

## **Pierre Péan: Europe Allows Genocide Denial in the age of ‘Never Again’**

By Tom Ndahiro

In April 1998, over 150 of the world’s most respected thinkers, scholars and authors signed a petition affirming that denial of genocide is a form of aggression that perpetuates genocide itself.<sup>[1]</sup> Signatories included Yehuda Bauer, Israel Charny, Deborah Lipstadt, Seamus Heaney, Arthur Miller, Norman Mailer, John Updike and Kurt Vonnegut. These scholars observed that genocide deniers attempt to rewrite history, rehabilitating perpetrators and demonizing victims. Denial, they said, “prevents healing of the wounds inflicted by genocide. Denying genocide is the final stage of genocide — it murders the dignity of the survivors and destroys the remembrance of the crime.”<sup>[2]</sup>

Although these scholars’ petition was a response to the Turkish government multi-million dollar campaign to deny the genocide against Armenians, their observations and conclusion remain valid to all genocides, including the recent one against the Tutsi in Rwanda.

One of the characteristics genocide deniers share is the tendency to exonerate perpetrators and blame others, including the victims and people who stopped the genocide. The propaganda machinery of the genocidaires repudiates the dignity and the humanness of the targeted group and freshly endangers their lives. Part of this process is the blurring of the crime committed. Gaspar Gahigi, the editor-in-chief of the hate radio RTLM in Rwanda, urged the militia and Hutu population to feel they were threatened. He warned that “a weevil has crept” into their midst, and they must therefore “be extra vigilant in order to defend and protect themselves.”<sup>[3]</sup> Words like “vigilance” and phrases like “defence and protection” were code during the genocide, understood to mean “extermination.”

The denial of genocide is embedded in the process of extermination. This was evident during the Genocide against the Tutsi in 1994. Perpetrators carried it out through both words and actions. On May 18, 1994, Kantano Habimana, the announcer of RTLM, woke up to deliver what was perceived to be an important announcement to genocidaires and their government:

“Here is good news, good news for the Rwandan people. We have started receiving good news, really good news. After the decision by the United Nations to send 5,500 soldiers from African countries, France also agreed to send troops. Once more, France provided an amount as assistance, and promised to increase it. However, in order for us to continue receiving this kind of good news, they are asking that no corpses be seen by the roadside and that no one is killed while onlookers laugh.”<sup>[4]</sup>

The announcement was clear to the “Rwandan people”, which meant killers and Hutu, because they were not targeted. The unambiguous message, to his listeners, was not to stop killing, but to hide the evidence and deny that it had ever happened.

Eleven years later, good news for the genocidaires meant having a forum through which to spread their hate ideology and denial. Associates in Paris and other parts of Europe were and still are determined to continue what the RTLM broadcasters in Kigali started during and leading up to the genocide in 1994.

One of those deniers is a French writer called Pierre Péan. In December 2005, Péan published his book *Noires Fureurs Blancs menteurs: Rwanda 1990-1994*. This poisonous book showed the author was very pleased to write with an incontrovertible hatred against the Tutsi, and in a style of shocking thoughtlessness and unabashed plagiarism. He demonstrates what happens to a person who ingurgitates hate or genocidal ideology to the core. The book symbolises extreme dislike of facts, love of trumped-up stories, and total disregard of well-known factual elements.

It resulted in a lawsuit against Péan and his publisher by Paris-based NGO SOS Racism and Tutsi genocide survivors association IBUKA for “racial defamation and incitement to racial hatred.”

On September 23-25, 2008, I attended court sessions of the case against Péan and his publisher, Claude Durand, in the 17th Correctional Chamber of the Grand Tribunal in Paris. Though the court dismissed the charges, those who attended the proceedings were treated to a steady parade of genocide deniers who turned up as witnesses for the defence.

One of Péan’s defense witnesses was American professor Stephen W. Smith who teaches African studies and cultural anthropology at Duke University. For quite a long time Smith worked for French daily newspapers. He was Africa editor of *Libération* and *Le Monde*. After his testimony, I approached him and asked how he defended the evil of genocide denial without scruple. Surprised to hear such a question, he shrugged and replied “it is my right.”

The case of Péan attracted many genocide deniers as his defence witnesses. Present was somehow a sample of the “who is who” in the network. Joseph Matata, Colonel (Rtd) Luc Marchal, Antoine Nyetera, Filip Reyntjens, Jean Marie Vianney Ndagijimana, and Emmanuel Habyarimana.

Smith’s faith in Péan’s ideology is evident in his essay “Rwanda in Six Scenes,” published in London on March 17, 2011.<sup>[5]</sup> In it, Smith writes of “Tutsi chauvinism” and makes allegations he attributes to former Rwandan President Pasteur Bizimungu:

“You know, they were right,’ he says finally. ‘The explorers, the missionaries, the colonisers, about the Tutsis being liars. They *are* liars.’ I am thrown clean off balance. Bizimungu climbs a stepladder to reach down a book from a high shelf. In no time, he finds the passage he’s looking for, about the ‘Tutsi culture of duplicity’, which he reads out, stressing key words. I make my excuses and leave. Bizimungu has been driven mad.”<sup>[6]</sup>

Smith’s essay was celebrated in the genocide deniers’ network.<sup>[7]</sup> The essay was published on March 10 on the deniers’ blogs, a week before it was published in the London Review of Books – suggesting his attachment to a concerted effort to deny the reality of 1994.

