moving it well beyond a conflict that affects only the DRC or even central Africa. These include, South Africa, Zambia, Libya, Chad, Sudan, Eritrea, Ethiopia, Egypt, Congo-Brazzaville, and Tanzania. At the same time, a whole host of non-government armed groups are deeply involved in the conflict in a series of bewildering and often unexpected alliances with various governments. Among these are several competing anti-Kabila rebel groups; UNITA, mortal enemy of the Angola government; well-armed former Mobutu generals; and the Ex-FAR and interahamwe troops that are still attempting to destabilize and overthrow the present Rwandan government.

20.46. The implications of these developments for both the region and for Rwanda are formidable. For those charged with resolving the larger conflict, the situation is significantly complicated by the fact that the many different actors have different agendas, that alliances remain fluid and unpredictable, that each country and faction has its own specific interests, and yet that the actions of one inevitably influence others.[64]

20.47. As for Rwanda, the government is fully aware of the final report, issued in late 1998, of the UN International Commission of Inquiry for Rwanda. Calling the Hutu Power militias "a significant component of the international alliance" against Uganda and Rwanda, the commission deemed it profoundly shocking that this new set-up has conferred a form of legitimacy on the Interahamwe and theEx-FAR.[65]At the same time, Ex-FAR established close working relations with Hutu rebels from Burundi as well as anti-Museveni forces operating in eastern Congo and inside western Uganda.[66]

20.48. As the Panelwas told by Mahmoud Kassem, chair of the UN Commission of Inquiry, newly recruited fighters together with Ex-FAR and interahamwe militiamen "are intensively training with the apparent aim of invading Rwanda from the east in accordance with plans drawn up by a central invasion committee." [67] Joint planning for armed attacks on both their countries was also being conducted by the radical Hutu leaders of the Rwandan and Burundian insurgency forces. According to a subsequent UN investigation conducted in September 1999, "Sources indicate a greater level of tactical sophistication on the part of interahamwe, Ex-FAR and [Burundian]FDD." [68] Altogether, therefore, Rwanda is seriously threatened by attacks from the west, the south and possibly the east.

20.49. Whatever other interests it might have in this conflict, the Rwandan government remains determined to crush its Ex-FAR enemies throughout central Africa. Whether asVice-President or President, General Paul Kagame has not been reticent about broadcasting his government's position: If Rwanda's enemies were not disarmed, he has repeatedly insisted, the RPF would have no choice but to remain in the DRC until they were neutralized.[69]

20.50. All these remarkable developments have profoundly complicated the attainment of stability and peace in central Africa. But there are further complexities yet. First, Mobutu was not able to bleed dry all of Congo's vast riches. More than enough remains to attract a host of competing interests. This is well known to include several of the countries centrally involved in the war.

20.51. Diamonds and gold are also an irresistible lure for mafia-like gangs to make sure the turmoil in the Congo continues in perpetuity. Behind these rogue gangs are often found foreign patrons, some of them legitimate corporations, others more shadowy enterprises, and quietly behind them can be found foreign governments watching out for the interests of their citizens. One academic has urged that more attention be paid to "which multinationals are also placing bets on one faction or another." [70] Powerful companies with interests in the DRC have home bases in South Africa, Zimbabwe, the US, Britain, and Canada. [71]The space for intrigue, trouble making and destabilization is boundless.

20.52. There is little development, investment or conventional entrepreneurship in today's Congo. Instead, there is a direct century-long line from King Leopold of Belgium to Mobutu to today's warlords, [72] all of whom have presided over a "concessionary state." They have enriched themselves by indiscriminately selling off the natural resources of the country while building and developing nothing sustainable for the Congolese people. Under such conditions, the main form of economic activity is simple plunder. Congo has few means to repay its $15 billion in external debt, while its remarkable potential development of mineral and non-mineral natural resources, hydroelectric power, and uncultivated arable land goes completely unfulfilled.[73]

20.53. There should be no misunderstanding of the central historic responsibility of the international community in perpetuating this state of affairs. King Leopold actively pillaged the Congo for its rubber, leading to the deaths of half of its 20 million inhabitants.[74] Mobutu was, in the words of one scholar, "for decades the west's favourite dictator in Africa," [75] having been installed by the Americans after they helped plan the murder of Patrice Lumumba, the only democratically elected Prime Minister in Congo history.[76] And today, as we will see, the world seems unprepared to provide the intervention necessary to disarm the Congo's various armed groups while continuing to make sure that arms flow freely and abundantly throughout central Africa.

Arms trafficking

20.54. Theseemingly intractable problem of arms proliferation has continued to grow in recent years, as the International Commission of Inquiry on Rwanda found in 1998. In the report presented to our Panel when he met with us, Commission Chair Mahmoud Kassem stated that, "The uncontrolled illicit flow of arms into Africa fuels conflicts, fortifies extremism and destabilizes the entire conflict....The current volatile situation in the Great Lakes Region, particularly in the DRC, is fuelled by the unprecedented proliferation of small arms in the region....It is clear that many of the arms consignments bound for the Great Lakes Region are intended for...some 23 insurgent groups who are not under UN embargo [as Ex-FAR Interahamwe and UNITA are]...This multitude of rebel groups are inter-linked with an open channel of arms among themselves organized either by outside elements or their own military leaders. Thisconnection has weakened the effectiveness of the two embargoes imposed by the Security Council... There are clear indications that easy access to weapons is also encouraging militant political groups to consider armed rather thandemocratic opposition." [77]

20.55. But by no means are all the troubling arms flows illicit or directed to non-state actors,as shown by a recent American research report, Deadly Legacy: US Arms to Africa and the Congo War. As the title suggests, the authors are highly critical of the American role in Africa. American officials such as Secretary of State Madeleine Albright and UN Ambassador Richard Holbrooke may speak about a new partnership with the continent based on promoting "African solutions to African problems." The reality, however, is that "the problems facing Africa and her people...have been fuelled in part by a legacy of US involvement in the region. Moreover, the solutions being proposed by the Clinton Administration remain grounded in the counter-productive Cold-War policies that have defined US-Africa relations for far too long....Despite its demonstrable role in planting the seeds of this conflict, the US has done little to either acknowledge its complicity or help create a viable resolution.[78]

20.56. The report's major findings are of direct interest to the future peace and stability ofRwanda and the entire continent and deserve to be widely studied:
***The ongoing civil war in the Democratic Republic of the Congo (formerly Zaire) is a prime example of the devastating legacy of US arms sales policy on Africa. The US prolonged the rule of Zairian dictator Mobutu Sese Soko by providing more than $300 million in weapons and $100 million in military training... When Kabila took power, the Clinton Administration quickly offered military support bydeveloping a plan for new training operations with the armed forces.**

***"Although the Clinton Administration has been quick to criticize the governments involved in the Congo War... the US has helped build the arsenals of eight of the nine governments directly involved in the war that has ravaged the DRC since Kabila's coup.**

***"Despitethe failure of US policies in the region, the current Administration continues to respond to Africa's woes by helping to strengthen African militaries. As US weapons deliveries to Africa continue to rise, the Clinton Administration is now undertaking a wave of new military training programs in Africa.**

***"Evenas it fuels military build-up, the US continues cutting development assistance to Africa and remains unable (or unwilling) to promote alternative non-violent forms of engagement." [79]**

20.57. Deadly Legacy argues persuasively that US government priorities are badly distorted. According to the authors' analysis: "The Clinton Administration's approach to Africa continues to focus on securing short-termUS interests in the region, maintaining a safe distance from the ongoing problems, and encouraging near-sighted, armed responses to the complex problems of democratic transition and international peace building. The US should be working to deepen and broaden its consultation with African governments and civil society to identify root causes of instability and violence and create viable and lasting solutions....Critics argue that once again the US is focussing its resources in the wrong arenas, promoting military relationships at the expense of democracy building and conflict prevention....By shifting a mere fraction of the energy that currently goes to strengthen African militaries toward non-military alternatives that could promote democracy, development, and peace building, the US could make a significant contribution to providing that leadership and promoting security and stability in the region.[80]

20.58. We are fortunate to have these insights into America's role in central Africa. But other countries are no less complicit, and their roles must not be ignored. According to the US Arms Control and Disarmament Agency, China is the leading supplier of arms tocentral Africa, the US second, and France is third. In southern Africa, Russia is the leading supplier, with the US and France tied for second.[81] Being among the Big Three suppliers of arms to poor countries at war seems to us highly dubious distinctions, and at least one branch of the US government concurs. In late 1999 the US State Department described the impact of arms trafficking to "the politically fragile centralAfrica/Great Lakes Region" to be "catastrophic." The State Department concluded, however, that it would continue unabated for the foreseeable future since there was not sufficient sustained political will on the part of the regional and international leaders to restrict it.[82]

The Lusaka agreement

20.59. Within six days of the outbreak of war between Uganda and Rwanda and the Kabila government in August 1998, other African leaders initiated efforts to broker a peace. For the next 10 months Summits took place virtually monthly at both the Ministerialand Presidential levels. In the light of the complexities that we have just analyzed, it was a major step forward that the Agreement on a Cease-fire in the Democratic Republic of the Congo,commonly known as "the Lusaka accord," was finally signed in July 1999 by theDRC, Zimbabwe, Angola, Namibia, Rwanda and Uganda.[83] That the three different anti-Kabila rebel forces signed only later, and onlyafter protracted internal disagreements between two of them and the intervention of other governments, was a hint of the difficulties faced in negotiating the accord. And the many violations of the cease-fire ever since is testament to the even greater difficulty of implementing it, as everyone involved well knows. Nevertheless, it is unthinkable for the future of Africa that the accord not eventually be enforced.

20.60. The agreement contained four main components reflecting the national, regional, and international dimensions of the conflict:

1. A joint military commission was created, composed of the belligerent parties and an OAU/UN observer group. Their duties include investigating cease-fire violations, working out mechanisms to disarm militias identified in the agreement, and monitoring the withdrawal of foreign troops from the DRC.

2. The African parties to the agreement have asked the UN, in collaboration with the OAU, to deploy a peace-making force with a strong, assertive Chapter VII mandate and corresponding capacity to ensure implementation of the accord (as opposed toUNAMIR, with its passive Chapter VI mandate and minimal capacity). The role of these peacemakers is to disarm the militias and supervise the withdrawal of foreign troops.

3. Armed groups are to be tracked down and disarmed. War criminals are to be handed over to the International Criminal Tribunal for Rwanda in Arusha.

4. A Congolese national dialogue is to begin that should result in a new political dispensation for the DRC. On behalf of the Congolese parties, the OAU asked Sir Ketumile Masire, former president of Botswana, to act as the neutral facilitator to organize and oversee this process.

20.61. The armed militias to be disarmed, as identified in the accord, constitute a roll call of the various rebel groups threatening their respective governments: Ex-FAR and interahamwe for Rwanda (the term "the genocide forces" is explicitly used in the agreement), FDD for Burundi, UNITA for Angola, and several that have used the DRC as a base against Uganda. None of these groups were part of the peace accord or have signed it; all are associated with one or another of the signing governments. Until disarmed, therefore, they are left free to continue their attacks. Moreover, these "non-state actors" have an interest in the continuation of the war and a capacity to act as spoilers of the entire agreement, much as Rwanda's Hutu Power leaders undermined the Arusha accords.

20.62. Assuming optimistically that the signatory governments abide by a cease-fire, disarming these rebel groups is obviously the key to the future. It will be no easy task, not least because of the vast proliferation of weapons in the region that we have already discussed. Among other steps, it requires governments to live up to their explicit commitment in the agreement to turn against and help disarm their Ex-FAR and interahamwe allies, without which Rwanda, as it has made abundantly clear, has no intention of abandoning its military activities in the DRC. Other potential spoilers include such armed groups at the Mayi-Mayi and Banyamulenge of eastern DRC and well-armed former Mobutu officers and soldiers who oppose Kabila; some 20,000 former Mobutu troops are said to have camps in neighbouring Congo-Brazzaville.[84]

20.63. Yet in the light of these realities, the UN, driven by the US, has reverted to the discredited strategy first imposed on central Africa prior to and during the genocide itself. The Security Council has approved a UN mission for Congo, MONUC (the French anagram for the UN Organization Mission in the DRC), but "the phased deployment of military and civilian personnel would be carried out as and if the Secretary-General determined that the personnel would be able to.. carry out their duties in conditions of adequate security and with the co-operation of the parties to the cease-fire agreement."[85] As OAU officials privately put it, this means the UN will only intervene in the DRC if they are not needed.

20.64. The Carlsson Inquiry into the role of the UN during the 1994 Rwandan crisis was sharply critical of the identical strategy that the Security Council then adopted. If all parties to the conflict failed to co-operate and agree to negotiate, the UN threatened, it would withdraw its small military mission. Yet, as Carlsson pointed out, this was illogical. "The United Nations knew that extremists on one side hoped to achieve the withdrawal of the mission. Therefore, the strategy of the United Nations to use the threat of withdrawing UNAMIR as leverage... in the peace process could actually have been one which motivated extremist obstructions rather than prevented them."[86] When this report was issued at the end of 1999, Secretary-General Kofi Annan responded that he "fully accepted" its conclusions.[87]. Yet precisely the same illogical thinking is being pursued by the UN once again, barely weeks later. This does not give us reason to be optimistic about the will of the international community to take the central African conflict seriously.

20.65. Beyond that, in order to attain and enforce peace from the Sudanese to the Zambian borders and from the Congo-Brazzaville to the Tanzania borders, studies estimate that 100,000 fully armed soldiers would be required.[88] Yet in February 2000, acting on a request by UN Secretary-General Kofi Annan, the Security Council authorized a mission of 5537 military personnel, much of whose function is to protect another 500 observers of the peace process.[89] In Sierra Leone, 11,000 troops were deployed, yet the DRC has 32 times the territory and 10 times the population. The notion of seeking for the DRC 20 times the number of troops authorized by the Security Council must seem preposterous given past experience, and certainly would be an unprecedented proposition to put to the international community. Yet that is what seems to be required to do the job. And if the job is not done now, it is frightening to contemplate the possible consequences. The question surely must be: What are the alternatives?

20.66. We look at the situation this way: It was American support for Mobutu that led directly to the present crisis of the DRC and has provided fertile ground for this conflict to be played out. It was the failure of several states first to prevent or mitigate the genocide, then to prevent the genocidaires' escape into Zaire, and finally to prevent Hutu Power from being resurrected in the camps, that led directly to this Africa-wide conflict. Each of these failures led predictably to the next disaster, just as we can confidently predict that another failure to act decisively in the near future will bring greater turmoil and suffering. This surely creates some kind of inescapable obligation on the part of those countries who have helped create the present situation.

20.67. But we must add another critical and admittedly costly dimension to the central African conflict, which has been pointed out by several sources with no real results. In Kinshasa, the Panel was presented with a copy of a letter that had been submitted to the head of every UN agency from their DRC country management team; this included the local representatives of UNESCO, UNHCR, OHCHR, ILO, UNDP, UNICEF, WHO and WFP. Their message was simple. They were "profoundly concerned" that the Lusaka accord "lacks a humanitarian agenda," and they felt helpless to act because funds were so scarce that, "Operational activities of UN agencies in the DRC are at the verge of a standstill."[90]

20.68. In fact, the Lusaka accord included as one of the duties of the peacekeeping force the provision of humanitarian assistance to internally displaced persons and refugees. This was in recognition of an immense problem: the UN calculates that 800,000 Congolese are internally displaced – refugees within their own countries – and that 10 million suffer from food insecurity.[91] Yet this component of the agreement has been largely forgotten, to the evident frustration of humanitarian officials, as its military aspects have received all the attention. Some observers go so far as to say that military deployment "without increased humanitarian assistance will not result in significant change in Congo."[92] This seems to us good-hearted but untrue; in fact serious disarmament is the sine qua non of all other positive change.

20.69. But we agree entirely that "the deployment of the UN observers should be accompanied by a 'peace dividend fund' that could be used to respond to humanitarian needs and to leverage peace and reconciliation efforts at the community level." To this end, humanitarian groups have evolved a serious policy agenda that includes returning refugees, children, widows, the handicapped, health care, income generation, food security, education, and similar areas.[93] At the same time, surrounding neighbours uninvolved militarily in the conflict, from Tanzania to the Central African Republic to Gabon are desperate for funding to help sustain the hundreds of thousands of refugees who have poured across their borders and live in squalor and misery.[94]

20.70. Finally, however, we repeat our conviction that Africa must bear substantial responsibility for African challenges and crises. Beyond the outside world, it was after all certain Rwandan Africans who launched the genocide against other Africans in Rwanda, and it is African governments that are, at great cost, fighting a war in the DRC (a point we amplify in our discussion of the OAU). African governments therefore surely have an inescapable obligation to cease fighting each other and to pursue peace by offering their troops to a major peacemaking effort. At the 1999 Algiers Summit of the OAU, a Declaration was approved proclaiming the year 2000 as "a year of peace, security and solidarity in Africa." In April 2000, the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution called on member states "to give effect" to this Declaration.[95] The DRC would be an ideal place to begin.

The regionalization of ethnic hatred

20.71. There is one further development that must be added to the list of complications frustrating any serious settlement in the Great Lakes and surrounding region. Political rivalries and ethnic distinctions are becoming intertwined, with the result that an ugly new ethnic polarization threatens to engulf a huge swath of Africa. It is the notion of a pan-Tutsi, or Tutsi-Hima, conspiracy to conquer the so-called Bantu peoples of large swaths of Africa. The basis of the situation is the reality that in certain parts of the continent, especially the east-centre, there is a tendency to divide people into two main ethnic groups, almost two races, Bantu and Nilotic, each a regional extension of Hutu and Tutsi.[96] Sometime the latter are called Tutsi-Hima or Hamites. In Uganda, Kenya, Burundi and of course Rwanda itself, this division has long been recognized and has often been a source of friction. Now, and ominously, as one scholar puts it, "the notion of a pan-Hamite brotherhood bent on dominance of the honest Bantu peoples of Africa has become part of a new racialized ideological language in central and eastern Africa."[97]

20.72. Recognizably different ethnic groups proliferate everywhere in the world, and academic specialists maintain that it makes no sense to pretend otherwise. "It is important not to pretend that we are all the same."[98] But as one thoughtful student of the Great Lakes Region reminds us, "Recognition of ethnic differences is different from prejudice. For it to evolve into prejudice requires two processes: first, the reduction of people's identities to their ethnicity, with disregard for their other features; and second, the attribution of moral judgements to these identities."[99] Tragedy occurs when unscrupulous demagogues emerge who turn innocent distinctions among peoples of differing ethnic backgrounds into overriding political divisions. In the process, as we have already seen in the hate-filled stories of Rwanda and Burundi, a remarkable phenomenon occurs: Africans adopt the racist claptrap of 19th century Europeans to use against fellow Africans. Instead of celebrating diversity, and adapting it as a reality compatible with national unity, it has too often been manipulated for opportunistic and divisive purposes.

20.73. Examples of this phenomenon come to us from several sources, including the DRC, Uganda, Angola, Tanzania, and Zimbabwe. Members of this Panel find this development quite disturbing and potentially even dangerous. It is true that there are alliances among the leaders of Rwanda, Burundi and Uganda, and much of the conspiracy theory involving a new Tutsi-Hima empire that would incorporate eastern DRC is based on these ties.

20.74. On the other hand, there are also important conflicts among them, as recent clashes between Ugandan and Rwandan troops in the DRC demonstrated. It makes no sense to believe that a Rwandan or Burundian's Hutu-ness or Tutsi-ness is his or her most important characteristic, or that every Hutu and every Tutsi shares key defining attributes with every other Tutsi or Hutu. Similarly, it makes no sense to declare ethnicity to be virtually the determining variable that decides whether governments are allies or foes. No one believes that Zimbabwe and Angola are backing Kabila because they all share something generic called a Bantu background. This can only be seen as a calculated ploy to ethnicize what are essentially political issues. The danger of this kind of manipulation of mass emotions was driven home to this Panel during our consultations in the DRC, where we heard some members of the Congolese elite subscribing to notions of a "Tutsi-Hima-Nilotic-Hamite" alliance and conspiracy.

20.75. Also disturbing, has been the re-emergence in the Great Lakes Region of a clone of the notorious, radical, hate-filled, Hutu radio station RTLMC. An inflammatory new station that materialized in eastern Congo in 1997 and 1998 calls itself Voix du Patriote (Voice of the Patriot). Typical broadcasts claim that the DRC "has been sold to the Tutsi and call on the local population to make sure that the visitors return to their home." "Bantus" are urged to "rise as one to combat the Tutsi," who are described as "Ethiopians and Egyptians," and to "help their Bahutu brothers to re-conquer Burundi and Rwanda." If any lesson has been learned from Rwanda, it is that hate messages disseminated by mass media must never be dismissed as inconsequential and irrelevant.[100]

20.76. There are no excuses for any kind of ugly hate mongering, and we repudiate it without equivocation. We appeal to Africans in leadership positions not to fall into the trap of using discredited racist concepts to incite one part of the population against another. We also insist that tolerance of hate radio goes well beyond the limits of acceptable free speech. And we urge African leaders to consider the implications for the continent of an entirely new geopolitical principle enunciated by the present Rwandan government that implies a government can intervene in another's affairs whenever it declares that its kin are in jeopardy.