The circumstances of the conversation with Bizimungu are not revealed. The sentiment of the essay leans more to approval than admonition – in other words serving as an absolution to the Péan narrative, which he then defended in a Parisian court in 2008.

One of the approaches used by genocidaires against their victims is to portray a targeted group as inhuman and threatening to humanity, and therefore deserving of extermination. The descriptions of Tutsi by Péan, and the people he cites as his sources, are simply a continuation of the genocidal process rather than a new phenomenon.

Below, I provide examples to illustrate that the lies Péan disseminates constitute not just misinformation, but are a continuum of genocide. They demonstrate how false an idea it is to contend that punishing genocide denial is to undemocratically target people on free speech grounds.

Péan’s book includes statements like:

“So dominant is the culture of deceit among the Tutsis”.

“Tutsi youth are initiated on the reserve into deceit, violence and malicious gossip”.

“This education in deceit was observed by the first Europeans who had prolonged contact with the Tutsis”.

“To these basic facts of history and geography it is important to add and to keep in mind that Rwanda is also the country of a thousand delusions, such does the culture of deceit and dissimulations dominate among the Tutsis, and to a lesser extent, through impregnation, the Hutus”.

“... the culture of deceit and dissimulation dominates among the Tutsis”.

“At every question, the Tutsi peers at his interlocutor, scans his thoughts and gives a vague and imprecise response: you never know.... ”

“This culture of deceit is particularly developed in the members of the Tutsi Diaspora. In order to ‘return to Kigali next year,’ they have effectively practiced deceit and manipulations. The Tutsi associations outside of Rwanda thus make up a very effective lobby for persuading the main international organizations, and some of their members ‘have been known to keep very beautiful women in appropriated beds’”.

For Pierre Péan, the last genocide of the 20th century is just “the result of a massive manipulation ... the Tutsi rebels having been successful until now in completely falsifying the reality of Rwanda, in attributing their crimes and terrorist acts to others, in demonizing their enemies...”<sup>[8]</sup> The message to readers is simple and clear: survivors’ stories of loss and suffering, or mourning their loved ones who perished in the cataclysm, is a ruse.

Insulting Tutsi as liars is embedded in anti-Tutsi racist discourse — and that of genocidaires. As far back as September 27, 1959, Joseph Gitera Habyarimana published Ten Hutu Commandments. Two of these depicted Tutsi as deceitful: “Never exchange ideas with a Tutsi; he is simply a liar by nature,” urged the third commandment. The seventh instructed, “Never tell lies like a Tutsi; denounce publicly his little schemes”.

In December 1990, the infamous hate magazine, Kangura, whose editor-in-chief was Hassan Ngeze – convicted as a genocidaire to thirty five years in jail by the International Criminal Tribunal for Rwanda – published another set of Hutu commandments.<sup>[9]</sup> The fourth cautions every Hutu “to know that every Tutsi is dishonest in business”.

One of the extremist journalists for Kangura, Jean Baptiste Habyarimana, warned Hutu to “stop listening to the attractive words of the Tutsi and of their women, which are meant to pit them one against the others”.<sup>[10]</sup> A writer in another issue of Kangura, Moustapha Baranyeretse, describes Tutsi as people who “talk a lot, tell lies, hypocrites, and thieves, involved in intrigues, wicked—killers—are like serpents”.<sup>[11]</sup> He warns that Tutsi have a boasting nature and are malicious and dishonest. “Tutsi are so wicked,” he says, because “they have been trained to be like this since attaining the age of being able to think by themselves, if not since birth”.<sup>[12]</sup>

In the Kangura N° 40 of February 1993,<sup>[13]</sup> readers were cautioned that to be a Tutsi means to be someone with “sweet tongue but whose wickedness is indescribable”, and whose “desire for revenge is insatiable” and “unpredictable”. The author stressed: “In our language, a Tutsi is called a cockroach because he takes advantage of the night to achieve his objectives ... a reminder of the redoubtable snake whose venom is extremely poisonous”.

These descriptions were meant to ingrain hatred of Tutsi, which they succeeded in achieving to the tune of one million murders. The objective, the magazine wrote, was to “to

warn and awaken those who are not aware of the sadism, wickedness, malice and ingratitude of the Tutsi”.

The congruence of Kangura editor-in-chief Ngeze’s discourse and Péan’s writing is apparent. There are so many examples that I am forced to limit the references included in this text.

Richard G. Hovannisian, in the collection *Remembrance and Denial: The Case of the Armenian Genocide* [14] writes that denial is the final phase of genocide:

“Following the physical destruction of a people and their material culture, memory is all that is left and is targeted as the last victim. Complete annihilation of a people requires the banishment of recollection and the suffocation of remembrance. Falsification, deception and half-truths reduce what was to what may have been or perhaps what was not at all. ... By altering or erasing the past, a present is produced and a future is projected without concern about historical integrity. The process of annihilation is thus advanced and completed by denial”.

Professor Pascal Ndengejeho is a sociologist. He was a minister in Habyarimana’s government from 1992-1993, and as a member of MDR party joined the extremists’ block that sanctioned the genocide. After the genocide in 1994, Ndengejeho went into exile and is believed to have relocated to Finland. On January 28, 2002, Ndengejeho testified in the ICTR as an expert defence witness for a former Rwandan mayor, Laurent Semanza. [15] In his testimony, Ndengejeho said the “real” victims of the 1994 Rwandan tragedy were the ethnic Hutu, not the ethnic Tutsi. He alleged Nyarubuye Church, in south-eastern Rwanda, was one example where RPF soldiers dressed in Rwandan Armed Forces (FAR) uniforms and massacred civilians “to seize power by force”. [16]

Like Péan, Ndengejeho also told the court that “lies” were the basis of Tutsi culture, and that the Tutsi wanted to kill as many leaders as possible and then blame them for starting the genocide. He said: “Tutsis believe they are more intelligent than Hutus. So it goes without saying that they were using lies better than the Hutus and Twa. In Rwanda, lies are considered a sign of intelligence”. At this point the prosecutor asked him if he expected the court to believe him that lies are the basis of Tutsi culture. Without compunction, Ndengejeho responded:

“They thought they were a superior ethnic group! Lies are a part of intelligence. He who knows how to manipulate lies is considered the more intelligent, and the one who can lie without being discovered is the best leader. It goes without saying that the Tutsis used lies”. [17]

Assertions made by Ngengejeho in his testimony were second-hand products of the infamous RTLM propaganda. On February 27, 2002, the former RTLM journalist George Ruggiu, who was convicted by the ICTR, testified before that very court that the editorial policy of the radio he worked for was “to diabolize the RPF and pro-RPF personalities. It had a mission to remind people in Rwanda of the political stakes of the time, by showing it as the power struggle similar to the one in 1959 between the Hutus and the Tutsi”.<sup>[18]</sup>

Ruggiu’s elucidation corroborated the testimony of another prosecution witness of great magnitude in the media trial, dubbed X, who I later learnt was the national treasurer of the Interahamwe. On February 26, 2002, testifying against Dr. Ferdinand Nahimana, Witness X shed light on how RTLM re-ignited killings by claiming that RPF soldiers were burning ethnic Hutu in the Kivugiza suburb of Kigali.<sup>[19]</sup> Nahimana was one of the bosses in the RTLM establishment, and also a key ideologue of the genocidal forces.

In his testimony on February 18, Witness X told the court that Nahimana told the RTLM staff that the “Tutsi were bad people who wanted to grab power”, and the staff therefore needed “to do everything possible to see that they didn’t grab power again”.<sup>[20]</sup> The following day, the witness said RTLM often aired “lies and false information”, citing as an example a broadcast that the RPF had drawn up a list of high-profile Hutu leaders to be killed.<sup>[21]</sup>

Péan’s writing echoes the discourse of Colonel Theoneste Bagosora, who was convicted by the ICTR in 2008 of genocide, crimes against humanity and war crimes. He denies genocide by justifying it. Bagosora has alleged the RPF manipulated and fooled the international community in order to win its sympathy. In October 1995, he wrote that as “skilled liars, the Tutsis even launched a campaign consisting in comparing themselves to the Jewish people in order to win the sympathy of the latter’s powerful lobby”.<sup>[22]</sup>

Bagosora has claimed that:

“There has never been such a thing as a Tutsi people, neither in Rwanda, nor in Burundi, or anywhere else for that matter. All there is are Tutsi who have been naturalised as they arrived in Rwanda and Burundi over time. As a people, Jews cannot be compared to Tutsis, ... the Tutsis are and shall remain naturalised Nilotic immigrants in Rwanda, Burundi, Zaire, Uganda and Tanzania, who should seek a policy of peaceful co-existence with the people who accepted them, and they must swallow their pride and temper the arrogance, as that is what leads them to impose their supremacy in the Great Lakes Region. ... On the other hand, like the Jews, the Hutu people, who were invaded on 10 October 1990 and chased from their country ... are entitled to return to their country. And that day will come, it is only a matter of time, and, in any event, it will come sooner than it did for the Jewish people”.<sup>[23]</sup>

This genocidaire, like Péan, believes and writes “arrogance of the Tutsi.” [24] He describes the Tutsi as “self-important, arrogant, wily and sly”, and the Hutu as “modest, honest, loyal, independent and impulsive”. [25] He talks about “Hutus of the great Bantu family” versus “Nilotic-Hamite Tutsi from Abyssinia”, who enjoyed excellent hospitality from the former. He says that “unlike the Tutsis”, the Hutu are naturally ingenuous, and that Tutsi ruled through “ruse and patience coupled with unequalled treachery” — a perfect illustration of “treachery and cruelty”. [26]

Genocide propagandist Valerie Bemeriki pleaded guilty to genocide, but few people will ever know the hate she spewed on radio waves. In particular, during the genocide this propagandist of mass murder lamented what she claimed to be the execution methods of the Tutsi, claiming that “they mutilate the body ... and remove certain organs such as the heart, the liver and the stomach.” They even eat human flesh, she said, which is why there is “little hope of finding any remains”. [27] Bagosora commiserated with her.

Supporting Bagosora is Rene Lemarchand, a professor of African Studies who taught at the University of Florida for years. Lemarchand is a prolific writer and uses his skills and experience to cloud the issue of genocide and justify its perpetration. He excuses the crimes of genocidaires by blaming the RPF for starting a war against the government.