20.77. Yet we must also say that Rwandan government policy plays into the hands of its enemies. For us, this poses a major dilemma. We have made clear our sympathy for Rwandans' bitterness at their repeated betrayals by the international community. When the crunch came, first in the genocide itself, then in disarming the Hutu Power in the Kivu refugee camps, the world failed to act. Each time, the RPF was on its own. That reality has now been transformed into a virtual doctrine of RPF policy: their unilateral right to eliminate the threat of Hutu Power, wherever it exists, wherever it must be pursued. This includes anywhere in Africa, since besides the DRC, interahamwe militia can be found in the Central African Republic, Congo-Brazzaville, Burundi and Tanzania.[101] Those unsympathetic to Rwanda speak of its army as "soldiers without borders."

20.78. Seen from this perspective, fear of Tutsi "aggression," as it is considered to be by many in surrounding countries, is not without foundation. Rwandan soldiers have trooped and even flown across central Africa in pursuit of Ex-FAR and interahamwe militia, committing gross human rights violations in the process. In that hunt, the distinction between a Hutu mass murderer and a Hutu civilian is often far from self-evident, and there seems to us little doubt that the RPA rarely stops to ask. Are large numbers of innocent civilians killed? In the eyes of the government, this is collateral damage; they are the unavoidable victims of a problem they did not create but that they must solve. "Never again!" says the Kigali government, and many innocent Hutu suffer for that unflinching resolve.

20.79. The members of this Panel repeat their unequivocal condemnation of the indiscriminate killing of Hutu civilians. But it is completely unrealistic to believe for a moment that anything will change the government's mind other than active intervention by others to do the job themselves, as indeed they agreed to do in the Lusaka accord.

20.80. While Rwanda, Burundi and Congo each has its own seemingly intractable, multiple challenges that must be met, the interconnectedness of all three – and indeed all nine neighbouring states – can hardly be overstated. At this juncture, it seems difficult to conceive how peace, stability and any kind of meaningful economic and social development can come to one of these nations unless they come to all. Beyond domestic solutions to domestic problems must be found regional solutions to regional problems. But because the war in central Africa has in fact engulfed much of the continent, from Zimbabwe in the south to Libya in the north, from Angola in the west to Tanzania in the east, the crisis demands the engagement of Africa as a whole, governments and intergovernmental organizations alike, with the wholehearted support of the international community, so that the different inter-related conflicts are settled together.[102] That this is a massive undertaking we have not the slightest doubt. But that any other initiative can meet this formidable challenge seems to us extremely unlikely.

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[1] Prunier, 317-318.

[2] Ibid.

[3] David Newbury and Catharine Newbury, "An Enquiry into the Historical Preconditions of the Rwanda Genocide," IPEP-commissioned paper, 1999, 5.

[4] Prunier, 316, 337, and 279 (see footnote 139).

[5] Howard Adelman, "The Use and Abuse of Refugees in Zaire," 13.

[6] United Nations, "Report of the Secretary-General's Investigative Team in DRC, S/1998/581".

[7] Adelman, "Use and Abuse of Refugees," 14.

[8] Ibid., 14-15.

[9] United Nations, "Report of the Secretary-General on the UN Preliminary Deployment in the Democratic Republic of the Congo, S/1999/790, 15 July 1999, paragraphs 4, 13 and 24.

[10] Ian Fisher and Norimitsu Onishi, "Many armies ravage rich land in the 'First World War of Africa'," New York Times, 6 February 2000, 1 & 12.

[11] Herbert Weiss, "War and Peace in the Democratic Republic of the Congo," Central African Issues, (Nordic African Institute), no. 22, 2000.

[12] Lynne Duke, "US Military Role in Rwanda Greater than Disclosed," Washington Post Foreign Service, 16 August 1997.

[13] John Pomfret, "Rwandans led revolt in Congo; Defense minister says arms, troops supplied for anti-Mobutu drive," Washington Post, 9 July 1997.

[14] René Lemarchand, "Patterns of State Collapse and Reconstruction: Reflections on the Crisis in the Great Lakes," Afrika Spectrum, 32, no.2 (August 1997): 6.

[15] Ibid., 7.

[16] Abbas H. Gnamo, "The Rwandan Genocide and the Collapse of Mobutu's Kleptocracy," in Adelman and Suhrke, Path of a Genocide, 327.

[17] Interview with Georges Nzongola-Ntalaja; also Nzongola-Ntalaja, "From Zaire to the Democratic Republic of the Congo," Current African Issues (Nordic African institute), No. 20, 1998.

[18] "Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council, S/1998/581, 32.

[19] Lemarchand, "Patterns of State Collapse," 6.

[20] Kate Halvorsen in Adelman and Suhrke, Path of a Genocide, 308.

[21] S/1998/581, 32-33.

[22] Adelman, "Use and Abuse of Refugees," 16.

[23] Lemarchand, "Patterns of State Collapse," 6.

[24] S/1998/581, 35.

[25] Chris McGreal, "Trapped in a bloody triangle of terror," The Guardian (London), 21 October 1996.

[26] S/1998/581, 36.

[27] Ibid.

[28] Ibid.

[29] Colette Braeckman, L'enjeu congolais: L'Afrique centrale après Mobutu (Paris : Fayard, 1999).

[30] Weiss, "War and Peace," 4; Filip Reytjens interview.

[31] Pomfret, Washington Post; Also Mahmood Mamdani, "Why Rwanda trumpeted its Role," Mail and Guardian (Johannesburg), August 8, 1997.

[32] Colette Braeckman, L'enjeu congolais: L'Afrique centrale apres Mobutu (Paris:Fayard, 1999).

[33] Ibid; Joel Boutroue, "Missed Opportunities: The Role of the International community in the Return of the Rwandan refugees from Eastern Zaire," The Inter-University Committee on International Migration, The Rosemary Rogers Working Paper Series, Working paper 1, June 1998, 29, 31, 32, 33, 62.

[34] Adelman, "Use and Abuse of refugees," 18-23.

[35] Jean-Pierre Chrétien, Le Défi de l'Ethnisme: Rwanda et Burundi, 1990-1996 (Paris: Editions Karthala, 1997).

[36] Pomfret, Washington Post; Also Mahmood Mamdani, "Why Rwanda trumpeted its Role," Mail and Guardian (Johannesburg), August 8, 1997.

[37] Gnamo in Adelman and Suhrke, Path of a Genocide, 337.

[38] Pomfret, Washington Post.

[39] Gourevitch, 338; Filip Reyntjens, "The Second Congo War: more than a remake," African Affairs, 98 (1999): 241-250.

[40] S/1998/581, 48.

[41] Adelman, "The Use and abuse of refugees," 39; Bonaventure Rutinwa, "The Aftermath of the genocide in the Great Lakes Region," 1999; Human Rights Watch/Africa and FIDH, "Democratic Republic of Congo: What Kabila is hiding, civilian killings and Impunity in Congo," October 1997.

[42] Alex de Waal, Famine Crimes: Politics and the disaster relief industry in Africa (Oxford: Oxford University Press, 1997), 204.

[43] UN press conference, Nov. 8, 1996.

[44] Richard Dowden, "Good Intentions on the Road to Hell," The Independent (London), 3 November 1996.

[45] Stephan Buckley, "Disaster in the Making," International Herald Tribune (Washington), 30 October 1996.

[46] Chris McGreal, "Fearful flight from Zaire," The Guardian (London), 28 October 1996.

[47] "Oxfam: save lives in Central Africa", advertisement in The Independent (London), 10 November 1996.

[48] "Central African Emergency," advertisement in The Guardian (London), 9 November 1996.

[49] "Frightened children need your help," advertisement in The Guardian (London), 1 November 1996.

[50] BBC interview, 8 November 1996.

[51] Bonaventure Rutinwa, "The Aftermath of the Rwanda genocide in the Great Lakes Region," IPEP-commissioned paper, 1999, 81.; De Waal, 206 and see also Adelman, "The Use and Abuse of Refugees".

[52] De Waal, 204.

[53] De Waal, 206; Adelman, "Use and Abuse of Refugees"; Rutinwa, IPEP-commissioned paper and Adelman interview.

[54] Human Rights Watch, "What Kabila is hiding: Civilian killings and impunity in Congo," October 1997; Catharine Newbury, "Ethnicity and the politics of history in Rwanda," Africa Today, 45, no.1 (1998); Colette Braeckman interview; Pomfret, Washington Post.

[55] UN High Commissioner for Human Rights, "Situation of Human Rights in Zaire," Commission on Human Rights Resolution 1997/58. E/CN.4/Res/1997/58.

[56] UN Commission for Human Rights, E/CN.4/1998/64. "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories. Report on the allegations of massacres and other human rights violations occurring in eastern Zaire (now DRC) since September 1996," prepared by Mr. Robert Garrett, Special Rapporteur on extrajudicial summary or arbitrary executions, and Mr. Jonas Foli, Member of the Working Group on Enforced or Involuntary Disappearances pursuant to paragraph 6 of the Commission on Human Rights Resolution 1997/58, 23 January 1998.

[57] Ibid.

[58] S/1998/581, 2.

[59] Letter from Secretary-General to President of Security Council, June 29, 1998, including Report of the Secretary-General's investigative team charged with investigating serious violations of human rights and international humanitarian law in the DRC, S/1998/581.

[60] Lemarchand, "Patterns of State Collapse and Reconstruction," 6.

[61] Ibid., 4.

[62] Braeckman, 395.

[63] Ibid.

[64] David Newbury, "Understanding Genocide," African Studies Review (April 1998), 48, no. 1.

[65] S/1998/1096, UN Commission of Inquiry.

[66] Swedish International Development Cooperation Agency [SIDA], "Issues affecting the humanitarian situation in eastern DRC," September 1999, 2; "What Kabila is hiding"; Colette Braeckman interview.

[67] Ambassador Mahmoud Kassem, "The Role of the United Nations and its Agencies Before, During and After the Genocide," presentation to IPEP in Addis Ababa, 20-25 September 1999.

[68] Charles Petrie, Senior Humanitarian Advisor, "Assessment of the humanitarian situation and related issues in the territories of Uvira and Fizi, South Kivu, Sept. 1999," UN Office for the Coordination of Humanitarian Affairs, DRC, 2.

[69] Lennart Wolgemuth and K. Overgaard, "Nordic African Institute Report IV", July-October 1999, 1.

[70] Adam Hochschild, "How the bicycle led to bloodshed," Globe and Mail (Toronto), 23 March 2000.

[71] Howard Adelman, "The use and abuse of refugees in Zaire," 26.

[72] Hochschild, "King Leopold's Ghost."

[73] See Georges Nzongola-Ntalaja, From Zaire to the Democratic Republic of the Congo (Uppsala: Nordic African Institute, 1998); Hochschild,; "Debt and Kabila's Congo," Africa Recovery, (Sept. 1999), 34.

[74] Hochschild, "King Leopold's Ghost," 280.

[75] Weiss, "War and Peace," 22.

[76] Hochschild, 302.

[77] Ambassador Mahmoud Kassem.

[78] William D. Hartung and Bridget Moix, "Deadly legacy: US Arms to Africa and the Congo War," World Policy Institute, Washington, DC, (January 2000): 2.

[79] Ibid.

[80] Ibid., 9-10, 14.

[81] US Arms Control and Disarmament Agency, "World Military expenditures and Arms Transfers", 1997, Washington, DC, 1999, Table III.

[82] US State Department, Bureau of Intelligence and Research, "Arms flows to Central Africa/Great Lakes Fact Sheet," November 1999.

[83] International Crisis Group, "The Agreement on a Cease-fire," 7-8.

[84] IRIN Humanitarian Information Unit, "Briefing on the Lusaka Peace Process," 10 November 1999; International Crisis Group, "The Agreement on a Cease-Fire".

[85] UN Security Council, Press release SC/6809-2000224, "Security Council expands mission in Democratic republic of Congo, unanimously adopting Resolution 1291," 24 February 2000.

[86] UN, Independent Inquiry, December 1999, 32.

[87] UN Secretary-General, "Statement on Receiving the Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda," 16 December 1999.

[88] IRIN Humanitarian Information Unit, "Briefing on the Lusaka Peace Process," 10 November 1999; International Crisis Group, "The Agreement on a Cease-Fire".

[89] SC/6809, 24 February 2000.

[90] Letter to Sergio Vieira de Mello, Under-Secretary-General, emergency relief coordinator, from Afrik Tai et al, "Humanitarian intervention in support of the Lusaka process in DRC," Kinshasa, 13 September 1999.

[91] IRIN Humanitarian Information Unit, "Briefing on the Lusaka Peace Process," 10 November 1999.

[92] SIDA, "Issues affecting the humanitarian situation in eastern DRC," September 1999, 9.

[93] SIDA, 9011; International Crisis Group, part 2, 17-18.

[94] "Tanzania: Countries hosting refugees get inadequate aid, Foreign Minister says," IRIN Update, 4 August 1999; "Central Africa: Heads of state call for humanitarian crisis unit," IRIN Update, 9 August 1999.

[95] Report of the 63rd Ordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at the Level of Ambassadors, Addis Ababa, April 14, 2000.

[96] Reyntjens, "The Second Congo War."

[97] Hintjens, 276.

[98] Harvard sociologist Marshall Ganz, cited by William Julius Wilson in "Bridging the racial divide," The Nation, 29 December 1999, 21.

[99] Uvin, 30.

[100] "Great Lakes: IRIN report on the influence of hate media," IRIN, 26 February 1998.

[101] International Crisis Group, 24.

[102] Alex de Waal, ed., "Structures for regional Peace and Security," paper presented to Conference on Humanitarian and Political Challenges in Africa, Kigali, 12-14 October 1999.

CHAPTER 21

THE ROLE OF THE OAU SINCE THE GENOCIDE

21.1 Towards the end of the genocide, the Organization of African Unity (OAU) turned its attention to resolving the causes that had triggered the conflict, especially the refugee crisis, which had now taken on truly monumental proportions. The genocide in one country, it was already abundantly clear, was about to take a regional proportion. A proposal by the OAU Secretary-General to convene an international humanitarian conference was unanimously endorsed by all the leaders of the region. In September, with a new government ensconced in Kigali, a meeting duly took place in Addis Ababa that included the OAU, the United Nations High Commission on Refugees (UNHCR), regional leaders, and five non-African donor countries.

21.2 By this time, there was widespread understanding that the refugee situation was only one of the many challenges facing the region. The meeting agreed that security in the camps was an urgent priority; that the threat of attacks on Rwanda from exiled genocidaires was only too real; that Ex-FAR soldiers scattered through Burundi and Zaire posed a serious danger to Rwanda; that Hutu militias in the camp must be relocated elsewhere; and that in general the presence of "armed refugees" or "refugee-warriors" on the loose throughout the Great Lakes Rregion constituted a clear and present danger to the stability of the entire area.

21.3 This was a perceptive and farseeing analysis of the region's problems. But the reality was that acting on this assessment would be enormously costly, and those with the resources utterly lacked the will to make the necessary funding commitments. So even though the conference was attended by UN organizations and representatives of the United States, Belgium, Germany, Holland and Greece, nothing came of it. In the understated language of the OAU document prepared for our Panel, "Unfortunately, no concrete steps were taken to implement the recommendations of the Addis Ababa meeting of September 9, 1994.[1] The consequences of this failure would be felt for years to come.

21.4 Similarly, early in 1995, another conference took place in Bujumbura, Burundi, attended by representatives of the regional states and the international community. The Bujumbura Plan of Action to tackle the refugee crisis was adopted, "but the absence of a proper follow-up mechanism and the failure of the international community to live up to their obligations meant nothing happened."[2]

21.5 Later the same year, in an effort to bring a fresh approach to their endeavours, Presidents Mobutu and Museveni asked the OAU to seek assistance for a renewed regional initiative. Former US President Jimmy Carter, former Malian Head of State Amadou Toumani Toure, former Tanzanian President Julius Nyerere, and South Africa's Archbishop Desmond Tutu agreed to form a group of "wise men," and met in Cairo with Heads of State of the Great Lakes Rregion to bring people together to make recommendations for the Great Lakes Region. There they focussed on the key security issues: policing the Kivu refugee camps, separating the Ex-Far and militia from legitimate refugees, arresting those guilty of genocide, and moving the camps further from the Rwandan border. General Toure was also mandated to mediate between the governments of Zaire and Rwanda.

21.6 In March 1996, the Heads of State and Wise Men met for a second time in Tunis, after which Mobutu, Toure and Carter all met in Geneva with Sadaka Ogata, the UNHCR High Commissioner. But for all these earnest regional initiatives, in the end no resources were forthcoming to implement any of the necessary changes. In the camps, the situation grew more intolerable.[3] Late in the year, as Vice-President Kagame eventually admitted, the Rwandan army, leading a small band of anti-Mobutu rebels, violently cleaned out the refugee camps of eastern Zaire and quickly moved on to the task of overthrowing the government of President Mobutu.[4]

21.7 These dramatic events touched off a veritable whirlwind of activity across Africa. The objective, as the OAU stated, was to convince all parties "to seek a peaceful solution to their differences through dialogue and negotiation," and to that end the period from late 1996 to mid-1997 saw an endless series of meetings, consultations, missions and ssummits involving much of the continent at one stage or another as well as the UN Secretariat and Security Council.[5] But the Great Lakes conflict had taken on a life of its own and was well beyond resolution by outside forces. The frenetic, almost desperate attempts to find a "peaceful solution...through dialogue and negotiation" made little impact on the anti-Mobutu coalition, whose rapid advance across Zaire exposed the true nature of the disintegrating Zaire state. On May 16, 1997, the rebels entered Kinshasa, and Mobutu fled. On May 17, Laurent Kabila became president and renamed the country the Democratic Republic of Congo (DRC).

21.8 But as we set out elsewhere, this was far from the end of conflict in central Africa. Little more than a year later, a second major war broke out in the Congo, dragging into its orbit a dizzying array of governments, rebel groups, commercial interests, gunrunners, mercenaries and the like. Once again the OAU and African regional leaders threw themselves into attempts to negotiate a peace agreement, an exercise substantially complicated by the involvement of so many governments on one side or another in the conflict. Nevertheless, a formal DRC Regional Peace Process was initiated with the active support of the OAU and regional leaders and chaired by Zambian President Chiluba.

21.9 The Lusaka Agreement that emerged in 1999 was on the one hand the most hopeful sign of progress in central Africa in some years, but on the other a most difficult agreement to implement effectively. The OAU finds itself at the heart of the implementation process. The Lusaka Agreement created a Joint Military Commission to oversee its military aspects, whose chair was appointed by the OAU. The OAU was also responsible for persuading former Botswana President Quett Masire, the chair of this Panel, to become the neutral facilitator to preside over a critical new political dialogue within the DRC.

21.10 This outline of the activities of the OAU and African leaders over the decade since conflict first erupted in Rwanda tells several stories. Most obviously, an enormous amount of energy and time was devoted to finding sensible solutions to the various crises that marked these years, but in the end little was accomplished. As we have seen, the problems were too intractable, the resources required too great, the interest of the outside world too limited, the commitment of many African leaders too compromised. The past cannot be reversed, of course, but significant lessons can be learned from the experiences of this decade for future attempts at peacemaking and conflict resolution, and we are encouraged that African leaders are pursuing some of them.

21.11 First, and perhaps above all, the consequences of failure can be staggering. As a senior, knowledgeable OAU official told the Panel, "We as Africans will always be haunted by our failure to do anything about Rwanda, and the world community should be haunted." We agree. Anyone who has visited a memorial site in Rwanda, as have the members of this Panel as well as many African leaders, will remain forever haunted by the world's betrayal of those who were slaughtered, and will come away pledging "Never again!" Yet the question precisely is: How can the world be sure it will not happen again?

21.12 That invokes the second lesson of the decade, about which the OAU has no illusions. Africa cannot count on the world outside to solve its crises. It is largely on its own. This is at least as true in ending human rights abuses as in ending conflicts. But one of the key institutions for this purpose, the African Commission on Human and People's Rights, has been routinely starved of resources – Commission members receive no stipend and are expected to perform their duties on top of their regular job – and has functioned erratically. It has been criticized, for example, for failing to actively pursue human rights abuses in Rwanda when anti-Tutsi violence began after the 1990 invasion.[6]

21.13 But the commission has recently received more attention and a vote of confidence. In 1999 the OAU organized the First OAU Ministerial Conference on Human Rights in Africa, where participants committed themselves to "the promotion and protection of human rights... as a priority for Africa." The conference urged all states not merely to establish national human rights institutions, but to provide them with adequate financial resources and to ensure their independence. In the same vein, while the African Commission on Human and People's Rights was seen as "critical to the due observance of human rights in Africa," the conference underlined the urgent need to provide [it] with adequate human, material and financial resources. To help find the funds, participants appealed to "the international community, especially multilateral financial agencies, to alleviate the external debt" that has crippled Africa.[7] This Panel warmly welcomes this development, and we address this matter in our recommendations.