As Lemarchand sees it:

“Jews did not invade Germany with the massive military and logistical support of a neighbouring state; nor did they once rule Germany as the political instrument of an absolute monarchy; nor were they identified with a ruling ethnocracy; nor did Jewish elements commit a partial genocide of non-Jews in a neighbouring state 22 years before the Holocaust. Again, Jews did not stand accused of murdering the head of state of a neighbouring state (as happened in Burundi with the assassination of Melchior Ndadaye in October 1993). And while Jews were insistently accused by the Nazi propaganda mill of working hand-in-hand with Bolchevism to subvert the state, at no time did their actions, within or outside Germany, lend the slightest credibility to these accusations. Immensely more threatening was the military posture of the RPF on the eve of the Rwanda genocide”. [28]

In this statement, Lemarchand turns falsehoods, like accusation that RPF was guilty of killing presidents Habyarimana and Ntaryamira, into incontrovertible truth. Even more troublesome, he paints the Tutsi as the aggressors in Rwanda.

Like these genocide deniers, Péan portrays lies as truth. However, his lies are lifted almost wholly from other sources of hate speech. The next section illustrates this.

### **Rehashing Old Genocidal Ideas**

Most of Péan's outrageous statements are familiar to those who have read the propaganda of genocide ideologues and their admirers. He accuses the RPF of long planning to take power by force and "wield it over the Hutu majority".<sup>[29]</sup> He makes the ludicrous but tired assertion that the genocide committed against the Tutsis was the direct consequence of the attack against the plane belonging to President Habyarimana. He claims President Paul Kagame "planned the attack, and therefore he planned its direct consequence as well: the genocide of the Tutsis was perpetrated in reprisal".<sup>[30]</sup>

Péan states that the UN "placed a heavy curtain over the true events of the Rwandan tragedy". He does not accept that there was a genocide carried out against the Tutsis, and he condemns the US for calling it as such: "To hide its culpability, the international community, as early as three months after the attack, put the crowning touch on its sorry project by contenting itself to qualify the massacres as a 'genocide'".<sup>[31]</sup> In the pages that follow, he insists that investigation into "the element that triggered the murders" was lacking and accuses the RPF of being "the planner of mass massacres." The Tutsis, who were the victims, are made to fit the role of their executioners, and vice versa.

Péan contests the works of "academics and human rights journalists",<sup>[32]</sup> without any proof to support his argument. He points the finger at the RPF for a "major role in the extermination of Tutsis by Hutu militias", claiming "the Kagame regime voluntarily allowed the Hutu militia to 'cleanse' the country". He then turns around and says it was the Hutus who were killed by Kagame's RPF, but that Kagame only "made people believe that the Hutus whom he had killed in great number, were the Tutsis".

Statements like these, many of which he claims as his own without any reference to sources, are common among Rwandan genocidaires, including many who have been convicted of genocide-related crimes. Sometimes they are explicit, and sometimes they are more veiled. When genocide deniers say the author of the attack on the aircraft carrying president Juvenal Habyarimana is the real planner of the tragedy, they insinuate it is the responsibility of President Kagame and the RPF. Yet the truth about who shot the plane remains unclear. They all have the same goal: to justify the killing of Tutsi. Here is a brief list of statements deniers have made, using the same arguments that Péan repeats:

Albert Basominger, a lawyer who worked in several high-level positions in the government that planned and carried out the genocide, was tasked with heading a group to prepare a defence for genocidaires. The result was a statement that it seemed "fallacious to try to disassociate the bloody events that occurred since April 1994 with the war launched by the RPF on the 1<sup>st</sup> October 1990; the previous reprisals committed by the Front against the Hutu people, the assassination of the President and the resumption of hostilities".

<sup>[33]</sup> The group said President Kagame was responsible for the whole of the tragedies.

Jean Bosco Barayagwiza blatantly pointed to the RPF as the masterminds behind the genocide. He said the RPF was “obviously” the “real planner”. Meanwhile, “the rest merely reacted to their offensive in self-defence”. To insist on the provocation of the genocide, he paraphrases the saying “tell me who killed President Habyarimana, I will tell you who planned all the massacres”.[\[34\]](#)

After claiming that the assassination of Habyarimana triggered the genocide, Albert Rukerantare deduced the conclusion that the authors of the attack were the real planners of the genocide.[\[35\]](#)

Faustin Twagiramungu, then-president of UFDR,[\[36\]](#) said in 1999 that “the violence ravaging the Great Lakes region” was a result of the aggression by former Tutsi Refugees in October 1990. This “aggression” led to the genocide.[\[37\]](#) On March 4, 2000, Twagiramungu wrote that Kagame “deliberately provoked the genocide by assassinating President Habyarimana and Cyprien Ntaryamira”.[\[38\]](#)

In his letter to former Belgian Prime Minister Guy Verhofstadt on March 15th, 2000, former Rwandan Prime Minister Dismas Nsengiyaremye referred to imaginary UN sources to confirm the RPF killed the Rwandan and Burundian presidents, and thus were responsible for the “trigger of the genocide.”[\[39\]](#)

On July 22, 1999, President of the Executive Committee of RDR Charles Ndereyehe and President of RDR Belgium section Butera Jean Baptiste repeated the same wording in a letter to Jean Luc Dehaene, the Belgian Prime Minister.[\[40\]](#)

In January 1998, then-Vice President Paul Kagame visited Belgium. The Hutu extremist organisations *Rwanda pour Tous*, the RDR and *Forum für Frieden und Demokratie* used the visit as an opportunity to spew their hateful propaganda. In their letter of January 18, 1998, to Belgian Prime Minister and President of the European Commission Jacques Santer, they said the killer of the presidents of Rwanda and of Burundi was “the real planner of the Rwandan genocide”.[\[41\]](#)