21.14 As for greater African military self-reliance, those with African experience agree. "The question I would like to ask," former UNAMIR Commander General Romeo Dallaire said to the Panel, "is if the slaughter of a million people within 100 days, as well as injured and displaced persons numbering millions, which is far more than what occurred in Yugoslavia, was of no consequence to the major powers and so they did not come to stop it, do you think that they would come at another time? I contend that the western world is very averse to returning to Africa for any future crisis, in any significant numbers. There might be missions of observers or whatever, but I believe that the OAU should take responsibility, initiate a round table of donor countries, and build its own rapid reaction capability to ensure stability on the continent."[8]

21.15 There are reasons why Africa has been marginalized, why the world is indifferent, why there seems to be a double standard when it comes to Africa. Events in recent years make inescapable the conclusion that an implicit racism is at work here, a sense that African lives are not valued as highly as other lives. Nowhere was this demonstrated more flagrantly than when UNAMIR was instructed by New York in the first days of the genocide to give priority to helping expatriates flee Rwanda, and if necessary to go beyond its narrow mandate to achieve this end.

21.16 But as a senior, knowledgeable official observed to the Panel, it achieves nothing for Africans to constantly gripe about the situation. Such complaints merely seem like whining to the rest of the world, and change nothing. What Africa must do is not whimper but get its act together. In the Panel's view, the energy invested in initiatives at conflict resolution in the past decade illustrates that this lesson is being learned. Africa, so the Panel was assured, is "no longer counting on foreigners to come to Africa to die for us." Everyone understands that the Mechanism for Conflict Prevention, Management and Resolution must be substantially strengthened, with more expertise and greater resources. It hardly needs this Panel to say what everyone knows, that Africa must play a more central military as well as diplomatic and political role in African conflicts. Africa should have peacekeeping forces available for swift mobilization as needed. Africa, as we were told everywhere, must come to depend on Africans.

21.17. Yet at the same time, Africans are very much counting on foreigners to help Africa to help itself. This position has repeatedly been articulated by senior officials of the OAU, and is shared by many African officials, including, significantly, the continent's senior military officers.[9] It was made abundantly clear by the senior, knowledgeable official of the OAU. Africa does not have the resources to deal with its crises alone, he repeatedly pointed out. There are problems of inadequate capacity, which includes the key area of intelligence- gathering. Peacekeeping missions are terribly expensive. Standing behind agreements is very expensive. So is dealing with refugees and providing the proper logistic support to military missions.

21.18. In an unprecedented initiative, military chiefs from across the continent have now met twice to discuss more effective means of peacekeeping.[10] At the 1993 OAU Summit in Cairo, Heads of State established the OAU Mechanism for Preventing, Managing and Resolving Conflicts.[11] Clearly this work has a long way to go, but the OAU is working with various experts to enhance the institutions and structures that are designed to facilitate conflict resolution. Africa must and will take on greater diplomatic, political and military roles, a senior, knowledgeable OAU official asserted. Africa has the capacity in terms of soldiers and officers. But "our problem is our poverty of resources." An increasingly isolationist American Congress has just cancelled an annual grant to the OAU, while the European Union has never been overly generous to African needs.

21.19. This Panel fully concurs with the assessment that the world has abjectly failed to live up to its financial obligations to Africa and we will make an important recommendation in this area. But we have some difficulty with the assertion that Africa is poor in military resources.

21.20. During this same decade that African leaders repeatedly called upon foreign countries to send in their troops or to offer logistic support to African troops, more than a dozen new or protracted conflicts flared across the continent. According to the London-based International Institute for Strategic Studies (IISS), three-quarters of the countries in sub-Saharan Africa were engaged in armed conflict or confronted by a significant threat from armed groups during 1999.[12] Some of these were between state governments, not least the very war in central Africa that the Lusaka Agreement is intended to resolve. Apart from the DRC, direct military participants in that war include the governments of Uganda, Rwanda and Burundi pitted against the governments of Angola, Zimbabwe, Namibia and Chad. Several other governments have lesser military involvements. Among them, they also support a large array of rebel groups, including those who are guilty of genocide and other crimes against humanity. Somehow or other, despite their poverty, all these governments as well as other African governments engaged in costly full-scale wars, have found the resources they need. And as one of our expert consultants pointed out to us, none of them has needed the assistance of the United Nations or any outside power to do so.[13]

21.21. The IISS has calculated that military expenditures in sub-Saharan Africa totalled nearly $11 billion in 1999. Excluding South Africa, spending on arms in the region increased by about 14 per cent at a time when its economic growth rose by less than one per cent in real terms. The Institute also shows that armed exports to the region nearly doubled in the one year, as different factions fought not only over territory but for control of valuable mineral resources.[14]

21.22. Such information does not make the OAU's case more persuasive. Already in the past decade or so a backlash has grown among donor countries and agencies against providing assistance to poor countries that were spending a substantial portion of their meagre budgets on defence expenditures. A similar backlash is surely inevitable by industrialized nations against committing military resources to African countries for peacekeeping missions when Africa's own military resources are tied up in inter-African wars.

21.23. It is true that in one way the conflicts in the DRC are self-financed; the several countries controlling diamond mines and other natural resources in the DRC use those resources to fund their war efforts. But that means those resources are not available to fund peacekeeping operations or desperately needed economic and social development. Surely potential donors will legitimately question why it can be considered their responsibility to fund operations that African governments cannot afford because they are overburdened warring against each other.

21.24. In the end, after all, the OAU is the instrument of its member states. It is they who decide on its structure, character, functions and resources. It is they who decide whether the principles adopted by their Heads of States and Governments over the decades – the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, say, or the African Charter on Human and Peoples' Rights of 1981 – are taken seriously or not. It is they who decide whether respect for national sovereignty must always take precedence over the need to enforce human rights, for example. The ethnic, religious, ideological and geopolitical differences that have been the root causes of conflict in post-colonial Africa cannot be resolved by the OAU unless its member states allow it to. This naturally includes those states embroiled in such conflicts. OAU attempts to strengthen its capacity for conflict resolution requires more than greater know-how or sophisticated institutions and structures; ultimately, it depends on the will of the members of the Organization.[15] The formal agreement by Heads of State to empower the OAU to establish conflict resolution mechanisms, and the attention paid to the Secretariat when it calls member states together to deal with crises, are major steps forward. But they are only the beginning of the process.

21.25. The conflict that has engulfed central Africa is an obvious case in point. Or we could look within that larger picture at the specific case of Burundi, where a bitter civil war has raged for the past seven years, exacerbated by and in turn effecting the conflicts in Rwanda and Congo while simultaneously increasing tensions with Tanzania. In fact, African leaders have been intensely involved in efforts to resolve the Burundian crisis, no less an elder statesmen than the late Julius Nyerere having headed the talks (again at Arusha) until his death. Yet not even Nyerere could bring peace and stability to a tormented country caught up in a deadly cycle of ethnic violence. Now it is Nelson Mandela's turn to try.

21.26. That does not mean the outside world is irrelevant for peacemaking purposes, as our recommendations will indicate. But even the kind of unprecedented international effort we call for would fail if the region's governments choose not to co-operate. In the end, all the peacekeeping mechanisms possible, all the expertly-designed conflict resolution institutions and structures imaginable, are helpless if African leaders are not prepared to relegate violence to a last resort rather than a first one.

21.27. Good leadership means good policies. It means a genuine commitment to all those values that are enshrined in every African constitution, in the principles of the OAU, in any number of conventions that African leaders have endorsed at the United Nations: peace, tolerance, mutual respect, human rights, democracy, good neighbourliness, and the necessity of peaceful political processes., Good leadership means addressing the root causes of poverty and inequality, as all African leaders have pledged to do. Once these commitments are respected in practice, the first steps will have been taken towards enduring solutions to the terrible conflicts that engulf Africa. [16]

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[1] OAU, "Background Information," 42.

[2] Ibid., 44.

[3] Ibid.

[4] John Pomfret, "Rwandans Led Revolt in Congo; Defense Minister Says Arms, Troops, supplied for anti-Mobutu Drive,"Washington Post, 9 July 1997.

[5] OAU, "Background Information," 45-49.

[6] A knowledgeable observer who met with the Panel but prefers to remain anonymous.

[7] OAU First Ministerial Conference on Human rights in Africa, Grand Bay (Mauritius) Declaration and Plan of Action, April 1999, CONF/HRA/DECL (I).

[8] General Dallaire meeting with the Panel.

[9] OAU document: Draft Report - OAU/CHST/CO/RPT (II).

[10] Ibid.

[11] OAU, Declaration of the Assembly of Heads of State and Government on the Establishment, within the OAU, of a Mechanism for Conflict Prevention, Management and Resolution.

[12] International Institute for Strategic Studies, "The Military Balance 1999/2000. Country by Country Analysis," 1999.

[13] Bonaventure Rutinwa, seminar with IPEP Chairman Masire and IPEP Secretariat, July 1999.

[14] International Institute for Strategic Studies.

[15] Amare Tekle, "The OAU: Conflict Prevention, Management and Resolution," in Adelman et al. (eds.), Path of a Genocide, 128-129.

[16] Alex de Waal (ed.), "The Persistence of War in Africa" and "Structures for Regional Peace and Security," papers prepared for the Conference on Humanitarian and Political Challenges in Africa, Kigali (Rwanda), 12-14 October 1999.

CHAPTER 22

THE RPF AND HUMAN RIGHTS

22.1. Accusations against the RPF for human rights violations, often of massive proportions, have been heard since the invasion of 1990.[1] Having scrutinized the sources available, we have been persuaded by the evidence that at least some and perhaps many of these charges are true, that such violations took place before, during and after the genocide, and that they have included the period since late 1996 when Rwandan troops began hunting genocidaires throughout central Africa. On very many occasions, RPF soldiers have been guilty of killing civilians, often in large numbers, although exactly how many is in serious dispute. Hutu Power representatives consistently claim that the RPF has killed hundreds of thousands of Hutu in Rwanda in the past decade, constituting what they call a "second genocide"; the evidence, however, does not justify this accusation, which more plausibly should be considered simple propaganda. A UN fact-finding body has also raised the possibility that RPF forces were guilty of genocide in Zaire/Democratic Republic of Congo in 1997, but it is impossible to verify this charge. Finally, there is evidence that the numbers of RPF killings and human rights abuses in general have declined significantly in the past year as Hutu Power attacks from the Congo have been repelled.

22.2. It is also indisputably clear to us that a vicious cycle of violence has been at work for much of the past decade, where atrocities committed by one side have provoked retribution in kind by the other. Most typically, Ex-FAR and interahamwe have attacked civilians, and in retaliation the RPF has killed any Hutu that might even remotely have been involved. Less typically, but demonstrably, RPF troops have simply massacred innocent Hutu.

22.3. Most human rights groups, including the four that came together in 1993 as the International Commission on Human Rights Abuses in Rwanda, have determined that the RPF was responsible for a number of serious human rights violations beginning with the 1990 invasion.[2] It was then that a recurring RPF pattern of behaviour became unmistakably apparent: while professing a policy of openness and commitment to human rights, the RPF hindered the investigations of the IInternational Commission and made it impossible for commission members to speak freely and privately with potential witnesses.[3] Even during the months towards the end of and after the genocide when the RPF was just establishing its control, it was remarkably successful in restricting access by foreigners, including journalists and human rights investigators, to certain parts of the country, a pattern it has followed to this day.[4]

22.4. In their successful drive to win the war and halt the genocide, the RPF also killed many non-combatants. As they sought to establish their control over the local population, they killed civilians in numerous summary executions and in wholesale massacres. Hundreds of thousands of Hutu fled the advancing troops, reacting to stories of RPF abuses invariably inflated by Hutu Power propaganda aimed at driving the Hutu masses out of the country. But hundreds of thousands more remained and were herded by the RPF into camps. Vice-President Paul Kagame explained the policy on Radio Rwanda in late July, using ominous language: "Harmful elements were hidden in bushes and banana plantations," he said. "Therefore a cleaning was necessary, especially to separate the innocent people from the killers."[5] The problem then and since, as both President Bizumungu and Kagame both conceded when we met with them, is that it is not always easy to distinguish between innocent and guilty Hutu.[6]

22.5. We must note here that anyone seeking the truth in this area will find disturbingly contradictory data. As it happens, the two human rights organizations that have done the most comprehensive investigations of the subject, and whose monumental reports are relied on by all students of the genocide, disagree profoundly about the magnitude of human rights abuses by the RPF, not only immediately after the genocide but throughout the past decade. To confuse the issue further, other authoritative sources disagree with both organizations.

22.6. From its evidence, Human Rights Watch, in its 1999 tome Leave None to Ttell the Story: Genocide in Rwanda, believes the RPF may have slaughtered tens of thousands of civilians in the three and half months of combat, an enormous number by any standards.[7] They also conclude that RPF abuses occurred so often and in such similar ways that they must have been directed by officers at a high level of responsibility. "It is likely that these patterns of abuse were known to and tolerated by the highest levels of command of the RPF forces."

22.7. In its study, Rwanda: Death, Despair, and Defiance (revised edition, 1995), African Rights minimizes the number of abuses and killings by the RPF, asserting that as of September, two months after the conflict ended, "no convincing evidence has yet been produced to show that the RPF has a policy of systematic violence against civilians."[8]

22.8. To complicate the subject further, yet another knowledgeable observer, Gerard Prunier of France, revised his own views of this issue between the first and second editions of his important book, The Rwanda Crisis: History of a Genocide. Prunier has consistently agreed with Human Rights Watch that the RPF was guilty of serious abuses.[9] In the earlier edition, however, based on field work done in late 1994, he judged the numbers involved to be dramatically lower than the Human Rights Watch estimates.[10] But further research that he conducted two years later for an updated version convinced him that the figures might well be even greater than Human Rights Watch calculated.[11]

22.9. Adding substantially to the confusion on this important matter is the case of the missing Gersony report. A UN High Commission for Refugees (UNHCR) team apparently gathered the first convincing evidence of widespread, systematic killings by the RPF; the UN, however, for reasons never announced, decided to suppress the information. While no written report has ever been uncovered from this mission, confidential notes based on briefings by the members do exist and found their way into the hands of Human Rights Watch.[12]

22.10. After the RPF victory, UNHCR dispatched a three-person mission headed by Robert Gersony to look at refugee-related problems. Gersony was a well-regarded independent consultant who had conducted refugee and human rights assessments for different agencies in Africa, Latin America and Southeast Asia. In the course of their work, he and his team became convinced that the RPF had engaged in "clearly systematic murders and persecutions of the Hutu population in certain parts of the country." They received information they considered credible about RPF-perpetrated massacres, door-to-door killings, arbitrary arrests, disappearances, and ambushes, the victims being chosen indiscriminately, with women, children and the elderly being targeted as well as men. In some cases, repatriated Tutsi exiles had joined the RPF in their attacks on local Hutu. They concluded that "the great majority of these killings had apparently not been motivated by any suspicion whatsoever of personal participation by victims in the massacres of Tutsi in April 1994."[13]

22.11. Gersony reportedly estimated that during the months from April to August, the RPF killed between 25,000 and 45,000 persons. Press accounts of his mission, however, based on leaks to reporters, cited 30,000 as the total killed.[14]

22.12. Gersony reported his findings to Sadako Ogata, the UN High Commissioner for Refugees, who in turn informed Secretary-General Boutros-Ghali. After considerable hectic and high-level discussions among UN, UNAMIR, American and Rwandan officials, the decision was taken to downplay significantly the attention given to the findings. Gersony was told to write no report and he and his team were instructed to speak with no one about their mission, an order they follow to this day. Gersony produced a confidential three-and-a- half-page note for internal purposes, but when the Special Rapporteur on Rwanda for the UN Human Rights Commission sought further illumination of the mission, he received a shorter two-and-a-half-page statement. When the Special Rapporteur's representative tried to get more information in 1996, he received a curt formal reply from the UNHCR's branch office in Rwanda stating that the "'Rapport Gersony' n'existe pas" ('the report does not exist'); the quotation marks and the underlining are in the original letter.[15] Gersony, the letter added, had given a verbal presentation at the end of his mission to Rwandan authorities and to the Secretary-General's Special Representative.

22.13. This Panel has become marginally involved in this puzzling affair. We were promised by the Secretary-General the full cooperation of the UN in our work, including access to all necessary documents. We have attempted without success to get from UNHCR whatever report from Gersony and his mission does exist; we know something exists. We must say with great disappointment that we have failed; our requests have simply been ignored. We now ask UN Secretary-General Kofi Annan to use his authority to make this material publicly available to the world. It may well illuminate the important question of human rights abuse in Rwanda. It is also a matter of principle: a Panel such as ours cannot do its work properly if an agency of the UN chooses to disregard the commitments of the Secretary-General.

22.14. Human Rights Watch calculates that the minimum death toll by the RPF in these several months was 25,000 to 30,000, the lower range of Gersony's estimates. It describes two different kinds of deliberate killings by RPF troops outside of combat situations: the indiscriminate massacres of individuals and groups who bore no arms and posed no threat, and the execution of individuals deemed to have been genocidaires or a future threat. "These killings," they conclude, "were widespread, systematic, and involved large numbers of participants and victims. They were too many and too much alike to have been unconnected crimes executed by individual soldiers or low-ranking officers. Given the disciplined nature of the RPF forces and the extent of communication up and down the hierarchy, commanders of the army must have known of and at least tolerated these practices."[16]

22.15. Gerard Prunier, in the first edition of his book, challenges the reliability of the Gersony findings, dismissing the alleged UNHCR figure as wildly exaggerated.[17] Even then, however, Prunier did not pretend there were no RPF abuses. His own estimate is that 5,000 to 6,000 were killed in the two months he discusses – August and September – which, he notes, is still "an enormous number and large enough to create conditions of extreme insecurity in the country."[18]

22.16. In the updated edition, based on research he did in 1996, Prunier states that "One thing is sure" [what he knew two years earlier]..."was only a small part of the truth. It is now obvious from a variety of sources that the RPF carried out a large number of killings first during the genocide itself and then later during the end of 1994 and even into early 1995 with a diminishing intensity." Prunier so drastically revised his views that he actually argued now that "the likelihood that the figure could indeed be up to 100,000 is high." This estimate seems to cover the period from the start of the genocide in April 1994 and until mid-1995, and included the notorious slaughter by the RPF in April 1995 of over 4000 Hutu in a camp for the internally displaced in Kibeho in full view of foreign aid workers.[19] During these 15 or 16 months, he believes the RPF was content to let its men indiscriminately kill Hutu in a process of rough retribution for the genocide.

22.17. There is much less controversy about the Kibeho massacre, perhaps because of all the witnesses. It was one of a network of camps for internally displaced persons in the south of the country, open sores left behind by Opération Turquoise. Hundreds of thousands of Hutu who had fled the advancing RPF forces had rushed for protection into the French safe zone. Some later moved on to eastern Zaire, but about 600,000 people were crammed into these camps at the end of 1994; they included many who had participated in the genocide.[20] This was yet another enormous problem for the new beleaguered government to confront, but unaccountably the world's media, so fascinated with the Goma refugees, paid the camps almost no attention.

22.18. Yet these were the perfect venues where remaining interahamwe could linger undetected and from which they carried out terrorist raids, provoking predictably violent RPF reactions. The government was anxious to close the camps down, and progressively did so until by early April 1995 close to 450,000 people had either returned to their communes or fled the country.[21] On the other hand, that meant that some 150,000 remained in camps.[22] In a pattern that has been witnessed repeatedly since the genocide, the government made it abundantly clear that if the international community failed to help clear the camp, the RPF would do so unilaterally; yet no one was prepared to intervene.[23] In April, either the government or some RPF officers lost patience and decided to empty the huge camp at Kibeho by any means necessary. The result was a massive slaughter of at least 4,000 people and possibly as many as 8,000 in the few days between April 18 and April 22.[24] The government claimed the number to be 338.[25] The commanding officer was tried, received a suspended sentence, and later turned up as commander of the Kigali region. The remaining camps were soon closed down by force.

22.19. Our own conclusion, based on the available evidence, is that it is quite unrealistic to deny RPF responsibility for serious human rights abuses in the months during and after the genocide. They were tough soldiers in the middle of a murderous civil war made infinitely more vicious by the genocide directed by their enemies against their ethnic kin. It is perfectly understandable that the conflict would have been dirty and bitter, with no holds barred on either side. Moreover, once the genocide began and the civil war broke out again, we know that many young Tutsi were recruited into the RPF ranks. With neither the training nor the discipline of the original veterans, it was predictable that they would be difficult to control. Some were just young males with dangerous weapons: the old recipe for trouble. Some had lost families and were aggressively looking for revenge.[26] But none of these factors excuse the excesses of which they were guilty. The RPA commanders must take responsibility for their action. Several hundred Hutu, for example, were massacred in Butare in the last week of the war in an apparent bout of pure revenge killings.

22.20. After the genocide, the Tutsi diaspora returned home in huge numbers, actually replacing numerically their dead ethnic kin. Many were from Burundi, where the murder by the Tutsi army of Hutu President Ndadaye in October 1993 still reverberated. Massacres by both sides had followed the assassination, including large numbers of Tutsi by Hutu. In response, Tutsi extremist militias sprang up, dedicated to retribution against Hutu. Some exiled Rwandan Tutsi had joined these militias, and now, with the RPF victory, were among those returning home. Still bitter and vengeful, and determined as well to regain land and property they had once lost, they soon gained a reputation for harassing and persecuting any Hutu they could find. These incidents were not systematic and organized, but there were many of them. Abuses, human rights violations and deaths mounted. But we have no way to decide how many there were, or which among greatly conflicting figures are most accurate.

22.21. These are not the only facts in dispute. There are other stories of unknown reliability, but because they are on the public record, we feel obligated to report them here. Somehow, a number of Hutu survived the conflict though they were known to favour closer Hutu-Tutsi relations. After the genocide and the accession of the new government, a good number of them are said to have been executed or "disappeared." Like-minded colleagues protested to Vice-President Kagame and other RPF authorities. Seth Sendashonga who became RPF Minister of the Interior and was therefore privy to the most sensitive secrets, was one of the two Hutu "political heavyweights" in the government. [27] He was also responsible for liaison between these moderate Hutu and the RPF. Sendashonga apparently wrote a series of memoranda to Vice-President Kagame about the killings and disappearances and the resulting disaffection among those prepared to collaborate with the regime to form a new Rwanda based on national instead of ethnic loyalties the ostensible goal of the RPF. Along with the RPF's chairman, Sendashonga also met with the protesters and the two promised to convey their concerns to Kagame. The Vice-President, however, was allegedly unmoved. [28]

22.22. It is necessary to know that Sendashonga made these accusations after he had fled to exile in Nairobi in mid-1995 and had become a full-fledged opponent of the government.[29] A first attempt to assassinate him was botched the following February, although his nephew was wounded; an armed Rwandan diplomat was arrested nearby. He was killed on the second try two years later. Although there is no concrete proof his murder was an attempt to shut him up, Sendashonga himself had no doubts. He knew too much, he told a British journalist about a "deliberate policy of ethnic cleansing," an attempt at "social engineering on a vast, murderous scale." The purpose was nothing less than "to even up the population figures. Look at the Rwandan equation. How can a minority tribe of one-plus million govern a country dominated by a tribe of enemies who outnumber them three to one? They want to make it Hutu 50 per cent, Tutsi 50 per cent. But to do that they will have to kill a lot of Hutu."

22.23. Interviewed with Sendashonga was Sixbert Musangamfura, another high-ranking defector from the post-genocide government who had become its bitter opponent. He had been the director of civilian intelligence, comparable to the American FBI or British M15. Musangamfura claimed that by the time he defected in August 1995, he had compiled a confirmed list of 100,000 Hutu who had been killed beginning as soon as the new government had taken over; by the time of the interview in April 1996, he estimated the total had increased by another 200,000. Sendashonga dismissed the possibility that these were merely revenge killings. "I would call it counter-genocide."[30]

22.24. Needless to say, these are profoundly troubling accusations. They echo, and provide apparent substantiation for, monstrous allegations against the present government that Hutu Power sympathizers throughout the world have made. But we have seen no evidence to back any of them up. Sendashonga and Musangamfura may have been men of integrity, but they were now exiles committed to opposing the government. Without proof, all they had were unverifiable allegations, and we have no way of judging their reliability.

22.25. But beyond Rwanda itself there is the quite separate, post-genocide history of human rights abuses in the DRC, which we have discussed in another chapter. The attacks on the refugee camps of Lake Kivu in late 1996 and the pursuit of those who fled into the forests were extraordinarily violent and destructive exercises. Two years later, a Secretary-General's investigative team issued a report confirming what many already believed. The attacks had resulted in massive violations by the AFDL and Rwandan government troops (RPA) of human rights and international humanitarian law, they constituted crimes against humanity, and they may have constituted genocide. The record revealed indiscriminate shelling of the camps, the systematic killing of young males in the camps, the rape of women, and the killing of those who refused to return to Rwanda. Fleeing refugees as well as ordinary Zairians in their path were also treated with unrestrained brutality by both the Zairian rebel and the Rwandan troops. But they had no monopoly on the savagery. The report made clear that unarmed non-Hutu civilians were killed for their money or food by interahamwe, Ex-FAR and Zairian soldiers, all fleeing the advancing AFDL-RPA forces.[31]

22.26. RPF brutality in the DRC is just a particularly horrific example of a pattern that has been all too common on their part in the past decade, not least since the genocide and their military victory. Ex-FAR or interahamwe militia have been guilty of one appalling outrage or another in their unrelenting goal of destabilizing and eventually overthrowing the RPF government. Duly provoked, Rwandan troops retaliate more or less in kind. There is much evidence, as we have noted before, that RPF fighters do not often bother to distinguish between a known Hutu enemy and a civilian, with deadly results. Indeed, large numbers of unarmed civilians have been killed with no provocation at all. Each year without exception until 1999-2000, almost all human rights organizations have documented such charges against the government, which the latter, without exception, dismisses as siding with the interahamwe, grossly exaggerated, or legitimate defense against Ex-FAR marauding.[32]

22.27. An illuminating example of this syndrome is an August 1996 report by Amnesty International called Rwanda: Alarming Resurgence of Killings.[33] Although the RPF government is deeply resentful of Amnesty's criticisms, this report seems to us well-balanced and impartial, and it is therefore worth quoting at length:

22.28. “While unarmed civilians continue to be massacred in Burundi at the hands of the Security forces and armed groups, a pattern of alarming similarity is emerging again in neighbouring Rwanda...The first half of 1996 has been marked by a sharp escalation of killings by members of the Rwandese Patriotic Army (RPA) and by armed opposition groups...violence directed against unarmed civilians has intensified, claiming more than 650 lives. The exact number of victims may be substantially higher as many people remain unaccounted for; other cases simply go unreported.”[34]

22.29. "In some cases, the evidence available points overwhelmingly to the responsibility of the RPA, in other cases to...the former Rwandese government forces and interahamwe militia....However, in many cases, responsibility for recent killings is difficult to establish...killings which have occurred in recent months...illustrate the brutal manner in which both government forces and other armed groups are massacring civilians in their efforts to destroy support for their opponents.[35]

22.30. “In the present climate in Rwanda, each killing carries with it the real prospect of reprisal. The number of victims rises with each incident.”[36]

22.31. Yet while the report attempts to be scrupulously fair in assigning blame to both sides, it also acknowledges that the backdrop to the killings was the increased insurgency against Rwanda by Ex-FAR and interahamwe based primarily in Zaire but also in Tanzania and Burundi, which constituted a "significant security threat" to Rwanda. It also appears that the genocidaires have normally struck first, with reprisals following from the RPA. "Armed opposition groups have continued to carry out deliberate and arbitrary killings of unarmed civilians, often in the context of cross-border incursions....The victims have included vulnerable individuals such as the elderly, children and very young babies. They are almost always killed at night, often in their homes. Some of these killings are characterized by especially brutal methods."[37]

22.32. Still, "[I]t has been extremely difficult to establish the exact proportions of killings perpetrated by the RPA and those perpetrated by former government forces or interahamwe militia....These difficulties arise in part from the nature of the attacks and in part from seemingly deliberate concealment by the government. Military authorities have sometimes denied or delayed access by independent investigators to the sites of particular killings, claiming the area was unsafe."[38]

22.33. "The general public perception, influenced by media reports both inside and outside Rwanda, is that...interahamwe are responsible for most if not all of the recent killings, and that most of the victims are genocide 'survivors' or 'witnesses' [so that they cannot testify against the perpetrators]. The government of Rwanda has been quick to denounce many of the recent killings as soon as they have occurred, exposing them as the work of interahamwe or claiming that civilians were caught in crossfire between interahamwe and RPA....In some instances, [however,] it seems likely that members of the RPA were in fact responsible for killings which were publicly attributed to opposition groups....Subsequent independent reports [of killings blamed on the interahamwe], that some of these killings were actually...committed by the RPA or groups allied to the security forces, are discredited [by government authorities] apparently without verification."[39]

22.34. "Individuals and organizations inside Rwanda who dare to speak out about human rights violations by government forces are subjected to persistent intimidation, threats, arrests and other forms of harassment, and are publicly and personally branded as genocidaires or defenders of interahamwe. Members of human rights organizations, journalists and judicial officials have been especially targeted....Those who have defied repression and continued to speak out about the current human rights situation live in a state of constant fear for their lives. An increasing number no longer dare to issue public statements.....Those foreign organizations which identify some of the perpetrators of killings in Rwanda as government agents or supporters are branded as supporters of those responsible for the genocide.."[40]

22.35. What the Amnesty report reflects is the existence of a second front in the ongoing war between the RPF and Hutu Power. It is a war of public relations, information management, and information control – an attempt by each to convince the international community that its side is the embodiment of virtue against an evil enemy; in a real sense, this competition is a significant aspect of warfare using communications and information. In the Rwandan case, both sides compete with considerable sophistication.[41] In parts of the world, for example, Hutu Power supporters have successfully planted the notion that the Tutsi-dominated government has been guilty of a "second genocide," that there is a Tutsi-Hima conspiracy to dominate much of "Bantu" Africa, and that the RPF is solely responsible for the conflict that now engulfs central Africa.[42] In our view, the evidence is clear that all these accusations are false and malicious.

22.36. As for the RPF, they too are masters of shrewd communication strategies. RPF leaders have long understood that they begin with the benefit of the doubt, based on a combination of guilt and sympathy from the world at large. Guilt for failing to prevent the genocide and sympathy for the RPF as the government of the victims help explain why the international community, bolstered by like-minded journalists and NGOs, has often been ready to believe the RPF version that most human rights violations have been perpetrated by the genocidaires. If the government has been guilty of abuses, it is said, surely they pale when contrasted to the nature and scale of the genocide. In any event, government supporters believe, most of those abuses have been in the form of reprisals for violent initiatives launched by interahamwe. Finally, as we have just seen, critics of the government are simply dismissed as genocide sympathizers – a technique that puts a chill on legitimate dissent.

22.37. But this careful strategy has less and less credibility. While it is gratifying to report that the latest reports indicate some improvement,[43] most specialists and human rights advocates believe the government has over recent years been guilty of very major human rights violations. Failure to allow independent investigations has caused the RPF to forfeit much of its moral capital. At the very least, the refusal by the Kigali government to allow independent investigations of alleged human rights violations seems to us a major strategic error; in return for retaining control of the flow of information – especially potentially embarrassing news – it is seriously sacrificing its own credibility.

22.38. On the one hand, this Panel fully understands the government's indignation at being judged by all those governments and institutions that, unlike the human rights groups, watched indifferently when Tutsi were being abused and slaughtered. On the other hand, as we learned during our visits to Rwanda, the government is eager to demonstrate that it is very much committed to human rights, and the National Assembly has even created a new National Commission on Human Rights, with whom we met. But if such professions are to be credible, the absolute sine qua non is the right of independent investigation and verification, which the government has systematically denied.

22.39. Yet we are also acutely aware of the continuing menace to Rwanda presented by Hutu Power. We must not lose sight of the atrocities committed by Ex-Far, the interahamwe and their various allies over the past years, continuing to this moment. These too have been carefully documented. In 1996, there was the systematic abuse of Tutsi women. There were also attacks on schools, missionaries and witnesses to the Arusha Tribunal. In 1997-1998, there was a major, organized insurgency in the north-west of the country, a full-scale military operation led by Ex-FAR officers with close ties to the exiled Hutu Power leadership, in which thousands of were viciously slaughtered; the victims were as likely to be "traitorous" Hutu who did not support the insurgents as they were to be Tutsi. Schools, health centres, bridges and municipal offices were all deliberately targeted as part of their strategy to paralyze government operations and demonstrate the RPF's incapacity to run the country.

22.40. The government responded to each of these outrages with its own reprisals and revenge killings, with thousands of civilians being killed; even those human rights organizations known to be supportive of the RPF acknowledge this, although the government, as always, dismissed their findings. In response to the full-blown Hutu Power insurgency in the north-west in 1997-1998, RPF forces made little or no attempt to spare civilian lives; and it appears that they killed more unarmed civilians than the rebels.

22.41. Recent surveys of human rights indicate that as the RPF has successfully quelled the insurgency, so have government killings and abuses abated; this reinforces the sense that many of the government's violations were retaliatory. On the other hand, the RPF remains after six years a so-called transitional government that has never been elected and that has yet again postponed for another four years the prospect of an election. This reflects the government's fear that not only do ethnic factors still dominate Hutu thinking, but that many Hutu actually supported the subversive and genocidal aims of the insurgents. Some observers were convinced that in the north-west, the original home of Hutu Power, such support was in fact considerable, justifying the government's oft-repeated reminder that it is not always possible to distinguish a Hutu enemy from an ordinary Hutu citizen. Unhappily, that leaves Rwanda with a government that does not trust a majority of its citizens and citizens who in the majority do not trust their minority government, a situation that surely cannot continue forever.

22.42. Moreover, there is a widespread conviction in Rwanda that small bands of well-armed and well-trained Ex-FAR and genocidaires are already inside the country, melting for the moment into the background, just waiting for the signal to rise up. This is an entirely plausible scenario, for it is well known that many former killers have been able to smuggle themselves back into the country with each new return of refugees. The government is determined that this will not happen. Just as it will not relent in its pursuit of genocidaires now stalking much of central Africa, so it will not relax its guard against excursions into the country or its enemies within. It knows from bitter experience that no one else will undertake this task on its behalf, and so long as that reality prevails, the enduring cycle will continue, with brutal Hutu Power attacks being met with equally brutal RPF reprisals. We implore the government to halt the indiscriminate attacks by its soldiers against innocent civilians, and we call on it to punish fully those who are guilty of such attacks. We call on the United States, which provides essential military support to Rwanda, to use its substantial influence to this end. Otherwise, given the vicious pattern we describe, for the foreseeable future we fear that the world can realistically count on the continued suffering of large numbers of innocent Rwandan citizens.

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[1] For example see FIDH, "Rapport de la Commission internationale d'enquête"; Des Forges, 701-728.

[2] FIDH, "Rapport de la commission internationale d'enquête," 95.

[3] Ibid., 70.

[4] Nik Gowing, "New Challenges and Problems for Information Management in Complex Emergencies," 1998.

[5] Des Forges, 702 (from UNAMIR notes, Radio Rwanda 19:00, 27 July 1994).

[6] Panel meeting with the President, Vice-President and Cabinet, Kigali.

[7] Des Forges, 734.

[8] African Rights, Death, Despair, 1087.

[9] Prunier, 321-327.

[10] Prunier, 324.

[11] Prunier, Chapter 10.

[12] Des Forges, 727 (note 125-126), refers to "Notes from briefing given by Bob Gersony" (confidential sources) and "Note, La situation au Rwanda" (UNHCR, confidential, 23 Sept. 1994).

[13] Ibid.

[14] Ibid., 728.

[15] Ibid., 731. (Letter also reprinted between pages 726-727).

[16] Ibid., 734.

[17] Prunier, 324.

[18] Ibid.

[19] Ibid.,360-362.

[20] Millwood, Study 2, 94 (note 129).

[21] Ibid.

[22] Millwood, Study 2, 94 (note 129).

[23] Interview with Lennart Wolgemuth, Nordic African Institute.

[24] Millwood, Study 2, 64.

[25] Ibid.

[26] Prunier, 270.

[27] Prunier, 368.

[28] National Film Board of Canada, Chronicle of a Genocide Foretold; Nick Gordon, "Return to Hell," Sunday Express, 21 April 1996.

[29] Prunier, 368.

[30] Nick Gordon, "Return to Hell," Sunday Express, 21 April 1996.

[31] Secretary-General, "Letter dated 29 June 1998," including Report of the Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the DRC, S/1998/581.

[32] Rwanda. Ministry of Foreign Affairs and Cooperation, Office of the Minister, "Refutation by the Government of Rwanda of allegations contained in the Amnesty International report of 23rd June 1998."

[33] Amnesty International, "Rwanda, Alarming Resurgence of Killings", (London: International Secretariat), 12 August 1996, AFR47/13/96.

[34] Ibid., 2.

[35] Ibid.

[36] Ibid.

[37] Ibid., 7.

[38] Ibid., 10.

[39] Ibid.

[40] Ibid.

[41] Nik Gowling, "New Challenges and Problems for Information Management in complex Emergencies," 1998

[42] For a discussion of the theory of double genocides, see Prunier, 339.

[43] Michel Moussalli, Special representative of the Secretary-General, Report on the Situation of human rights in Rwanda, UN Economic and Social Council, E/CN.4/2000/41, 28 January 2000; Rwanda, in Human Rights Watch World Report 2000; Rwanda, in 1999 Country Reports on Human Rights Practice Released by the Bureau of Democracy, Human Rights, and Labour, U.S. Department of State, February 25, 2000.

CHAPTER 23

RWANDA TODAY

23.1. Attempting to produce a recognizable snapshot of Rwanda in the year 2000 is no easy task. Data are poor, interpretations vary wildly, much is hidden beneath the surface and, not least, the regional conflict continues to have an impact on all other developments. It is possible to be both relatively optimistic and quite pessimistic about the future. Our own views reflect these varying, sometimes contradictory, positions. If the emerging picture seems unclear, that will convey an accurate sense of our ambivalence and uncertainty.

23.2. Look at the question of basic hard data. In January 2000, IMF staff prepared a report on recent economic developments in Rwanda. Its baseline for most social and economic indicators is 1995, in the direct aftermath of the genocide and war with the country at its very nadir. Access to safe water is based on 1985 figures, while population per doctor and nurse use 1991 levels.[1] Much of the planning for the education system is based on a study carried out in 1997, some of it already out of date yet only partially updated.[2] In 1998, the government was using 1995 data on the qualifications of the civil service.[3] This of course makes it difficult to judge progress in key sectors of society.

23.3. There has also been some high-profile instability in the upper ranks of the government recently, the significance of which is very difficult to judge. In January 2000, the Speaker of Parliament, Joseph Sebarenzi, a Tutsi, resigned and soon fled the country; he was variously accused of mismanagement, abuse of office, supporting the return of the former King (see below), and inciting soldiers to rebel against the government. Human Rights Watch states that Sebarenzi fled because he feared assassination by the government.[4] No charges have been proved and he has denied them all.[5] In February, Prime Minister Pierre-Celestin, resigned amid accusations of financial impropriety and corruption, which he denied; he was a Hutu.[6] A few days later, Assiel Kabera, an adviser to President Bizimungu, was murdered; a Tutsi, he was a prominent member of the genocide survivors' association, which has been highly critical of the government.[7]

23.4. Only weeks later, President Pasteur Bizimungu himself resigned; he had been President since this government was sworn in after the genocide. Bizumungu was a Hutu who had joined the RPF before the 1990 invasion, after his brother, an army colonel, was assassinated, apparently on the orders of the Habyarimana government. He was the most public symbol of a government that claimed to represent all Rwandans. “In recent days,” according to one news story, “Mr. Bizimungu made it clear that he had long felt marginalized and mistreated... He accused members of Parliament of unfairly targeting former Hutu PM Rwigyema.”[8] He was replaced by Vice-President Kagame.

23.5. Some have argued that from the very first, real power in the government has consistently been monopolized by a small group of Tutsi, even though Hutu have formally been well represented. In 1999, for example, while the Cabinet contained 14 Hutu and 12 Tutsi, of 18 ministerial general-secretaries identified, 14 were RPF Tutsi; with only two exceptions, all the non-RPF ministers have RPF general-secretaries. Of the 12 district prefects, nine were Tutsi, two Hutu; one position was vacant. Over 80 per cent of burgomasters are estimated to be Tutsi. Among the 14 officers comprising the army and gendarmerie high command, only one is Hutu. The "tutsization" of the judicial apparatus is also evident: the Supreme Council of the Judiciary is mainly Tutsi; three of the four presidents of the Courts of Appeal and the majority of the judges of the Tribunal of First Instance are Tutsi.[9] For the first time since the new government took over, the President is now Tutsi as well.

23.6. This phenomenon, as we showed earlier, has been true since the government was first sworn in. But it seems to us far more understandable for the immediate post-genocide period, when the government was justifiably wary of whom it could trust, than it does today. After all, the historic proportions between Hutu and Tutsi still obtain; of Rwanda's almost eight million people, Tutsi account for between 10 and 15 per cent.