In a letter to then-UN Secretary General Kofi Annan on December 21, 1999, Dismas Nsengiyaremye said “heavy suspicions are put on the RPF for having downed the presidential plane, which provoked the genocide”.[\[42\]](#)

In his article of March 23, 1999, Jean Baptiste Nkuliyingoma said “the RPF, by ‘downing the aircraft’ carrying Habyarimana, willingly exposed the internal Tutsis to genocide and the democratic opposition to the massacres”.[\[43\]](#)

An article by Oscar Nkurunziza contended that “the RPF makes the entire world think that the genocide they provoked themselves gives them the right to exterminate Hutus, confiscate their belongings, take over the whole power”.[\[44\]](#)

In the opening speech of the 3rd congress of RDR Charles Ndereyehe alluded to the physical element that “sparked the genocide”.[\[45\]](#)

Emmanuel Nyemera, in an RDR press release of January 2001, repeated the wording “sparked the genocide”.[\[46\]](#)

The same spurious tracts were amplified by James Gasana and Nkiko Nsengimana, who referred to “an element of provocation of the Tutsi genocide” and “the real planners of the genocide”.[\[47\]](#)

On April 6, 2002, Victoire Ingabire Umuhoza urged the ICTR to seriously deal with the “Rwandan genocide and its authors”, challenging the court to investigate on the “physical element that triggered the genocide”.[\[48\]](#)

Péan says Kagame’s regime persecuted, killed, and humiliated the Hutus, and considered those who were refugees in Zaire to be “genocidaires who must be eradicated”. This had already been written by Basomingera group in 1995, mentioned above. The group wrote that for the RPF “all refugees, in fact all Hutus, are genocidaires, murderers ... without any right to assistance”.[\[49\]](#)

Péan continues: “How can we still speak of the genocide of the Tutsis when, since 1990, the number of Hutus assassinated by the police or soldiers obeying the orders of Kagame is far greater than the number of Tutsis killed by militia and government soldiers?”[\[50\]](#) It amounts to an obscene laying of blame on the victims: they died deservedly because they are liars and manipulators.

This idea of double genocide was also promulgated by the genocide ideologues above. Here is a small sampling of documents referring to double genocide:

In a press release on October 8, 2000, Victoire Ingabire Umuhoza wrote that crimes against Hutu refugees in ex-Zaire were considered acts of genocide by the UN and other human rights organisations’ investigators.[\[51\]](#)

Charles Ndereyehe, in a paper presented in UTRECHT on October 2, 1999, and in a letter of November 10, 1998, addressed to United Nations High Commissioner for Human Rights, alleged genocide was committed by the RPF against the Hutu.[\[52\]](#)

In 1998, a letter to Pasteur Bizimungu and Paul Kagame by Nkiko Nsengimana and James Gasana said that “the RPF, since 1990, kills Hutus just because they are Hutus”. They put the number of the dead at 2.5 million between April 1994-1997.[\[53\]](#) Gasana added that “this includes 600,000 Tutsi victims killed in the Tutsi genocide by Interahamwe, around 1,870,000 Hutu victims killed in massive massacres by RPF combatants”. He said that the figures did not include the 100,000 people who died of diseases in refugee camps in the

DRC and 580,000 victims of Hutu genocide perpetrated by the RPA and Laurent Kabila's rebellion in ex-Zaire, between November 1996 and May 1997.[\[54\]](#)

Ferdinand Nahimana was more careful with numbers when he said that from October 1, 1990, to April 6, 1994, "thousands of innocent civilians in the prefectures of Kibungo, Byumba and Ruhengeri were killed by the RPF because they were Hutus".[\[55\]](#)

Jean Bosco Barayagwiza's "Is Hutu blood red?" alleged the RPF was trying to "make the victim — the Hutu — feel guilty, when they have been attacked since 1990, and their Head of State has just been assassinated, giving them the right to self-defence".[\[56\]](#) In his denialism Barayagwiza alleges the RPF went on "pouring their vengeance instincts and inhuman cruelty on the defenceless civil population, for the simple reason that they are Hutu, and that they are therefore suspected to have participated in the massacres of the Tutsis".

In a letter to Kofi Annan, on December 21, 1999, and to Guy Verhofstadt on March 15, 2000, Dismas Nsengiyaremye maintained that ethnic massacres had occurred of mainly Rwandan, Burundian and Zairian Hutus.[\[57\]](#)

Jean Baptiste Nkuliyingoma in a press release of March 14, 2000, repeated exactly the same words, claiming they were his own.[\[58\]](#)

Nkiko Nsengimana also reproduced, exactly, the same words in a letter to Kofi Annan.[\[59\]](#)

Ferdinand Nahimana said that since April 7, 1994, the RPF was responsible for "the ethnic massacres which took the lives of 500,000 Tutsis, about 1,000,000 Hutus and about 100,000 Twas" in Kibungo and Kigali prefectures alone.[\[60\]](#)

The absurdity of these claims is compounded by their inconsistency. Another document of the Basomingerera group cites a death toll different than in the group's previous documents, putting the overall number of victims at 2,000,000 and Tutsi victims at 500,000.[\[61\]](#)

One would be wrong to think that all these comparisons in figures of victims are aimed at only showing the existence of a double genocide. Rather, they want to indicate that if anything, what happened was a Hutu genocide, as all the figures give greater numbers of Hutu victims than Tutsi ones.