23.7. Moreover, the notion of homogeneous and united ethnic groups pitted against each other has always been a myth, as this report has documented on several occasions. At the moment, for example, notwithstanding the apparent Tutsi domination of the government, genocide survivors are deeply resentful, accusing it of abandoning them. As a means to transcend present ethnic divisions, some of them, together with other Tutsi, some Hutu and even some military, are said to be mobilizing behind former King Kigeli Ndahindurwa V, deposed by the first Hutu government in 1961 and now living in exile in the United States.[10] According to Human Rights Watch, the government is attempting to discredit such opponents, and is particularly targeting Tutsi survivors.[11]

23.8. But whether President Bizimungu's resignation was ethnic-related or not is frankly impossible to know. Rumours of corruption and favouritism abounded; government ministers have publicly warned that "the evil of corruption" has become a serious problem in the country. The National Assembly itself has been engaged in an ongoing effort to expose government corruption; it actually summons ministers to explain alleged misdeeds, and forced the resignations of three ministers in 1999.[12]

23.9. But media stories around the ex-President's resignation have routinely speculated on the ethnic significance as well. In political terms, that means that ethnicity has now become an issue whether it was related to his resignation or not, and all subsequent developments will be viewed through an ethnic prism.[13] The government is free to describe itself as one of national unity, and to formally forbid the use of ethnic categories. But history will not permit ethnicity to disappear quite so easily, and evidence of Tutsi control of society further ensures that the question will remain central to Rwandan life for the foreseeable future.

23.10. Although nothing about Rwanda can be isolated from the context of the genocide, in some ways the country hardly seems the same as the one we described in an earlier chapter, shortly after war and slaughter had ended. From the scorched earth of 1994-1995, Rwanda has rebounded with resilience and vigour, as any casual visitor to Kigali can attest. Thanks to "remarkable progress on the economic and social fronts" since 1994, the IMF reports, the priority can shift from "emergency assistance and rehabilitation to sustainable development... In the past three years, the economy partially recovered in all sectors." [14] Independent economists agree, almost in identical language, that, "The country has made remarkable progress in some areas, for example, with respect to macro-economic stability, increased food production, the rehabilitation of industry and infrastructure, and in the social sector, with respect to the number of children attending school and those receiving immunization."[15]

23.11. In other words, thanks in large part to the impressive efforts of an inexperienced government, the technocrats it recruited, and some of the dynamic returnees from the diaspora, Rwanda has progressed enough in the past several years to reach the level and share the challenges of many other desperately poor countries. In the words of the IMF: "Notwithstanding these efforts... Rwanda continues to face deep-seated social, financial and economic problems. These include: [1] widespread poverty and unemployment, in the context of extreme land fragmentation, diminishing land resources, low agricultural productivity, severe environmental degradation, and rapid population growth; [2] a low level of human resource development; [3] inadequate remuneration and incentives for civil servants; [4] underdeveloped and under-funded social infrastructure and services; [5] low savings, a weak financial sector, and heavy dependence on foreign aid; [6] a weak and inefficient infrastructure; [7] a narrow export base, with the bulk of exports earned from coffee and tea; [8] a heavy external debt burden...; and [9] a weak private sector.[16]

23.12. To this list must be added the need for peace and stability in the region. Not only does the conflict demand substantial military expenditures, it seriously impedes national reconciliation and therefore precludes the kind of mobilization of resources that circumstances clearly require.[17]

23.13. We should underline the IMF reference to the heavy external debt burden. We observed with dismay in an earlier chapter that the new post-genocide government inherited in 1994 a debt of about a billion dollars from the government it defeated, much of which had been incurred buying arms that were used against Tutsi in the genocide.[18] By 1999, despite interest payments made to creditors in the intervening years of between $35 and $40 million a year,[19] primarily to international financial institutions, the debt had risen to some $1.45 billion, an incredible sum for a country whose last budget totalled half a billion dollars.[20] We will address this matter in our recommendations.

23.14. Like other poor countries, Rwanda's economic difficulties are compounded by its great dependence on external funds. In fact the country has two distinct budgets: an ordinary budget which essentially covers recurrent expenditures, and a development budget that is largely donor-financed and covers capital as well as some recurrent spending. As the World Bank explains, "Unlike the ordinary budget, information on spending on the development budget is not as easily available as spending is done by donor-financed project units and does not go through the [Rwandan] treasury." [21]

23.15. Total government expenditures in 1998 were about $375 million; to put this figure in some context, the budget of Austria, a country with a similar population, included expenditures of $60 billion, 160 times greater than Rwanda's. Even then, Rwanda's revenues, $310, were not nearly adequate to cover expenditures. Further, domestic revenues contributed just two-thirds of this amount; fully one-third came from external sources. Finally, the military received in 1998 between $73 and $85 million (depending on sources), while servicing the external debt cost another $40 million. That means that almost one-third of a very small budget went to the military and the debt.[22]

23.16. The implications are obvious. Rwanda is overwhelmingly dependent on foreign agencies, governments and NGOs for any number of programmes that are crucial to rehabilitation, reconciliation and development; these include assistance to victims of the genocide, demobilization and reintegration of soldiers, civil service reform and "the establishment of governance institutions." According to the IMF, "The government is seeking donor support for these programmes, and their implementation will be phased in line with the availability of financing. To the extent that more external financing is available, these programmes will be extended and their implementation accelerated." [23]

23.17. Many other key programmes are dependent on external agencies as well. As we saw in an earlier chapter, only 10 per cent of students currently advance from primary to secondary school. The government aims to increase this rate to 30 per cent by this year and to 40 per cent by 2005, focussing particularly in rural areas and on the advancement of girls. Yet taking into account the very high projected population growth, "this objective will require considerable recurrent and capital resources."[24] In other words, this funding too must come from external sources.

23.18. Similarly, the government has launched a series of initiatives designed to safeguard human rights and to promote national reconciliation; we shall look at them in a moment. But in every case, the success of the programme depends largely on foreign generosity. While it is true that foreign aid has played a crucial role in returning the economy to its present state, such assistance is hardly a sustainable foundation on which to build for the future. Aid is never free of conditionalities, often of a kind that put the interests of the lender ahead of the borrower. Nor are these conditionalities negotiable; they are imposed unilaterally on recipients on a take-it-or-leave-it basis. Aid can also be cut off or reduced abruptly, while fashions in conditionalities tend to change swiftly and unpredictably. In any case, aid eventually comes to an end.[25]

23.19. Nor is it easy to see how this dependence can be reduced in the foreseeable future, since exports, at about $65 million a year and the country's main source of revenue, cover only about one-fifth of the country's total imports.[26] Moreover, a significant chunk of these imports contribute largely to maintaining the western style of living to which many among the elite have become accustomed, even though it is "hopelessly out of tune with the real financial capacities of the country."[27] What is worse, the outlook for the international prices of coffee and tea, the two main exports, is bleak.[28] That means continued borrowing to help pay down the interest on the debt that keeps increasing through continued borrowing.

23.20. Moreover, loans come with heavy conditions or they do not come at all. Rwanda is almost completely dependent on satisfying criteria imposed by the IMF and World Bank, although almost all scholars agree that the Structural Adjustment Programme imposed by these institutions a decade ago did significant damage to the country and helped create an atmosphere in which ethnic hatred could flourish. But there is no choice for Rwanda or countries like it, however much doubt exists as to the wisdom of the policies demanded. The irony is that even when Rwanda becomes a political democracy, its government will be disproportionately accountable to distant international financial institutions rather than to its own citizens.

23.21. The vicious circle in which the country finds itself is fairly straightforward, as one economist notes: "National reconciliation is necessary to ensure peace, without which little can be achieved politically or economically... Rwanda still needs to maintain high levels of growth through the next decade if it is to be able to reduce poverty and create an environment favourable to national reconciliation and increasing welfare." [29] Boosting agricultural productivity, as urgent a chore as faces this overwhelmingly rural nation, requires a stable political and economic environment. Yet in 1998, military expenditures were almost 20 per cent greater than those for education and health combined, while debt servicing cost almost three times more than health services.[30]

23.22. Rwanda can afford none of these expenses. The country remains one of Africa's poorest, ranking 164th on last year UNDP's Human Development Index, with only 10 countries ranked lower.[31] Ten per cent of the population over age 12 are estimated to be HIV carriers, but this is likely a low estimate. According to the Director of the National AIDS Control program, AIDS patients are already estimated to take 60 per cent of hospital beds, while more than 200,000 Rwandans, one-quarter of them children, have died of the disease.[32] The HIV positive rate among pregnant women in Kigali is estimated as a staggering 32.7 per cent.[33] Life expectancy, in part because of AIDS, is about 39 years.

23.23. Forty-two per cent of children under age five show signs of malnutrition. Per capita income is $250.00. Most rural Rwandans are very poor, large numbers of them living below a very austere poverty line. [34] About a million young men are considered to have no skills at all and their number increases by 10 per cent each year.[35] Violence against girls, especially sexual violence, is widespread.[36] A UN survey of housing needs still unmet from war and genocide found that almost 150,000 families live in plastic sheeting, 59,000 in severely damaged houses, and 47,000 in houses belonging to others. Another 650,000 people had been displaced by the Hutu Power insurgency in the north-west of 1998-1999 and the devastating government reprisals. [37] The UN Office for the Co-ordination of Humanitarian Affairs (OCHA) has set the number of affected people requiring humanitarian assistance in Rwanda at 673,000, the large majority of them internal refugees (known as internally displaced persons) in the north-west. The UN Food and Agriculture Organization (FAO) last year included Rwanda as one of the countries facing exceptional food emergencies because of the instability in the north-west.[38]

23.24. These data reveal the important truth that while Rwanda is very poor, it is by no means simply another poor African country. Many of its problems have either been created or seriously exacerbated by the genocide, the subsequent war in central Africa, and the continuing determination of former genocidaires, whom the international community refused to disarm, to carry on the fight to destabilize the present government. The refugee situation is a clear example of this. At one stage, there may have been as many as three million Rwandans taking refuge in neighbouring countries; that number is now less than 100,000. During 1999, another 38,000 returned home.[39]

23.25. While this is a major step along the long road back to normality, it also has its costs. Returning refugees raise difficult questions of screening, re-education, land ownership, property rights, social tension and employment. It is to the enormous credit of the government and people of Rwanda that so many refugees have been able to return with a minimum of vigilante justice being meted out.

23.26. But there are hidden and potential costs here as well. Rwandan authorities are realistically concerned that among legitimate returning refugees can be found interahamwe infiltrators. The UN's OCHA last year reported unconfirmed estimates that of 13,000 exiles returning from north Kivu to north-west Rwanda during one period, 1,000 to 2,000 were interahamwe rebels who were now "lying low".[40] Visitors to Rwanda soon hear reports that bands of well-armed rebels are hidden throughout the country, smuggled in with bona fide refugees, just waiting for the signal to rise up. While these anxiety-raising rumours cannot be proven (and there is little question the government exploits these fears to justify maintaining its tight control), there is no reason to believe they are without some basis of truth.

23.27. The question of truth in Rwanda is endlessly problematic. The government has been an adept student of modern strategic communications and information (as has its Hutu Power enemies),[41] and is well aware what values the outside world wishes it to embrace. At the same time, government spokespeople constantly insist, with considerable justification, that they have no choice but to hunt down threatening Ex-FAR and interahamwe wherever they are, in the process often violating the very same values they claim to be entrenching at home and making ethnic reconciliation that much more intractable.

23.28. Our Panel received from the "National Unity Government" a document called "Some Efforts Made by the Government to Build a New Society Based on National Unity and Reconciliation." It is an undeniably impressive document, although by definition reflects the views of the government. That does not mean it is unreliable, but nor does it mean it can be taken at face value without serious scrutiny. The initiatives listed include the following: the repatriation of refugees; setting up a Commission for National Unity and Reconciliation to expunge ethnic divisiveness; setting up a National Human Rights Commission; setting up a National Constitutional Commission; holding nation-wide local elections in 1999; giving Parliament the authority and autonomy to investigate government actions; setting up a National Commission for education examinations and for competition in public sector employment to ensure fairness; introducing the gacaca tribunal system; and integrating willing Ex-FAR soldiers into the Rwandan Patriotic Army.[42]

23.29. All these appear to be excellent initiatives, and all have detailed mandates spelling out their specific responsibilities. All of them are to be applauded. The question is whether they are real and will work as described. One answer is that it is simply too soon to tell; many of the most attractive programmes have only just been launched and it will be some time before they can be appraised. Another answer is that almost all of them depend to a greater or lesser extent on external funding for their viability. The document is candid enough on the subject. It asks this Panel to include among its recommendations: support for the genocide survivors' fund set up by the government; assistance to vulnerable groups by financing income-generating projects; providing financial and technical support for the gacaca tribunals; and assisting the government to fund the Unity and Reconciliation Programme, the Human Rights education program, and the Good Governance Programme.[43]

23.30. This request is not a random act. We ourselves heard a series of speakers in Rwanda describe important initiatives they were undertaking, but making it clear that little would happen without foreign assistance. The heads of the new National Human Rights Commission described their very ambitious and laudatory program to us, but for its implementation they need more than $8.7 million in the next two years.[44] Each project has its equivalent need, and all of them are above and beyond the foreign aid the country already receives, which is never as much as needed and never as much as is pledged.

23.31. What are we to make of the government's programme? Not surprisingly, both within and outside the country there are believers and cynics. Some of the latter are completely negative about the government's intentions. They charge that a new "Akazu" has developed within the RPF, a small clique that has amassed wealth, position and privilege at the expense of the people.[45] Newspapers have told of widespread practices of corruption, embezzlement, favouritism, illegal expropriation of land, and privatization at suspiciously low prices. Government officials have been accused of exploiting the genocide to get themselves fine new homes and a share in new high-rise buildings being constructed in Kigali. One newspaper editor, a genocide survivor charged the government with being "increasingly fond of those practices you used to denounce... why did you fight Habyarimana?" Indeed, comments one scholar who is antagonistic to the government, "One is struck by the parallels with some of the warnings made during the final years of the Habyarimana regime."[46]

23.32. This analysis dismisses the initiatives trumpeted by the government as nothing more than sophisticated public relations. The truth, from this perspective, is that "the Kigali government is implementing a policy of total control of state and society." Power is concentrated in the hands of "a small RPF elite"; opposition is being destroyed; and an effective security apparatus is being developed. "In this way, Rwanda is increasingly becoming an army with a state rather than a state with an army."[47]

23.33. This assessment is echoed, although in considerably less brutal terms, in a very recent report by Human Rights Watch. It essentiality accuses the Rwandan government of using the pretext of security to perpetrate human rights abuses. The report says:

23.34. "Rwandan authorities count security as their first priority. They must, they say, do whatever is necessary to avoid another genocide like that which preceded their coming to power. The Rwandan government has an army of over 50,000 troops [some say 75,000], a national police force, thousands of communal police officers, additional thousands of Local Defence Force members, and citizen patrols that operate during the night in many communities. Many government employees, students, and other civilians have learned to shoot at 'solidarity camps' and the authorities plan to have most of the population similarly trained... All of these forces [and] training programmes, are meant to protect a small nation with a population of some seven million people."

23.35. "Yet with all this focus on security, ordinary citizens are attacked and killed and others 'disappear' without explanation. In some cases, the security forces have failed to protect citizens; in others, they have perpetrated the very abuses which contribute to the current atmosphere of insecurity in the country."

23.36. "Rwandans who disagree with government policies are likely to be counted among the 'negative forces' that threaten national security. Among those so labelled, one important Tutsi leader was assassinated. Others fearing for their lives have fled Rwanda. Scores of ordinary citizens have been jailed without regard for due process and sometimes held incommunicado for months. Such abuses, long perpetrated against Hutu, now increasingly trouble Tutsi, particularly Tutsi survivors of genocide who express opposition to the government or to the dominant party, the Rwandan Patriotic Front (RPF)."[48]

23.37. These views conflict sharply with, among others, the latest views of Michel Moussalli, the UN Special Representative for Human Rights. Moussalli, it should be said, is always explicit about the context in which he observes Rwanda; like Human Rights Watch, he never forgets that this is a society just beginning to recover from one of the great traumatic events of our time.[49] We endorse that important perspective.

23.38. Rwanda is not just another country. Too many people, it seems to us, deal with Rwanda as if the genocide were already an ancient story that should be relegated to the history books and that it is time for the nation to move on. We strongly repudiate this view. The Nazi holocaust, now 55 years in the past, continues to receive abundant attention; a search of its data base shows that last year, The New York Times carried 833 stories related to the Holocaust, but only 45 related to the six-year old Rwandan genocide. There is no statute of limitation for those guilty of genocide, and there is no statute of limitation on its memories and ramifications. The consequences of an event of such enormity continue to be felt, individually and collectively, for decades, and we applaud the UN Special Representative for helping ensure that the world does not forget Rwanda.

23.39. Writing at the turn of the year, Moussalli was "gratified to be able to report that Rwanda is stepping out of the shadow of genocide...This report describes a country that is growing in confidence and laying the foundations for a democratic society. As the Rwandan government acknowledges, this must include a central place for human rights." The new, untested initiatives that we listed a moment ago are described by the Special Representative as "positive developments": "Taken together, [they] signal a clear movement towards democracy and reconciliation."[50] Avowedly optimistic, Moussalli chooses to see the opportunities and challenges that face Rwanda – "and its partners in the donor community" – rather than the intractable problems and insurmountable obstacles.

23.40. Moussali of course understands the distance between good intentions and actual deeds. While human rights abuses have decreased, the government "extended the period of transition from genocide to democracy by another four years" [51]; this remains an authoritarian regime that has never received an electoral mandate. Like others the Panel has heard from, he was favourably impressed with the nation-wide local elections that were held in 1999, even though no campaigning was permitted by the government, and there was no secret ballot.[52] He very much hopes that resources can be found to allow human rights plans to be realized.[53] He is aware that local human rights NGOs are totally dependent on a small group of international donors for support, and this is unlikely to change.[54] He is disappointed that the Commission on National Unity and Reconciliation has not received more financial support from external donors to help with its "daunting task".[55]

23.41. He knows that the press "needs to be able to operate in a climate free from intimidation, and that this will require legal safeguards, financial viability and training in professional reporting."[56] He acknowledges that the gacaca plan – an experiment of an "unprecedented nature" – is "a major gamble" ; while it might "break the deadlock" in the criminal justice system, "equally... it could create an entire new set of problems." [57] He commends the government (as do we) for carrying out no executions since April 1998, although he observes that the number of those condemned to death rises steadily, standing at 348 at the end of 1999.[58]

23.42. In the end, the Special Representative seems to feel that Rwanda could just manage to cope with its present challenges if only the regional conflict can be settled. The improvement in the human rights situation, for example, seems directly related to the government's success in 1999 in putting down the Hutu Power insurgency in north-west Rwanda. In doing so, Human Rights Watch reported earlier this year, "Its troops killed tens of thousands of people, many of them civilians, and forced hundreds of thousands to move into government-established 'villages.'" But as the army got control of the situation, so the general human rights atmosphere in the country improved and the number of those 'disappeared' by the government diminished.[59]

23.43. Moussalli agrees: "The overall improvement in security in the northwest has led to a corresponding decline in alleged abuses by the Rwandan armed forces." But the threat from interahamwe raids is far from over. Last December 23, one of their armed bands crossed into Rwanda from the DRC and attacked a resettlement site, killing 29 and wounding another 40.[60] Besides the continuing menace from the west, former genocidaires have also allied themselves with Burundian Hutu rebels, opening another front in the south, and some say that Hutu guerrillas are being trained in camps near the Tanzanian border, creating a possible third eastern front as well. None of this will persuade the Kigali government to relax its vigilance. Indeed, human rights groups have expressed growing concern about the activities of so-called local defence forces (LDF), local militia said to be formed and armed by villages in order to ensure security. These forces are unpaid, receive only superficial training, and include some very young males.[61] The obvious parallels with developments in the build-up to the genocide are surely unnerving.

23.44. Special Representative Moussalli extends the equation between human rights and conflict to take in the entire regional war. As we have seen, the Rwandan Patriotic Army has been particularly ruthless in its operations in the Democratic Republic of Congo, and has badly damaged its reputation as result. This in turn greatly impedes reconciliation within the country, whatever internal initiatives are launched. But President Paul Kagame continues to make it unmistakably clear that until the Ex-FAR and interahamwe are disarmed, Rwanda will not leave the DRC.[62] Unless the UN Security Council dramatically changes its stance, as we strongly urge them to do, only the armies of the three governments allied with the former genocidaires are in a position to neutralize them as a marauding force.

23.45. But human rights abuses are commonplace in the DRC and Burundi as well, some of them a direct function of the regional conflict. Amnesty International has accused one of the anti-Kabila rebel groups, "backed by government troops from Burundi, Rwanda and Uganda," of "perpetrating widespread human rights abuses" in areas under their control.[63] Reporters Sans Frontières, a media monitoring group, last year described the Kabila government as one of the most repressive in Africa, under which "violations of press freedom have become even more common than during the last year of [Mobutu's] dictatorship." [64] Roberto Garreton, the UN Human Rights Rapporteur, asserted that when it came to human rights abuses in the DRC, "Impunity reigns everywhere." While the government had not advanced the democratization process, he said in 1999, the anti-Kabila rebels in eastern DRC act as if "all those who don't agree with them are genocidaires or instigators of ethnic hatred."[65]

23.46. Early in 2000, Kabila again rejected calls for more democracy, although he announced on April 1 that elections for the legislative assembly would be held on May 10. But nothing happens easily in central Africa, and opposition parties have said they will not take part. The news story is instructive: "'The Kabila government is trying to bypass the Lusaka peace accord,' Raphael Kashala, an official in the Brussels office of the opposition Union pour la Démocratie et le Progrès Social (UDPS), told IRIN on Monday. 'It is not reasonable to talk about parliamentary elections in a divided country,' he said. The priority should be on stopping hostilities and organizing inter-Congolese negotiations leading to a new political order, as called for in the Lusaka accord, Kashala added." [66]

23.47. As in Rwanda, so throughout the region war, human rights abuses, ethnic tensions, and humanitarian problems are all interconnected. For example, besides Rwanda, among the countries in Africa named in 1999 by FAO as having exceptional food emergencies were Angola, Burundi, DRC, Congo, and Uganda. The reason in every case was "civil strife," sometimes combined with insecurity and population displacement.[67] Throughout the Great Lakes Region last year, according to OCHA, people requiring humanitarian assistance grew constantly to about four million in the DRC, Congo, Tanzania, Uganda, Rwanda and Burundi. Not only did their numbers increase, so did their vulnerability. The situation was largely attributable to "continued instability in the region arising from the intensification of military activities on various fronts." [68] In April of this year, the UN's Assistant Emergency Relief Co-ordinator reported that the humanitarian situation in eastern DRC was "dire". The war had left more than 500,000 people displaced, civilians were being targeted by all parties to the conflict, while humanitarian agencies had no access to some 50 per cent of the population in need of assistance.[69]

23.48. Burundi ranks even lower than Rwanda on the UN's Human Development index, 170th out of 174 countries.[70] The IMF has noted that the country's "macro-economic and financial situation had deteriorated substantially in the past year." [71] It was hurt by sanctions imposed by its neighbours to protest a successful coup in 1996; these have now been lifted. A violent civil war has gone on for years, and a complex peace process, facilitated before his death by Julius Nyerere and now by Nelson Mandela, seeks a durable solution. Some 650,000 suffering citizens required assistance in 1999, most of them internally displaced persons,[72] while 400 civilians were killed in the conflict between the army and the rebels.[73] At the same time, in a highly controversial development, the government herded some 800,000 Burundian Hutu, about 13 per cent of the national population, into "regroupment" camps. The government claims the camps protect people from attacks by radical Hutu rebel groups working closely with the Rwandan interahamwe. Critics call them ethnic concentration camps that serve to deprive the rebels of their support base, and it indeed seems that anyone attempting to leave would be killed by a Tutsi soldier. Conditions have been described as "squalid," breeding "disease, malnutrition and ethnic hatred."[74] In the face of almost universal condemnation, the government has promised to dismantle these camps, but only when the security situation makes doing so feasible.

23.49. Tanzania continues to host almost half a million refugees, "a burden," as President Mkapa has stated, "it could not sustain"; some 400,000 are from Burundi and the DRC, the immediate legacy of the Great Lakes conflict. Tanzania is a victim of geography. Terribly poor even without the refugees, it is no more responsible for their plight than are the wealthy countries of the West. Yet Tanzania has no choice but to give priority to the many refugee-related problems it must confront, while the West, the President observed, has the choice and chooses not to share the burden.[75]

23.50. This is the context in which the future of Rwanda and central Africa must be appraised. The interdependence of the many nations involved and the many problems to be faced means that solutions must be sought at the international, regional and national levels. That is why the UN has authorized a small mission to the DRC, although we consider it wholly inadequate for the task. The 1999 Lusaka accords, described in an earlier chapter, called for a series of regional initiatives to bring peace, stability and democracy to the DRC and central Africa. A difficult peace process for Burundi continues.

23.51. The importance of these steps can hardly be overestimated. A recent analysis of the 14 wars that have persisted or broken out in Africa in the past decade shows that in all cases save one, the greatest single risk factor for war is war itself. Conflicts generate further conflicts. Countries in conflict have either had wars before or have neighbours whose wars have spread. The list includes all of central Africa; Angola, Burundi, Zaire/DRC, Congo-Brazzaville, Rwanda, and Uganda. Wars recur for several reasons: "unfinished business from previous wars, notably peace settlements that are incomplete or incompletely implemented; the large numbers of trained soldiers available; the level of armaments available; problems with disarmament and demobilization programmes; and the legitimacy that attaches to violence as a form of political action in countries with a long history of armed struggle." Poverty and inequality have also been identified as amongst the major causes of conflict.

23.52. Moreover, while wars are often started, re-started or are spread by "military entrepreneurs" – individuals or groups who see their interests being furthered by conflict – once begun, they have their own logic of escalation. They are bloody, protracted and unpredictable. The priority must be to seek to settle wars in such a way that they do not break out again.[76] These insights are directly relevant to central Africa. But they also reflect an enduring structural weakness of the OAU (of which it is only too aware) as well as the unrealistic notion that informal consultations of like-minded African leaders, or even Summits, can function successfully in place of established institutional mechanisms. Initiatives of this kind fail to institutionalize inter-state relations and lack mediation mechanisms when relations break down. A recent analysis concludes that, "A robust regional peace and security order...requires formal and informal inter-state mechanisms, stable inter-state power relations, enforcement capacities, and a consensus on basic values. These take time to develop and to gain the legitimacy and credibility they require, and Africa has only recently begun to move in the direction of creating such institutions and mechanisms." The OAU Conflict Resolution Mechanism is among these initiatives.[77]

23.53. This discussion has referred both to violence as a legitimate form of conflict resolution and to the question of shared values. One of those values is universally assumed to be the illegitimacy of violence for settling conflicts. There have been several notable situations in recent years where serious violence might well have broken out, but did not. South Africa's non-violent transition to majority rule is the best-known example of this; the Central African Republic is another important instance that deserves wider recognition. While each instance of peaceful change has special aspects, all share one vital feature: in every case, the leadership of the countries and the various factions in them sought to resolve their differences without violence. The contrast with central Africa can hardly be more stark.

23.54. Rwanda has been criticized for having no non-military strategy whatever to deal with the regional war. We have indicated our sympathy for the government's determination to root out its Ex-FAR and interahamwe enemies throughout central Africa so long as no other force undertakes the task. But this strategy exacerbates ethnic tensions both within Rwanda and in the region. In the Kivu region of eastern DRC, animosity to Tutsi thrives on rumours of Rwandan ambitions to annex the territory; bands of anti-Tutsi fighters find willing recruits to join the battle against so-called "Rwandan imperialism". UN officials have advised the Security Council that in eastern Congo, "the slightest incident could trigger large-scale organized attacks against the population, notably those of Tutsi origin." [78]

23.55. The Kigali government's "almost exclusive military strategy in Congo" sustains these dynamics. It has made "little effort to form broad-based political coalitions at a local level that might sustain the RCD, its Congolese ally, once the RPA pulls out." The only way to break the alliance between Congolese groups and their Rwandan genocidaire allies, it is argued, is to convince the local groups that Rwanda is committed to political pluralism for the Kivus once the conflict ends. Whether this approach would work is unknown, since the RPF government will not make the effort.[79] The United States, which is known to have close working relations with Rwanda, is said to be backing this military approach.[80]

23.56. It is difficult, in central Africa, to escape ethnic tensions, not least those between Tutsi and others. Yet it is important to remind ourselves that for most of the past century, including the four decades since independence, Tutsi and their neighbours have lived in relative harmony in Zaire/DRC, Uganda, Kenya, Tanzania, and Rwanda. Most of the problems in the DRC have arisen only in the past decade; prior to that, Rwandans living in the DRC were seen as one people, not two ethnic groups. In Rwanda, as we emphasized earlier, even under the quota system that flagrantly discriminated against Tutsi, for the first 17 of Habyarimana's reign there was almost no anti-Tutsi violence.

23.57. On the other hand, it does not seem to require enormous efforts by cynical "ethnic entrepreneurs" [81] to revive latent anti-Tutsi prejudices; and as we have seen, at the moment central Africa is rife with conspiracy theories about an alleged "Tutsi-Hima-Nilotic" plot to restore ancient empires that never existed. The fear of Uganda-Rwanda designs on eastern DRC is a part of this picture, while the behaviour of the military regime in Burundi serves to reinforce every ugly stereotype of Tutsi imaginable.

23.58. These realities present the government of Rwanda with great dilemmas. But pretending that ethnic divisions do not exist and will not be recognized is an answer that satisfies no one. These divisions exist and everybody knows they exist. Many of the government's actions exacerbate the divisions; the war reinforces them; and the political turbulence within the government keeps them in the public eye. By themselves, all the reconciliation projects in the world will do nothing to change this situation.

23.59. Rwanda is unlikely ever to be an ethnic-free nation, but this need not be a cause for despair. Diversity, properly appreciated, strengthens a society, and unity in diversity is the mark of a strong nation. We believe Rwandans should acknowledge ethnicity for what it is legitimate, value-free distinctions between groups of people who share and accept a larger identity in common. There can be Rwandan Hutu and Rwandan Tutsi and Rwanda Twa without ascribing superior or inferior value implications to those groupings.

23.60. The illogic of the notion of "rubanda nyamwinshi" (the majority people) equating the Hutu demographic majority with democracy has always been clear. The implication that all members of an ethnic group, Hutu or Tutsi, necessarily shared the same politics, interests, biases or ideology, was constantly undermined by major political divisions within the Hutu's own ranks; we merely need recall the overthrow by Habyarimana's north-westerners of Kayibanda's first republic and the subsequent resentment by other Hutu against the Akazu monopoly. As any primer in political science spells out, ethnicity as a defining identity ignores such other key variables as class, gender, vocation, geography, age and education, all of which have in fact been at play in Rwanda as in every other society on earth. Ethnicity, seen in this light, is simply another important variable.

23.61. This surely must be the Rwandan goal, distant as it now seems. The government describes itself as one of "national unity", but on terms that Hutu Power leaders in the diaspora completely reject. As we have observed, the very interpretations of history the two groups subscribe to are incompatible, not least the way they see the events of the last decade. While the RPF demands that the genocide be recognized as the defining event in Rwandan history, Hutu radicals who still claim to speak for Hutu in Rwanda refuse to acknowledge even that there was a genocide: a civil war in which both sides committed atrocities, yes; Tutsi-inflicted genocide, in which Hutu were the victims, yes; perhaps even genocide by both sides. But denial of the one-sided genocide of April to July 1994 remains an unshakeable article of their faith. Accordingly, there is no need for collective atonement or for individual acknowledgement of culpability.[82]

23.62. The RPF, for its part, dismisses its Hutu critics as genocide-deniers and its foreign critics as passive collaborators who allowed the genocide to happen and have forfeited any moral right to criticize. We have repeatedly agreed that the role of the international community was deplorable and inexcusable, but that does not mean that their views are forever irrelevant; after all, Rwanda and the United States have close working relationships at several levels, including the military, where it serves the interest of both parties. Nor does the genocide justify human rights abuses by the victims. Indeed, survivors are known to question whether the new Rwandan political establishment can collectively be considered victims at all. In fact, one of the saddest truths of today's Rwanda is that the survivors consider themselves largely unrepresented by the present government. It appears that to maintain the desired sense of national unity, the RPF requires the presence of a certain number of Hutu but very few survivors.[83]

23.63. Moreover, at the opposite end of the spectrum from Hutu denial is the claim sometimes advanced by RPF leaders that anywhere between one and three million Hutu had directly or indirectly participated in the genocide.[84] In effect, the implication here is that all Hutu are genocidaires and all Tutsi are potential victims; from the Hutu perspective, the assertion means that all Tutsi are potential revenge-seekers. That is why one scholar argues that "the notion of collective guilt is the principal obstacle to national reconciliation."[85]

23.64. The belief in collective Hutu responsibility may account for the enormous number of deaths of Hutu at the hands of the Rwandan army in Congo, as well as some of the more notorious massacres in Rwanda itself. The RPF leaders argue that it was never easy to distinguish between Hutu genocidaires and Hutu innocents. Nevertheless, the government must assume that genocidaires are few and that majority of Hutu are innocent. So even though there have been few known acts of vengeance against returning refugees in the past five years, many Hutu remain alienated from and intimidated by this regime. The government, then, does not trust the majority of its citizens, and they do not trust their government. The vicious cycle continues: The government believes it has no choice but to maintain its strict control. Most Hutu seem to believe either that Hutu Power will rise up one day or that simple population facts will eventually return them to power.

23.65. These views are reflected in and reinforced by the existence of some 121,500 Hutu still jammed into jails in appalling conditions. These include 4,454 children, as well as the disabled, the very old. Seventy per cent of the files are incomplete, and large numbers have never been charged. If it is assumed that one to three million Hutu were somehow responsible for the genocide, the situation might make sense. But if, rather, the seriously responsible criminals were some thousands, not millions, of people either in leadership positions or simply unleashed thugs, then the rest were ordinary Hutu men and women caught up in a temporary madness that has since dissipated. It is this second interpretation that seems to us not only more reasonable,[86] but also the only one that can lead to the reconciliation and healing of wounds that the future requires.

23.66. But there can be no compromising on the obligation to prosecute the genocide leaders. At the end of 1999, the ICTR in Arusha had indicted 48 individuals, held 38 in custody, tried and sentenced seven, all of whom have appealed.[87] No wonder that "to most observers both inside and outside Rwanda, it appears that the political elite who orchestrated the killing...are not much closer to being held accountable for their crimes than they were in 1994.[88]

23.67. A regime that does not trust its citizens, that believes that perhaps half of them participated in the genocide, is not likely to rush into free and democratic elections. The government recently postponed for a second time the elections agreed to in the Arusha accords; they are now formally scheduled for the year 2003, or nine years after the genocide and the accession of the RPF. Whether they will then be held is impossible to know, but scepticism is surely warranted. Losing an election is bad enough; losing it to those who might be latent genocidaires could be considered recklessly irresponsible – or so it would be easy for the government to argue.

23.68. In her letter to the Panel, the Executive Secretary of the National Unity and Reconciliation Commission (URC) sets out "some efforts made by the Rwandan government to build a new society based on National Unity and Reconciliation." The general thrust describes various initiatives designed to "build a lasting united and reconciled Rwanda." A central aim is said to be to "promote and to safeguard the fundamental human rights in Rwanda." To establish democracy, the local nation-wide elections that were held in 1999 "are to continue and reach the upper levels." The new URC is to "educate Rwandans on their rights and assist in building a culture of tolerance and respect of other people's rights." [89] In the same vein, the UN Special Representative for Human Rights reports that a Cabinet minister told him that human rights were his government's "raison d'être".[90]

23.69. The Panel takes these commitments seriously and at face value. But just as with ethnic reconciliation, introducing democracy and protecting human rights are far from simple matters, and we do not minimize the onerousness of the task. Democracy means more than several parties and unrestricted media, as Rwanda learned to its dismay in the turbulent years before the genocide, when licence, rather than liberty, flourished. Elections can be manipulated by those who control the state and the media, and they can also unleash extremism, hate mongering and demagoguery. An elected government does not always lead to a democratic government, especially if there are no binding constitutional limits on government power and no effective constitutional protection for individual rights. A culture of democracy includes the rule of law, impartial courts, and a neutral army and police force. Violence is inadmissible as a solution to political differences. A free, independent and critical press also means a press that cannot incite hatred and violence. A culture of human rights does not turn to the outside world to protect those rights: If human rights are not locally guaranteed and protected, they cannot be protected at all.

23.70. All these propositions are directly applicable to Rwanda today. It is not realistic to expect reconciliation so long as an unelected minority rules. Majority rule must be respected. No majority will forever accept minority rule. The government will not relinquish power unless minority rights are guaranteed and ironclad. A majority government that excludes or discriminates against a minority is not democratic.

23.71. These principles are undeniably difficult to implement. But it is hard to see how anything less can create the new Rwanda in which the nightmares of the past can never again recur. It is towards the realization of these goals that the recommendations of this report are aimed.

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[1] IMF Staff Country Report No. 4, "Rwanda: Recent Economic Developments," IMF, January 2000, Table 1.

[2] Government of Rwanda, "Education Sectoral Consultation," February 1999.

[3] Gouvernment du Rwanda, "Rapport sur le Développement du Rwanda," 1998.

[4] Human Rights Watch, Rwanda; The Search for Security and Human Rights Abuse, April 2000.

[5] IRIN, "Rwanda: Smear campaign, claims ex-speaker," 19 January 2000.

[6] IRIN, "Rwanda: Premier resigns," 28 February 2000.

[7] IRIN, "Rwanda: Presidential adviser killed," 7 March 2000.

[8] BBC World Service webpage

[9] Filip Reytjens, "Talking or Fighting: Political Evolution in Rwanda and Burundi, 1998-1999," (Nordic African Institute: Current Affairs Issues no. 21), 1999, 2, 11.

[10] IRIN, "Rwanda: ex-parliamentary speaker sacked by party"; "Rwanda: Problems coming to the fore," 18 January 2000; interview with Alison Des Forges.

[11] Rwanda: The Search for Security.

[12] IRIN, "Rwanda: Meeting tackles corruption," 18 January 2000.

[13] Associated Press, "Rwandan president resigns, upsetting political balance," March 24, 2000.

[14] IMF, "Rwanda-Enhanced Structural Adjustment facility Economic and Financial Policy framework Paper for 1998/99-2000/01," 1999, 1-2.

[15] Steve Kayizzi-Mugerwa, "Rwanda Looking Ahead: reconciliation, reform and regional stabilisation," forthcoming as Country Economic report, (Stockholm: Swedish International Development Cooperation), 3.

[16] IMF, Framework paper, 3.

[17] Kayizzi-Mugerwa, 4.

[18] Michel Chossudovsky and Pierre Galand, "Utilization of Rwanda's External Debt, 1990-1994."

[19] Interview with Rwanda Minister of Finance Donald Kaberuka, Africa Recovery, September 1999, 34.

[20] Kayizzi-Mugerwa, 13; IRIN Weekly Round-Up, "Rwanda: Defence cuts in new budget," 6-12 November 1999.

[21] World Bank, "Rwanda: Country Assistance StrategyProgress Report," June 1999, 2.

[22] Kayizzi-Mugerwa, correspondence with IPEP, January 2000.

[23] IMF, 5.

[24] Ibid., 11.

[25] Alex de Waal, ed., Humanitarian and Political challenges in Africa, Introduction and Summaries, paper presented at conference on Humanitarian and Political Challenges in Africa, Kigali, October 1999, 12.

[26] Kayizzi-Mugerwa, 13.

[27] Prunier, revised edition, 364.

[28] "Rwanda: Economist Intelligence Unit Country Report," 4th quarter, 1999, 9.

[29] Ibid., 1, 10.

[30] Gouvernement du Rwanda, "Rapport sur le Développement du Rwanda", 1998; Republic of Rwanda, "The Challenge of Reconstruction, economic recovery and sustainable development for Rwanda," "1999-2001: Forging partners for poverty reduction," Government of Rwanda/Donors meeting, July 1999.

[31] UNDP, "Human Development Report," 1999.

[32] David Gough, "Good men hard to find; risk of AIDS the price Rwandan women will pay," The Guardian (London), 16 February 2000.

[33] Government of Rwanda, "Indicateurs de Développement du Rwanda," 1999, No. 2, July 1999.

[34] Ibid., 29.

[35] Finance Minister Kaberuka, Africa Recovery.

[36] Michel Moussalli, "Report on the situation of human rights in Rwanda," UN Economic and Social Council, E/CN.4/2000/41, 28 January 2000, 55.

[37] World Bank, 3.

[38] UN FAO Press release, "Nearly 10 million people in sub-Saharan Africa need emergency food aid as food situation worsens," IRIN, 9 August 1999.

[39] Moussalli, 13.

[40] IRIN, "Government fears DRC returnees include Interahamwe," 31 August 1999.

[41] Nik Gowing, "New Challenges and Problems for Information Management in Complex Emergencies, Ominous Lessons from the Great Lakes and eastern Zaire," 1998.

[42] National Unity and Reconciliation Commission, "Some Efforts Made by the Government to Build a New Society Based on National Unity and Reconciliation," February 2000.

[43] Ibid.

[44] National Human Rights Commission, "Medium term tentative Program of Activities, 25.5.1999-24.5.2002".

[45] cited in Filip Reyntjens, Talking or Fighting? 1-2.

[46] Ibid., 4-5.

[47] Ibid., 22.

[48] Human Rights Watch, Rwanda; The Search for Security and Human Rights Abuse, April 2000.

[49] Moussali, 3.

[50] Ibid., 5-6.

[51] Ibid., 5.

[52] Ibid., 15-16.

[53] Ibid., 17.

[54] Ibid., 23.

[55] Ibid., 50-51.

[56] Ibid., 26.

[57] Ibid., 43.

[58] Ibid., 29.

[59] Human Rights Watch, Report 2000, Rwanda.

[60] Moussalli, 10-11.

[61] Ibid., 11.