Some ideologues of genocide denial call what happened a simple war. Joseph Matata said the crimes committed in Rwanda between April and July 1994 were "perpetrated by the two warring parties who fought to keep or take over power".[\[62\]](#) Jean N. Gahururu said there were only inter-ethnic massacres conducted mainly by professional belligerents.[\[63\]](#)

Just like his other claims, Péan's argument that RPF had long planned a seizure of power was also taken straight from the pages of common genocide ideology. Here is a short list of examples that spout the same propaganda:

In a bid to find scapegoats for the crimes committed by the regimes that preceded the RPF, Jean Gahururu compared the infamous "Hutu Power" to a fabrication he called TIP (Tutsi International Power). He claimed there was never a Hutu Power as such, but only an MDR Power, whose leader, Karamira, was a Tutsi.[\[64\]](#)

In an open letter on February 27, 1998, to Rwandan higher authorities, Nkiko Nsengimana said that "the Tutsi genocide was in the RPF's strategic plan to seize the power".[\[65\]](#)

Ferdinand Nahimana insisted many times on the element of a power-hungry RPF. For example, he said: "The RPF which launched the 1st October war against Rwanda has presented itself as the undisputed enemy of peace. It is clear now after it has taken over power by force in Rwanda".[\[66\]](#)

Barayagwiza wrote in "Is Hutu Blood Red?" that "the RPF and its small inside satellites, the PSR and UDPR, formed the fourth movement whose major objective was seizing power by force to sweep away all symbols of Hutu republican power. The ambition of the leaders of this movement was to seek revenge against the Hutu who had chased the Tutsi from power in 1959. This means they were passionately in favour of the Tutsi minority's return to power".[\[67\]](#)

Dismas Nsengiyaremye claimed that the exposure of Tutsis, by the RPF, to the mercy of Hutu extremists was part of RPF's master plan to take control of Rwanda. In a letter to Guy Verhofstadt in 2000, he said "reliable sources reveal that RPF had planned that, in resuming war, internal Tutsis and political opponents would be victims of massacres but this would be the justification of their seizure of power."[\[68\]](#) In another letter to Kofi Annan, Nsengiyaremye maintains that the RPF knowingly sacrificed Tutsis and opponents of the former regime.

Jean Bosco Barayagwiza called the Tutsi massacres, "part of the strategy to relaunch the war by the RPF"[\[69\]](#) and said that the murders of the presidents were "obviously of benefit to the RPF".[\[70\]](#) Barayagwiza stressed that "the RPF conceived the plan to physically eliminate Habyarimana, in order to use the chaos thus created, to seize power by force".[\[71\]](#)

This is only a short list of examples of genocide deniers repeating this common refrain. Even this brief survey of denier writings and speeches, however, shows that what

Péan tries to pass off as his own ideas actually originated in genocide ideology publications like those above. Thus, his book constitutes plagiarism.

It was the Hutu Power Rwandan government in exile that was among first to assert that “the RPF made the international community believe that, in the exercise of their right to self-defence, it is the Hutu who are responsible for the genocide against the Tutsi”.<sup>[72]</sup> In a document published in 1995, the exiled government said: “[I]t is absurd to talk of a genocide committed by the Hutu against the Tutsi. The Hutu did nothing more, during the sad events triggered by the RPF, than exercise their right to self-defence to escape extermination”.<sup>[73]</sup>

Péan draws on French military intelligence to produce a “timeline of the troubles on the morning of the 7th”.<sup>[74]</sup> He mentions the “actions” of the RPF, which happen to be false. Nowhere is there mention of the systematic murder of the Tutsis by Hutu militias and the army that began immediately after the attack. He writes of some 3,500 RPF infiltrators in Kigali. Quoting Joseph Matata, he writes “it was the RPF troops who started the vicious cycle of the massacres, which the Hutu militias went on to imitate”. This, however, does not explain how the genocide began and spread in various parts of the country where the RPF was entirely absent.

According to the “government of Rwanda in exile”, “the Rwandan people” were “forced to leave [their] territory and go into exile” for two reasons. The first was that the International Community “decided to unjustly impose a military embargo” against them. The other, it said, was that “the RPF intensified its massacres against the Rwandan people (Hutus) on a daily basis”.<sup>[75]</sup> They even contended that the, “RPF had a good plan of genocide to the extent that there were even pre-established lists of those who would be targeted first”.<sup>[76]</sup> In a memorandum dated September 12, 2008, Albert Rukerantare says: “By such practices, the RPF and its protectors intend to lie by omission, by claiming that the Hutu meticulously planned the Tutsi genocide. We believe, on our part, to have legally proven that the genocide of the Rwandan Tutsi falls within a more global criminal plan. A plan instigated and co-executed by those who, themselves, are obviously still trying to cover up and/or minimize their own criminal acts”.

Péan repeats these ideas as his own, alleging: “RPF carefully prepared in advance categories of target groups for its genocidal action. Those are Hutus in general, especially MRND and CDR members. What it qualifies as HUTU POWER (or HUTU extremists) or HUTU members of parties that made up the consultations committee and who had shown some resistance against the RPF”.

### **Justification and Denial of genocide as hate speech**

Péan’s claims constitute hate speech, as defined by the UN Human Rights Committee and other international actors. As such, they are illicit under internationally recognized human rights norms.