[62] Cited in Wohlgemuth and Overgaard, "Nordic African Institute Report" 4, July-October 1999, 1.

[63] Cited in IRIN Update, "DRC: Rebels reject Amnesty report," 18 January 2000.

[64] IRIN Update, "Kabila government one of 'most repressive'", 17 September 1999.

[65] IRIN, "DRC: No democratization progress-Garreton", 9 September 1999.

[66] IRIN, "DRC: Opposition group rejects election plan", 3 April 2000.

[67] UN FAO press release, "Nearly 10 million in Sub-Saharan Africa need emergency food aid as food supply situation worsens," PR 99/48e, 9 August 1999.

[68] IRIN Update, "Human suffering grows as conflicts intensify," 30 August 1999.

[69] IRIN, "DRC: UN warns of dire humanitarian situation in the east," 3 April 2000.

[70] UNDP, Human Development Report, 1999.

[71] IRIN Update, Burundi: IMF concern at economic decline, 14 April 2000.

[72] IRIN Update, "UN report warns of malnutrition risk," 30 August 1999.

[73] IRIN Update, Burundi: Over 400 civilians killed in 1999, 18 April 2000.

[74] Paul Harris, "800,000 Hutus held in squalor at camps," Daily Telegraph (London), 28 December 1999.

[75] IRIN Update, "Tanzania: Mkapa appeal for refugee assistance," 2 September 1999.

[76] Alex de Waal (ed.), "The Persistence of War in Africa," Issue paper no. 1, conference on Humanitarian and Political Challenges in Africa, Kigali, October 1999, 2, 3, 12, 13.

[77] A. de Waal (ed.), "Structures for Regional Peace and Security," Issue paper no. 3, conference on Humanitarian and Political Challenges.

[78] "Congo facing same disaster as Rwanda," Financial Times (London), 23 December 1999.

[79] Economist Country Report, Rwanda, 1999, 8; also Reyntjens, Talking or Fighting? 21-22.

[80] La Libre Belgique (Brussels), cited by Reyntjens, 21.

[81] René Lemarchand, Patterns of State collapse and Reconstruction in Central Africa: reflections on the crisis in the Great Lakes, 1997.

[82] Prunier, revised edition, 387-389.

[83] Interview with Alison Des Forges.

[84] Ibid; Gourevitch, 244.

[85] René Lemarchand, "Genocide in the Great Lakes: Which genocide? Whose genocide?" Paper presented at Yale University Genocide Studies Program seminar, 1998.

[86] See Inga Clendinnen, Reading the Holocaust, (UK: Cambridge,1999); David Chandler, Voices from S-21: Terror and History in Pol Pot's Secret Prison, (Los Angeles, 1999).

[87] Moussalli, 47.

[88] Susan Cook, "Documenting Genocide for Justice and Prevention," paper presented at the Rwandan genocide 5th Anniversary Symposium, Addis Ababa, 7 April 1999, 5.

[89] A. Inyumba, "Some effort made by the Government to build a new society based on national unity and reconciliation," February 2000.

[90] Moussalli, 5.

CHAPTER 24

RECOMMENDATIONS

24.1. The mandate of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events appears in full as Appendix A. A key part of the mandate reads as follows:
The Panel is expected to investigate the 1994 genocide in Rwanda and the surrounding events in the Great Lakes Region...as part of efforts aimed at averting and preventing further wide-scale conflicts in the... Region. It is therefore expected to establish the facts about how such a grievous crime was conceived, planned and executed, to look at the failure to enforce the [UN] Genocide Convention in Rwanda and in the Great Lakes Region, and to recommend measures aimed at redressing the consequences of the genocide and at preventing any possible recurrence of such a crime.

24.2. The Panel was asked specifically to investigate the 1993 Arusha Peace Agreement, the killing of President Habyarimana, the subsequent genocide, and the refugee crisis in its various phases, culminating in the overthrow of the Mobutu regime [in Zaire]. It was also directed to investigate the role of the following actors before, during and after the genocide: the United Nations and its agencies, the Organization of African Unity, "internal and external forces", and non-governmental organizations. The Panel was also mandated to investigate "what African and non-African leaders and governments individually or collectively could have done to avert the genocide."

24.3. Having set out in this report the events prior to, during and since the genocide, we present our recommendations addressing the final part of our mandate. They are based on the principles enshrined in the Charter and numerous subsequent declarations of the Organization of African Unity. We are confident that respect for these principles, together with the implementation of the recommendations of this report, will not just prevent further similar tragedies but will also create the foundations for peace, justice and equitable development in the future.

24.4. It is with considerable hope, therefore, that we address our recommendations to three distinct audiences: the people of Rwanda themselves, the rest of Africa especially as it pertains to the Great Lakes Region, and finally to the international community, including the United Nations. The Panel makes the following recommendations:

A. RWANDA

I. Nation building

1. The Rwandan people and government fully understand the tragic and destructive nature of divisive ethnicity. At the same time, we urge Rwandans to acknowledge the ethnic realities that characterize their society. This central fact of Rwandan life must be faced squarely. Pretending that ethnic groups do not exist is a doomed strategy. But the destructive and divisive ethnicity of the past must be replaced with a new inclusive ethnicity. We urge all Rwandans, both in government and civil society, to work together to forge a united society based on the inherent strength and rich heritage of Rwanda's diverse ethnic communities.

2. Long-term strategies and policies are necessary to promote a climate in which these values predominate. Large-scale public involvement in all such strategies is essential. We believe it is essential that all government initiatives, from the justice system to foreign policy, be conceived with their impact on the concept of inclusive ethnicity consistently in mind

3. All institutions of Rwandan society share the obligation to inculcate in all citizens the values of unity in diversity, solidarity, human rights, equity, tolerance, mutual respect, and appreciation of the common history of the country. Responsibility for this task should include all levels of the formal education system, public agencies, civil society, and churches.

4. We urge that the school curriculum be directed towards fostering a climate of mutual understanding among all peoples, as well as instilling in young Rwandans the capacity for critical evaluation. Active participation in open discussions is an essential element in such a process.

5. A vigorous program of political education must be developed to change the present equation of ethnic with political identities. Majorities and minorities should not be seen simply in ethnic terms. The Rwandan people, like all others, have interests and identities based on many aspects of life beyond ethnicity. Ethnic differences are real and should be recognized as such, but all ethnic groups must be considered as social and moral equals.

II. The political framework

6. Before the general election scheduled for the year 2003, the Rwandan government should establish an independent African or international commission to devise a democratic political system based on the following principles: the rule of the political majority must be respected while the rights of minorities must be protected; governance should be seen as a matter of partnership among the people of Rwanda; and the political framework should take into account such variables as gender, region, and ethnicity.

7. Other public institutions such as the military, the police, and the justice system should be organized on the basis of merit, taking into account where appropriate these same principles.

III. Justice

8. All leaders of the genocide must be brought to trial with the utmost speed. We call on all countries either to extradite accused genocide leaders they are harbouring or to try them in exile, on the basis of obligations imposed by the Genocide Convention.

9. We encourage the introduction of the planned new gacaca tribunal system. In order to ensure that the proposed system works with fairness and efficiency, and that it observes the requirements of due process, we urge that external resources be generously provided to assist with capacity building and logistics.

10. The International Criminal Tribunal for Rwanda in Arusha, Tanzania, should be transferred to Rwanda within a reasonable period of time. In turn, we call on the government of Rwanda to guarantee the free operation of the tribunal according to international standards.

11. To create confidence among the population that justice is being done, a culture where all human rights abuses are punished must replace a culture where impunity for such abuses flourishes.

IV. Economic and social reconstruction

12. Apologies alone are not adequate. In the name of both justice and accountability, reparations are owed to Rwanda by actors in the international community for their roles before, during, and since the genocide. The case of Germany after World War Two is pertinent here. We call on the UN secretary-general to establish a commission to determine a formula for reparations and to identify which countries should be obligated to pay, based on the principles set out in the report, titled The Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms, submitted January 18, 2000, to the UN Economic and Social Council.

13. The funds paid as reparations should be devoted to urgently needed infrastructure developments and social service improvements on behalf of all Rwandans.

14. Given the enormous number of families of genocide survivors supported by the Rwandan government, the international community, including NGOs, should contribute generously to the government's Survivor's Fund, built up out of the five per cent of the national budget that is allocated annually to survivors. Among survivors, the special needs of women should take priority.

15. Rwanda's onerous debt, much of it accumulated by the governments that planned and executed the genocide, should immediately be cancelled in full.

16. In their special programs for post-conflict societies, the International Monetary Fund, the World Bank and the African Development Bank should significantly increase the amount of funds available to Rwanda in the form of grants. Such funds should target such serious problems as youth unemployment, land scarcity, and high population growth.

V. The media

17. The Rwandan Parliament should introduce legislation prohibiting hate propaganda and incitement to violence, and should establish an independent media authority to develop an appropriate code of conduct for media in a free and democratic society.

B. THE GREAT LAKES REGION AND THE CONTINENT

I. Education

18. A common human rights curriculum with special reference to the genocide and its lessons should be introduced in all schools in the Great Lakes Region. Such a curriculum should include peace education, conflict resolution, human rights, children's rights, and humanitarian law.

II. Refugees

19.The OAU should establish a monitoring function to ensure that all states adhere rigorously to African and international laws and conventions which establish clear standards of acceptable treatment for refugees.

20. International financial support should be increased for African states bearing a disproportionate burden of caring for refugees from the conflicts of others.

III. Regional integration

21.In order to reduce conflict and take advantage of their individual economic strengths, we urge the states of the Great Lakes Region to implement polices for economic integration as proposed by Abuja Treaty and other OAU conventions as well as by the UN Economic Commission for Africa.

C. ORGANIZATION OF AFRICAN UNITY

22. Since Africa recognizes its own primary responsibility to protect the lives of its citizens, we call on: a) the OAU to establish appropriate structures to enable it to respond effectively to enforce the peace in conflict situations; and b) the international community to assist such endeavours by the OAU through financial, logistic, and capacity support.

23. The capacity of the OAU Mechanism for the Prevention, Management and Resolution of Conflicts needs to develop:

*** an early warning system for all conflicts based on continuous and in-depth country political analyses**
• negotiation/mediation skills
• peacekeeping capacity, as recommended by the chiefs of staff of the continent's military forces
• research and data-gathering capacity on continental and global issues, particularly economic and political trends
• stronger links with sub-regional organizations
• increased participation of women and civil society in conflict resolution
• stronger links with the UN and its agencies

24. Monitoring of human rights violations should be undertaken by the African Human Rights Commission, which should be made an independent body of the OAU, with increased capacity to carry out its independent activities.

25. The OAU should strengthen its information mechanisms and its links with the African media. Initiatives should also be taken to interest the international media in developing an African perspective on events on the continent.

26. The OAU should ask the International Commission of Jurists to initiate an independent investigation to determine who was responsible for shooting down the plane carrying Rwanda President Juvenal Habyarimana and Burundi President Cyprien Ntaryamira.

D. THE INTERNATIONAL COMMUNITY

26. We concur with the recent report of the Independent Inquiry into the Actions of the UN During the 1994 Genocide in Rwanda that the UN secretary-general should play a strong and independent role in promoting an early resolution to conflict. We call on the Secretary-General to actively exercise his right under Article 99 of the UN Charter to bring to the attention of the Security Council any matter that might threaten international peace and security.

27. We urge all those parties that have apologized for their role in the genocide, and those who have yet to apologize, to support strongly our call for the secretary-general to appoint a commission to determine reparations owed by the international community to Rwanda.

28. We support the Security Council resolution of February 2000 calling for a special international conference on security, peace and development for the Great Lakes Region.

29. We call on international NGOs to co-ordinate their efforts better when working in the same country or region, and to be more respectful to the legitimate concerns of the host country.

E. THE GENOCIDE CONVENTION

30. We call for a substantial re-examination of the 1948 Geneva Convention on Genocide. Among the areas that should be pursued are the following:

- **the definition of genocide**
- **a mechanism to prevent genocide**
- **the absence of political groups and of gender as genocidal categories**
- **determining the intention of perpetrators**
- **the legal obligation of states when genocide is declared**
- **the process for determining when a genocide is occurring**
- **a mechanism to ensure reparations to the victims of genocide**
- **the expansion of the Convention to NGO actors**
- **the concept of universal jurisdiction, that is, the right of any government to arrest and try a person for the crime of genocide wherever it was committed**

31. At the same time as the Convention is being re-assessed, we urge that mechanisms be strengthened within the UN for collecting and analyzing information concerning situations that are at risk for genocide. One possible step is to create a post a Special Rapporteur for the Genocide Convention - within the office of the UN High Commissioner for Human Rights and responsible for referring pertinent information to the secretary-general and the Security Council.

Rwanda: The Preventable Genocide

ANNEX A

REPORT OF THE SECRETARY GENERAL ON THE ESTABLISHMENT OF AN INTERNATIONAL PANEL OF EMINENT PERSONALITIES TO INVESTIGATE THE GENOCIDE IN RWANDA AND THE SURROUNDING EVENTS

I. Introduction

During the Seventh Ordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at Ministerial Level held on 20-21 November 1997, in Addis Ababa, Ethiopia, H.E. Ato Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, in his key note address to the Session, reviewed the role of the Mechanism since its inception. The Prime Minister in particular, referred to the fundamental principles which formed the basis for the establishment of the Mechanism. These include, the centrality of the role of the OAU in taking initiatives for peace in the Continent and the primary focus of the OAU Mechanism on conflict prevention in order to find solutions and easing tensions before they develop into armed conflicts.

While acknowledging the progress that had been made since the establishment of the OAU Mechanism for Conflict Prevention, Management and Resolution, Prime Minister Meles Zenawi was of the firm view that Africa's ability to move forward, will always remain in vain and fatally crippled unless and until the Continent manages to develop the capacity to anticipate conflicts and the ability to prevent them before they occur.

In advancing the argument that it is only through learning the appropriate lessons from the experiences of the past, that a sound foundation for moving forward could be established, the Prime Minister regretted that for some inexplicable reasons, the Continent had failed to take stock of some of the gruesome experiences that Africans had gone through in the past few years, even when the consequences of those tragic events continue to reverberate and when their ramifications threaten another danger. In particular, he expressed concern that the Continent was facing an unresolved potential danger in the Great Lakes Region as a result of the tragic developments spawned by the genocide in Rwanda in April 1994, and the period thereafter. He stressed the fact that the unimaginable tragedy in Rwanda in which close to a million people were butchered, continues to be overlooked as a minor African hiccup, despite the fact that its implications continue to underlie the simmering conflict in the region and whose potential to get out of hand should not be under-estimated. Prime Minister Meles Zenawi proposed the establishment of an international panel of renowned personalities to undertake an objective investigation into the whole range of issues relating to the 1994 genocide and extending all the way to the events surrounding the fall of the Mobutu regime. Such an investigation, according to him, would enable the OAU to draw lessons from one of the most tragic experiences Africa has had. He felt that the knowledge of what went wrong and of what was not done to prevent and stop the genocide in Rwanda in 1994, is critical with the view to preventing similar occurrences in the future.

At the conclusion of its meeting on 21 November 1997, the Central Organ endorsed the proposal as a vital step for enabling it and the OAU to discharge their responsibility of effectively averting and preventing further wide-scale conflicts in the Great Lakes Region, which is still suffering from the consequences of the fallouts from the genocide in Rwanda.

Consequently, the Ministerial Session of the Central Organ, requested me in consultation with the Current Chairman of the OAU, to follow up on this issue as a matter of urgency, with a view to ensuring the creation of such an international panel composed of personalities with the required objectivity and with the requisite knowledge of the area. It further requested me to prepare a report on the ways and means of ensuring the successful and effective implementation of the proposal inter-alia on the terms of reference for the International Panel and on possible sources of financing the initiative for the consideration and approval of the next meeting of the Central Organ at Summit level. Regrettably, and for reasons which are now very well known, the Fourth Ordinary Session of the Central Organ at the level of Heads of State and Government which was scheduled to take place in Harare, Zimbabwe, from 11-12 February, 1998, was postponed indefinitely.

In pursuance of the decision referred to above I wish to submit the following recommendations on the terms of reference and sources of funding of the Panel for consideration and decision.

Ii. Mandate Of The Panel

The Panel is expected to investigate the 1994 genocide in Rwanda and the surrounding events, starting from the Arusha Peace Accord to the fall of Kinshasa as part of efforts aimed at averting and preventing further wide-scale conflicts in the Great Lakes Region. It is, therefore, expected to establish the facts about how such a grievous crime was conceived, planned and executed, investigate and determine culpability for the failure to enforce the Genocide Convention in Rwanda and in the Great Lakes Region, and to recommend measures aimed at redressing the consequences of the genocide and at preventing any possible recurrence of such a crime.

The investigation should address the following events:

? The Arusha Peace Agreement of 4 August, 1993 and its implementation;

? The killing of President Juvenal Habyarimana of Rwanda on 6 April, 1994;

? The genocide that followed the killing of the President;

? The refugee crisis in its various phases, culminating in the overthrow of the Mobutu regime.

The investigation should also deal with the role of the various actors including:

? The role of the United Nations and its agencies, before during and after the genocide;

? The role of the OAU, before, during, and after the genocide;

?The role of internal and external forces prior to the genocide and subsequently;

? The role of the Non-Governmental Organizations before, during and after the genocide;

?What African and non-African leaders and governments individually or collectively could have done to avert the genocide.

In carrying out its investigation, the Panel will be guided by all relevant international and OAU Conventions and instruments particularly the 1948 UN "Convention on the Prevention and Punishment of the Crime of Genocide". It will also be guided by the two Declarations adopted by the OAU Assembly of Heads of State and Government (the 1990 Addis Ababa "Declaration of the Fundamental Changes in the World and Africa's Response" and the 1993 Cairo "Declaration on the Establishment, within the OAU, of a Mechanism for Conflict Prevention, Management and Resolution").

Iii. Composition Of The Panel

In order for the Panel to be credible and serve the desired purpose, the Central Organ at Ministerial level agreed that it should be composed of international renowned personalities with the required integrity and objectivity and with the requisite knowledge of the region.

I suggest that the composition of the Panel should be such that it reflects its international character while ensuring a significant African participation in this important undertaking. I therefore, recommend that, the Panel should be composed of seven (7) personalities including Africans and non-Africans. The Chairman of the Panel shall be an African personality. The Panel may decide to elect a Vice-Chairman.

I further recommend that the Panel should be assisted in its work, by a Support Group composed of Advisors/Experts who will provide technical back stopping through research and analysis, documentation, investigation and other field activities and a Secretariat.

IV. Mission Area And Headquarters

The Panel is expected to carry out its investigations in Rwanda, Burundi and the Democratic Republic of Congo as well as in the neighbouring countries and any other African and non-African countries that could facilitate its work.

The Headquarters of the Panel will be located in Addis Ababa, Ethiopia.

V. Duration Of The Mission

It is envisaged that the work of the Panel will last for a duration of 12 months from the day of its establishment.

VI. Report Of The Panel

The Panel shall, upon the completion of its investigation, submit its report to the Secretary General of the OAU who, in turn, will present it to the Central Organ and for dissemination as appropriate.

VII. Cooperation Required By The Panel

In undertaking its investigations, the Panel will require the full cooperation of the Authorities of the States and Organizations concerned. In this regard, these States and Organizations will be requested to cooperate fully with the Panel and allow its members access to information and documents and free movement so as to perform their mission freely and with all independence. The States concerned would also undertake to ensure the security and safety of the members of the Panel and its staff during their mission and to accord them the privileges and immunities in accordance with the General Convention on Privileges and Immunities of the UN and the OAU Convention on Privileges and Immunities.

III. Funding Of The Work Of The Panel

In order to meet the cost of the work and activities of the Panel and to ensure its independence, I wish to recommend that a Special Trust Fund that will be open to receive voluntary contributions from within and outside the Continents, be established.

IX. Conclusion

In submitting this brief report and the recommendations contained herein to the Council of Ministers, I have been guided by the decision of the 7th Session of the Ministerial Meeting of the Central Organ and by the original proposal submitted by Prime Minister Meles Zenawi in his opening address to that meeting. I have also been guided by the serious concerns that have been raised in Africa both within our continental Organization and by concerned Africans on the need for our Continent to take the lead in addressing the multi-faceted and complex crisis in the Great Lakes Region, so as to prevent future occurrences of such a major crisis.

CM/Dec.379 (LXVII) Report of the Secretary-General on the Establishment of an International Panel of Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events - (Doc. CM/2048 (LXVIII))

Council:

1. TAKES NOTE of the Report of the Secretary General on the Establishment of an International Panel of the Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events (Document CM/2048 (LXVII));

2. EXPRESSES ITS APPRECIATION to H.E. Ato Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia for his proposal to establish the Panel which was ENDORSED by the Seventh Ordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution meeting at Ministerial Level from 20 to 21 November, 1997;

3. ADOPTS the recommendations contained in the Secretary General's Report (Doc. CM/2048 (LXVII) on the Terms of Reference and other issues relating to the work of the International Panel, as amended during the discussions on this agenda item;

4. DECIDES to request the Secretary General to undertake all that is required to enable the work of the Panel to commence as soon as possible and to report on the progress of the Panel's work to the forthcoming sessions of the Council of Ministers and Assembly of Heads of State and Government.