The Council of Europe's Committee of Ministers on Recommendation 97(20) on hate speech defines it as "covering all forms of expression which spread, incite, promotes or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin". [77] According to the Milian Principle, "Hate speech is an expression of discriminatory attitudes that have a long, ugly, and sometimes violent history. As such, hate speech is deeply offensive to its victims and socially divisive". [78] In other words, hate speech is not treated as speech, but as a form of discrimination and a denial of the human rights of the individuals or groups targeted.

Because of its treatment as discrimination, hate speech is restricted in many countries and in international human rights covenants. The European Union approved a framework decision in 2007 criminalizing denial of the Holocaust and other genocides, including the Rwandan genocide. [79] The bill authorizes a maximum sentence of three years for "[p]ublicly condoning, denying or grossly trivialising: (1) crimes of genocide, crimes against humanity and war crimes ... directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, and (2) crimes defined by the Tribunal of Nuremberg ... directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin". [80]

Unfortunately, it allows EU countries to opt out of enforcing the law if national laws do not prohibit similar conduct. [81] However, many European countries are stepping up to criminalize this conduct. For example, Hungary passed a law last year that makes denying the Holocaust a criminal offense punishable by up to 3 years in prison. [82] Austria, Germany, and France have also passed laws criminalizing denial. [83]

Although Article 19 of the International Covenant of Civil and Political Rights (ICCPR) gives individuals the right to Freedom of Speech and Expression, Article 20(2) of the same Covenant limits that freedom by prohibiting the use of hate speech under the pretext of freedom of Expression. [84] Specifically, Article 20, paragraph 2, of the ICCPR stipulates that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". [85] Furthermore, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in its Article 4 holds that States "shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred". [86] Thus, a state that criminalizes speech such as Péan's, is simply complying with its international obligations, by making the public denial of crimes against humanity a criminal offence.

Indeed, the UN Human Rights Committee has held that a State has an obligation to prohibit the dissemination of opinions constituting the advocacy of racial or religious hatred.

[87] This means that not only is it permissible to criminalize speech such as Péan's; States have an affirmative duty to do so.

These principles have been backed up time and again in international jurisprudence. As long ago as the Nuremberg trials, people who did not actually engage in any specific acts of murder, but rather used hateful language, were convicted of crimes against humanity. For example, newspaper publisher Julius Streicher described the Jew "as a germ and a pest not a human being, but a parasite, an enemy an evildoer and a disseminator of diseases who must be destroyed in the interest of mankind".[88] The court said:

"It may be that this defendant is less directly involved in the physical commission of the crimes against Jews — the effect of this man's crimes, of the poison that he has injected into the minds of millions and millions of young boys and girls and young men and women lives on. He leaves behind him a legacy of almost a whole people poisoned with hate, sadism and murder, and perverted by him".[89]

As one commentator pointed out, "[i]t is important to note that the judgment in Streicher's case did not establish a causal link between Streicher's publications and any specific acts of murder; instead it referred to his work as a poison that was injected into the minds of Germans".[90]

More recently, denial of the Holocaust has been identified as unacceptable hate speech by the ICCPR. In the case of *Robert Faurisson v. France*, the ICCPR held that publishing a view doubting the existence of gas chambers for extermination purposes in the Nazi concentration camps constituted hate speech.[91]

Specifically, the statements both the French government and the UN Human Rights Committee classified as hate speech were: "I have excellent reasons not to believe in this policy of extermination of Jews or in the magic gas chamber ..." and "I would wish to see that 100 per cent of all French citizens realize that the myth of the gas chambers is a dishonest fabrication".[92]

In *Faurisson*, the plaintiff claimed that his conviction under the French "Gayssot Act", which makes it an offence to contest or negate the existence of crimes against humanity recognized by international judicial instances, unacceptably restricted his freedom of expression.[93] The law was passed to combat "revisionist" theories that had previously escaped criminalization because they did not fall under the prohibition of racial discrimination, of incitement to racial hatred, or glorification of war crimes or crimes against humanity.[94]

In ruling for the State, the Court confirmed France's position that "racism did not constitute an opinion but an aggression" and that such a law "does not punish the expression of an opinion, but the denial of a historical reality universally recognized".<sup>[95]</sup> Just like Péan and the genocide deniers he draws from, Faurisson used "the guise of historical research", to accuse the victims of a genocide "of having falsified and distorted the facts" and "thereby having created the myth" of their own extermination.<sup>[96]</sup> Rules against such speech are necessary "not only to protect the rights and the reputation of others, but also to protect public order and morals".<sup>[97]</sup>

Thus, this case shows that in order to be internationally recognized as illegal hate speech, statements need not go so far as explicitly encouraging violence. In *Faurisson*, the UN Human Rights Committee made clear that "statements which are of a nature as to raise or strengthen" feelings of dislike toward another group were hate speech.<sup>[98]</sup>

Domestic and regional courts are increasingly convicting genocide deniers. Just last year, the Regensburg District Court in southern Germany convicted British Bishop Richard Williamson of incitement for denying the Holocaust after Williamson said he doubted that six million Jews were killed in gas chambers during an interview on a Swedish television channel.<sup>[99]</sup> He was ordered to pay a 10,000 euro fine.<sup>[100]</sup> In a case decided by the European Commission of Human Rights about the display and sale of brochures arguing that the assassination of millions of Jews during the Second World War was a Zionist fabrication, the Commission held that "it was neither arbitrary nor unreasonable to consider the pamphlets displayed by the applicant as a defamatory attack against the Jewish community and against each individual member of this community".<sup>[101]</sup> The Commission went as far as to say that restrictions on such speech could be "considered as necessary in a democratic society".<sup>[102]</sup>

## **Conclusion**

Péan's book is nothing but a tired rehashing of genocidaire discourse. All his arguments have been made time and again by genocide perpetrators, deniers, or ideologues. His book constitutes hate speech, and, as an integral part of a growing network of genocide denial, perpetuates the process of genocide itself.