QM/Dec.409 (LXVIII) Establishment of the Panel of Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events - Doc. CM/2063 (LXVIII)

Council:

1. TAKES NOTE, of the actions so far taken by the Secretary General, in consultation with the Current Chairman of the OAU, to enable the Panel to commence its work by September 1998;

2. WELCOMES the appointment of the Eminent Members of the Panel under the Chairmanship of HE. Sir Ketumile Masire of Botswana and ENDORSES the Proposal of the Secretary General to increase the Membership from Seven to Nine, as and when the need arises, in order to enhance the efficiency and effectiveness of the Panel:

3. APPEALS to all Member States of the OAU and the International Community to contribute generously to the Special Trust Fund to enhance the effective and efficient functioning of the Panel and its Secretariat as well as to ensure the successful accomplishment of the Panel's mandate;

4. REAFFIRMS all previous Decisions adopted by the Seventh Ordinary Session of the Central Organ at Ministerial level and by the Sixty-Seventh Ordinary Session of Council held in Addis Ababa, Ethiopia, from 25-28 February, 1998;

5 CALLS UPON the Governments of the States and Organizations concerned in which the Panel is to carry out its Mandate to cooperate fully with the Panel and respond positively to requests from the Panel for assistance and access in pursuing investigations, including:

?Measures to assist the Panel and its personnel to carry out their functions throughout their respective territories with full freedom, independence and security;
?Providing information that the Panel may request, or otherwise need for purposes of fulfilling its mandate and free access for the Panel and its staff to any relevant archives;

?Appropriate measures to guarantee the safety and security of the Members of the Panel and guarantees from the Governments of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the Panel in the fulfilment of its mandate;

?Granting privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations and the OAU Convention on Privileges and Immunities.

6. DECIDES to remain seized of the work of the Panel.

ANNEX B

THE INTERNATIONAL PANEL OF EMINENT PERSONALITIES TO INVESTIGATE THE 1994 GENOCIDE IN RWANDA AND THE SURROUNDING EVENTS

H.E. Sir Quett Ketumile Joni Masire
Chairman; Former President of Botswana

Trained as a teacher, Sir Ketumile Masire first became a Member of Parliament in Botswana in 1966, later becoming vice-president, and minister of finance and development planning. In 1980, he succeeded the late Sir Seretse Khama as the second President of the Republic of Botswana.

Sir Ketumile Masire played an important role in regional and international organizations: as chairman of the Southern African Development Community (SADC); the first vice-chairman of the Organization of African Unity (OAU), 1991; co-chairman of the Global Coalition for Africa; member of the UN High-Level Group on Africa's Development; and many others.

Sir Ketumile Masire has been a recipient of many international awards and titles, including the Africa Prize for Leadership for the Sustainable End of Hunger (1989). He resigned as President of Botswana in 1998 to return to his first occupation of farming and to his numerous humanitarian activities. As well as being chair of the Rwanda Panel, he was also chosen to act as the facilitator of the Inter-Congolese National Dialogue.

H.E. General Ahmadou Toumani Touré
Former Head of State of Mali

General Toumani Touré has contributed enormously to the democratization process in Mali. In 1991, he led the military operations that brought about the overthrow of the existing dictatorial regime, and was named transitional President. He directed the 14-month Transitional Programme which included a national conference, a referendum on the Constitution, municipal elections, legislative elections, and Presidential elections in 1992, in which he did not participate. He also laid down the foundations for the peaceful resolution of the ethnic Tuareg problem in Mali.

Since he left the Presidency, he has been involved in many humanitarian and peace-making missions in Africa. General Touré's humanitarian actions have earned him a number of distinguished foreign awards.

His peace-making activities include his 1995 appointment as a facilitator for the Great Lakes Region and his appointment as OAU mediator for the Central African Republic between 1996 and 1997. He was also leader of the OAU observer mission for the 1996 Algerian elections.

Lisbet Palme
Chairperson of the Swedish Committee for UNICEF, Expert on the UN Committee on the Rights of the Child

Lisbet Palme is a specialist in child psychology. Her public career started in 1986 following the assassination of her husband, the then Swedish Prime Minister, when she became a regular guest speaker at national and international conferences on peace, children, development, and anti-apartheid issues. Since 1987, she has been the chairperson of the Swedish National Committee for UNICEF.

Ms. Palme has been a member of the Swedish delegation to many international conferences, a member of many high-level international groups, and has held many positions in such organizations. She chaired the UN-sponsored Group of Eminent Women for Namibian and South African Women and Children, and was also a member of the Eminent Persons Group of the International Study on The Impact of Armed Conflicts on Children, led by Mrs Graça Machel.

In May 1997, Ms. Palme was elected as expert in the UN Committee on the Rights of the Child. She is a member of many national and international advisory bodies on peace and youth development.

Ellen Johnson-Sirleaf
Former Liberian Government Minister, Former Executive Director of the Regional Bureau for Africa of the United Nations Development Programme (UNDP)

Ellen Johnson-Sirleaf has an MPA from Harvard University. She has wide national and regional experience in the public and private sectors as well as in international economic, developmental and humanitarian organizations. She served in the Liberian government as vice-minister of finance and as minister of finance; was President of the Liberian Bank for Development and Investment; and has worked with the World Bank. She has been assistant administrator and regional director of the Africa Bureau of the UNDP, and is now a senior management consultant.

Ms. Johnson-Sirleaf has also been active in politics, including standing as a presidential candidate in the Liberian general elections of 1997.

Ms. Johnson-Sirleaf has been a board member of several management and policy organizations, a board member of many international women's organizations, such as the Women's World Banking Corporation and the International Institute for Women's Political Leadership. She has participated in many humanitarian activities. Ms. Johnson-Sirleaf is a holder of many coveted national and international awards and honorary titles.

Justice P.N. Bhagwati
Former Chief Justice of the Supreme Court of India

Justice P.N. Bhagwati was the youngest judge in India's history when he was appointed chief justice of the Gujarat State High Court and later, chief justice of the Supreme Court of India. He served as chief justice until 1986, when he retired.

Since his retirement, he has been very active in promoting social justice in India and the world. He has been a consultant for the elaboration of the constitutions of Nepal, Mongolia, and Cambodia. He also contributes to social justice through the Commonwealth, the UN, the International Labour Organization (ILO), and the UNDP.

Within the UN system, he has been president of the World Congress on Human Rights, member of the Human Rights Committee, member of the Committee of Experts on the Application of ILO Conventions, member of the Permanent Court of Arbitration at The Hague, and chairman of the Advisory Board of the CIJL in Geneva. Justice Baghwati has also been chairman of the UN High Commission for Refugee's Eminent Persons Group to Study Questions Related to Refugees.

Senator Hocine Djoudi
Former Algerian Ambassador to France and UNESCO, Permanent Representative to the UN

Ambassador Hocine Djoudi is a jurist by training, with a distinguished career in bilateral and multilateral diplomacy. Beginning as a counselor in various Algerian embassies and at the UN Permanent Mission, he then became ambassador to many European and African countries. He served as Algeria's permanent representative to the UN, as its representative in the Security Council, as president of the Security Council, and as president of the ECOSOC.

He then was appointed permanent secretary in the Ministry of Foreign Affairs, and was then named Algerian Ambassador to France and UNESCO. Since 1998, Ambassador Hocine Djoudi has been a member of the Algerian Council of the Nation (Senate), where he holds the position of vice-president of the Foreign Affairs Commission.

Ambassador Djoudi has led his country's delegations to various summits of the Non-Aligned Movement, the OAU, the ICO, and the Group of 77. He also led the Algerian delegation to the Conference on Security and Co-operation in Europe.

Ambassador Stephen Lewis
Former Ambassador and Permanent Representative of Canada to the UN, former Deputy Executive Director of UNICEF

Stephen Lewis was leader of the Ontario New Democratic Party, eventually heading the official Opposition, until he stepped down in 1978 to pursue a career in broadcasting and humanitarian affairs. He became a prominent radio and television commentator until he was appointed Ambassador of Canada to the UN in 1984. He chaired the committee that drafted the five-year UN programme on African economic recovery.

In 1990, he was appointed special representative for UNICEF. In this capacity, he traveled widely as a spokesperson for UNICEF's advocacy of the rights and needs of children, especially children of the developing world. In 1993, the UN secretary-general asked Ambassador Lewis to join his advisory group on the Fourth World Conference on Women held in Beijing. In 1994, he was appointed co-ordinator for the two-year international study, The Impact of Armed Conflict on Children (known as the Graça Machel Study). He was deputy executive director of UNICEF until 1999.

Rwanda: The Preventable Genocide

ANNEX C

EXPERTS , RESEARCHERS AND EDITORS

The Panel wishes to thank the following for their important contribution to its work :

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Colette Braeckman
Paul George
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Catherine Newbury
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ANNEX D

PERSONS WHO MADE PRESENTATIONS TO THE PANEL

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M. Eric Derycke
Ministre des Affaires Étrangères de Belgique
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Vice Président du Sénat Belge
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Conseiller au Ministère Belge des Affaires Étrangères
M. Gossiaux
Expert Juridique au Ministère Belge des Affaires Étrangères
M. P.Claver Kanyarushoki
Ancien Ambassadeur du Rwanda en Ouganda
M. Charles Karemano
Vice Président, revue Dialogue (Rwandais)
Mme. Colette Braeckman
Journaliste, au Soir, écrivain (Belge)
M. Eric Gillet
Chercheur à la Fédération Internationale des Droits de l'Homme (FIDH) (France)
M. Aldo Ajello
Officiel de l'Union Européenne
Dr. Sylvestre Nsanzimana
Premier Ministre sous Habyarimana, ancien Sécretaire Général Adjoint de l'OUA
Mr. Francois-Xavier Nsanzuwera
Former Public Prosecutor of the Republic of Rwanda.
Mr. Charles Ntampaka
Scholar and member of the Drafting Committee of Dialogue, published in Belgium (Rwandan)

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S.E.M Pierre Buyoya
Président de la République du Burundi
S.E.M Léonce Ngendakumana
Président de l'Assemblée Nationale
S.E.M Frederic Bamvuginyumvira
Premier Vice-Président
S.E.M Mathias Sinamenye
Deuxième Vice-Président
S.E.M Sylvestre Ntibantunganya
Ancien Président du Burundi
S.E.M Severin Ntahomvukiye
Ministre des Relations Extérieures et de la Coopération
S.E.M Pascal Nkurunziza
Ministre à la Réinsertion,Réinstallation des Dép1acés et des Rapatriés
S.E.M Térence Sinunguruza
Ministre de la Justice
S.E.M Eugène Nindorera
Ministre des Droits de la Personne Humaine, des Réformes Institutionnelles et des Relations avec l'Assemblée Nationale
S.E. Mme. Romaine Ndorimana
Ministre de l'Action Sociale et de la Promotion de la Femme
Mme. Yacinthe Budomo
Secrétaire Général du Gouvernement
M. Libére Bararunyeretse
Chargé de Missions du Président de la République
M. Macaire Nahimana
Chef de Cabinet du ler Vice Président
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Conseiller Diplomatique du ler Vice Président
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Lt. Colonel Mamert Sinarinzi
Officier des Forces Armées Burundaises
M. Laurent Nzeyimana
Avocat, Membre du Barreau National
Mme. Libérate Nahimana
Fonctionnaire du Ministre de l'Éducation Nationale
M. Théoneste Karenzi
Chargé d'Affaires aide l'Ambassade du Rwanda
Mme. Euphrasie Havyarimana
Personne de la Société Civile
Mme. Victoire Ndikumana
Parlementaire
Mme. Marie José Bigendako
Professeur
Prof. Joseph Gahama
Professeur Ordinaire à l'Université du Burundi

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Représentant du Gouvernement de la RDC lors de notre entrevue
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Représentant le Ministre des Droits de l'Homme lors de notre entrevue
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M. Jean-Baptiste Birumana
Commission Vangu des Nationalités
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M. Willy Thsitende Wa Mpinda
Vice Coordinateur du COJESKI
M. Rene Kabala
Secrétaire Général du Comité pour la Démocratie et les Droits de l'Homme (CDDH)
Me Muila Kayembe
Président du CDDH maintenant
Me Richard-Nicodeme Moka
Conseiller juridique du CDDH

DRC: UN

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Représentante de l'UNICEF
Gilbert Bawara
Haute Commission des Droits de l'Homme

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M. Bernard Cazeneuve
Rapporteur de la mission d'Information, rapport no 1271
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Former President of the Rwandese Community, retired UNESCO Official, Resident in Paris
Mme. Madeleine Mukamabano
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France: NGOs

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Hon. Stephen Kalenzo Musyoka
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Regional Director of UNICEF in East Africa & South Africa

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President of the Republic of Rwanda
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Vice-President of the Republic of Rwanda
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Switzerland: UN (Geneva)

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Mr. Doherty
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Mme. Ogata
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Representative of UNHCR
Mr. Stefano Severe
Representative of UNHCR
Mr. Adrian Libo
UNHCR Commissioner
Ms. Constantine Karusoki
UNHCR Commissioner
Mr. Sanda Kimbimbi
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Ballamy
Expert, UNHCR
Strongbert
Expert, UNHCR
Kimbimbi
Expert, UNHCR
Coneli
Expert, UNHCR
Yakoub
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Tanzania

H.E. Benjamin Mkapa
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H.E. President Julius Nyerere
Former President of the Republic of Tanzania
Hon. Jakaya Kikwete
Minister of Foreign Affairs
Hon. Ahmed Diria
Former Minister of Foreign Affairs
Mr. Makola Majojo
Minister of Defense
Mr. Ameir Muhammad
Minister of Home Affairs
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Ms. Johnson Borahim
Head of Refugee Affairs
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Former Minister of both Foreign Affairs and of Defence, Republic of Tanzania
Mr. Kulwa Masala
The Assistant Secretary General of the Ministry of Justice
Mme. Joyce Mukanyange
Ambassador of Rwanda in Tanzania
Mr. Jenerali Ulimwengu
Journalist and Chief Editor of the Mtanzania
M. Jean M'Pambara
Former Burgomaster of the Rukara Commune in the Kibungo Prefecture-Rwanda
M. Ruremesha Jonathan
Former Burgomaster of the Huye Commune in the Butare Prefecture-Rwanda

M. Tahimana Meichiade
Former Burgomaster of the Birenga Commune in the Kibungo Prefecture-Rwanda

Tanzania: UN

Justice Laïty Kama
President of the ICTR
Dr. Agwu Ukiwe Okali
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Mr. Kingsley Mohalu
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President of Uganda
H.E. Mr. Eriya Kategaya
Vice Prime Minister and Minister of Foreign Affairs
Mr. Stephen B. Ikavuma
Minister of State of Defence
Col. Fred Tolit
Ministry of Interior
Major Okwir Rabwoni
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Mr. Peter Kabatsi
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A group of 40 young Rwandese*
Mr. Sagahutu Murashi
Former Ambassador

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Capt. George Mukula
Member of Parliament for Sorote municipality and Chairman of the Uganda/Rwandese Friendship Association.
Sister Specioza Kabahuma
Executive Secretary Catholic Justice and Peace Committee
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Dr. Samuel Nsamba
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Member of Parliament and Volunteer to recover Rwandan corpses from the Kagare river
M. Murji
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Mr. Mustak Begani
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From Rwandese Youth Association in Uganda
Mr. Kabasinga Florida
From Rwandese Youth Association in Uganda

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Ms. Reiko Nishijima
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US Special Coordinator for Rwanda/Burundi
Amb. Howard Wolpe
Special Envoy of the President and Secretary of State to Great Lakes Region at State Department
Mr. Kevin Ainston
Former Rwanda Desk Officer, State Department

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Amb. David Sheffer
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Assistant Secretary for African Affairs
Mr. Ahmedou Ould-Abdallah
Executive Secretary, Global Coalition for Africa
Mr. Donald Payne
US Congressman

USA: NGOs

Ms. Holly Bulchetter
Physicians for Human Rights-USA
Ms. Alison Des Forgs
From Human Rights Watch-USA
Mr. Joost Hilterman
Executive Director, Arms Division, Human Rights Watch-USA

USA: UN (New York)

H.E. Mr. Kofi Annan
Secretary-General of the UN
Mr. Riza lqbal
Chief of Staff, Office of the Secretary General
Mr. Heidi Annabi
Assistant Secretary General (DPKO)
Romeo Dallaire
Commander of the UNAMIR
Mr. Titov
Former Director of Africa Division in the Department of Peacekeeping Operations (DPKO)
Mr. Samy Buo
Deputy Director Africa 2 Division, Department of Political Affairs
Dr. L. Kapungu
Chief, Lessons Learned Unit (DPKO)

Ethiopia

(Persons who made their Presentation to the Panel in Addis Ababa)
(Personnes qui ont exposé leurs vues au Groupe à Addis Abeba)
Mr. Joseph Warioba
Former Prime Minister and First Vice President of the Republic of Tanzania
Amb. Ricoveri Marcello
Ambassador of Italy to Ethiopia
Dr. Bonaventure Rutinwa
Oxford University
Prof. Paulin Muswahili
Retired Rwanda University Professor: Butare, Rwanda
M. Gervais Chondo
Former Member of Parliament and Former Rwandese Diplomat
Mr. Romuald Mugema
Former Rwandan Ambassador to Ethiopia
Prof. Jose Kagabo
CNRS, Paris, France
Prof. Jean-Pierre Chrétien
Directeur de recherches-CNRS-Paris, France
Prof. Georges Nzongola-Ntalaga
Professeur of public policy at Davidson College, USA
Prof. Catherine Newbury
Professor, Political Science, University of North Carolina
Dr. Pascal Ngoga
Rwandan Political Scientist

OAU

H.E. Dr. Salim Ahmed Salim
Secretary-General of the OAU
Mr. Sam Ibok
Ag. Director of Political Department, OAU
Mr. Joe Felli
Senior Liaison Officer, OAU/IPEP
Mr. Ngung Mpwotsh
Head of Refugee Division, Political Department, OAU
Dr. Mohammed Halfani
Director of Cabinet of the Secretary General, OAU
Amb. Amadou Kebe
Executive Secretary, OAU Office, New York
Amb. Mamadou Bah Thierno Gobihi
Special Representative of the Secretary General in Burundi

UN

H.E. K.Y. Amoako
UN Under Secretary General and Executive Secretary of the ECA
Mr. Jacques Roger Booh-Booh
Former Special Representative of the UN Secretary General in Rwanda in 1994
Amb. Mahmoud Kassem
Former Chairman of UN Arms Commission on the Great Lakes Region
M. Mamadou Kane
Senior Political Advisor to the Special Representative of the UN Secretary-General in Rwanda in 1994
Brigadier Gen. Henry K. Anyidoho
Former Deputy Commander of UNAMIR-Rwanda

ANNEX E

War Crimes And Crimes Against Humanity, Including Genocide

Convention on the Prevention and Punishment of the Crime of Genocide

Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948

ENTRY INTO FORCE: 12 January 1951, in accordance with article XIII

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world.

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international cooperation is required.

Hereby agree as hereinafter provided:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

a. killing members of the group;
b. causing serious bodily or mental harm to members of the group;
c. deliberately inflicting on the group conditions of life calculated to bring about
its physical destruction in whole or in part;
d. imposing measures intended to prevent births within the group;
e. forcibly transferring children of the group to another group;

Article III

The following acts shall be punishable:

a. genocide;
b. conspiracy to commit genocide;
c. direct and public incitement to commit genocide;
d. attempt to commit genocide;
e. complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutiona1ly responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a procès-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected, subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

a. signatures, ratifications and accessions received in accordance with article XI;
b. notifications received in accordance with article XII;
c. the date upon which the present Convention comes into force in accordance with article XIII;
d. denunciations received in accordance with article XIV;
e. the abrogation of the Convention in accordance with article XV;
f. notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary--General of the United Nations on the date of its coming into force.

ANNEX F

THE SECRETARIAT

Professional staff

Professor Abdalla Bujra
Dr. Berharnu Abebe
Dr. Gerald Caplan
Anatole Sangare

Support staff (full-time)

Abebe Mekonnen
Assagedech Bekele
Miriam Menda
Orit Ibrahim
Tesfaye Tekle
Tiblets Gebremeskel
Biscut Tessema
Betelehem Wogayehou

Support staff (occasional)

Abebe Gullilat
Abija Yeshaneh
Adey Hailu
Addis Kabtehymer
Aguere Yilma
Anam Germain
Danielle Boudreau
Cherinet Tafesse
Wendy Cuthbertson
Paula Donovan
Jacques Edjangue
Churchill Ewumbue-Monono
Gebeyehu Kerga
Kebede Mamo
Johannes Okine
Daniel Onana
Tamerat Terefe
Rotimi Williams