According to philosopher and literary critic Marc Nichanian, genocide is both a matter of law and of history. Its denial, which is the last stage of genocide, "attacks the foundations of both".<sup>[103]</sup> He has written that "[t]he machinery of genocide and denial is destined to destroy the very notion of fact".<sup>[104]</sup> Thus, we must do all we can to discredit and penalize those who engage in denial.

Yet here is Pierre Péan freely writing genocide denial into being in the Europe that refuses to allow similar statements to be made in relation to the Holocaust. His writing, in regard to

free speech norms, is more than shouting 'fire' in a crowded theatre; it is urging the burning down of the theatre and the murder of the audience. Péan breaks European law, he undermines international justice, he gives succour to killers, and again threatens the lives of genocide's survivors.

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[1] The letter is titled "To Honor the 50th Anniversary of the U.N. Genocide Convention: **We Commemorate the Armenian Genocide of 1915** and Condemn the Turkish Government's Denial of this Crime Against Humanity" <http://www.genocide-museum.am/arm/150.php>

[2] Ibid

[3] Gahigi Gaspard, RTLM, March 14, 1994) Prosecution Exhibit P36/54B in case No ICTR-99-52-T, tendered on July 1, 2002

[4] ICTR Prosecution Exhibit number P103/9B in case No ICTR-99-52-T, tendered on July 1, 2002

[5] London Review of Books <http://www.lrb.co.uk/v33/n06/stephen-w-smith/rwanda-in-six-scenes>

[6] Ibid

[7] See following blogs which serve as conduits of denialism. <http://france-rwanda-tribune.over-blog.com/article-rwanda-in-six-scenes-69047227.html> and <http://newsrwanda-nkunda.blogspot.com/> The essay, was republished on March 27, 2011 on another virulent blog of Tutsi haters based in France. See: [http://cirqueminime.blogcollective.com/blog/\\_archives/2011/3/27/4780885.html](http://cirqueminime.blogcollective.com/blog/_archives/2011/3/27/4780885.html)

[8] Ibid. Péan 2005 p.40

[9] Kangura magazine N°6 of December 10, 1990 p.8 (Author's archives)

[10] In Kangura N° 13 published in April 1991 (Excerpt read out during Hassan Ngeze trial, April 2, 2003 p.89-90 Case N° ICTR-99-52-T. This journalist, later became a member of the mouth-piece of genocidaires in exile which was called the Rwandan Civil Society in Exile (SCRE)

[11] In Kangura N° 26 published in November 1991 (Author's archives)

[12] Ibid, Kangura N° 26 p. 17

[13] Court excerpt in Hassan Ngeze (Case N° ICTR-99-52-T) as translated in prosecution exhibits N° P 117B (p.27170) and P130B (p.K0201423)

[14] Wayne State University Press, 1999

[15] Semanza was mayor for the commune of Bicumbi for many years, so much that his name was

[16] Mary Kimani SEMANZA TRIAL: HUTU ARE THE 'REAL' VICTIMS OF RWANDAN TRAGEDY, FIRST DEFENSE EXPERT WITNESS CLAIMS; ARUSHA 28 January 2002 (Internews)

[17] Id.

[18] Mary Kimani, MEDIA TRIAL: JOURNALISTS RELIED ON INFORMATION FROM SOLDIERS AND MILITIAMEN, GENOCIDE CONVICT TELLS COURT-ARUSHA 27 February 2002 (Internews)

[19] Mary Kimani MEDIA TRIAL: 'HATE' RADIO REVIVED KILLINGS IN KIGALI, WITNESS TELLS JUDGES ARUSHA 26 February 2002 (Internews)

[20] Mary Kimani, MEDIA TRIAL: GENOCIDE SUSPECT FERDINAND NAHIMANA MISTREATED TUTSIS, WITNESS CLAIMS ARUSHA 18 February 2002 (Internews)

[21] Mary Kimani, MEDIA TRIAL: 'PROPAGANDA' RADIO KEPT LIST OF ASSASINATED LEADERS, WITNESS CLAIMS ARUSHA 19 February 2002 (Internews)

[22] See: President Habyarimana's Assassination or The Final Tutsi Operation to Regain Power in Rwanda Using Force. [L'assassinat du Président Habyarimana ou l'ultime operation du Tutsi pour sa reconquête du pouvoir par la force au Rwanda,] by Colonel Théoneste BAGOSORA- Yaounde, 30 October 1995. Prosecution Exhibit N° 31(b) (p.15), Tendered on 17 September 2002 in Case N° ICTR-98-41-T

[23] Ibid. Bagosora 1995(p.16-17)

[24] Ibid. Bagosora 1995 (p.21)

[25] Ibid. Bagosora 1995 (p.24)

[26] Ibid. Bagosora 1995 (p.18)

[27] Valérie Bemmeriki, RTLM, June 14, 1994 In case No ICTR-99-52-T Prosecution Exhibit P99F tendered on July 1, 2002

[28] Lemarchand, Rene 'Disconnecting the Threads: Rwanda and the Holocaust Reconsidered' See: <http://www.ideajournal.com/articles.php?sup=11>

[29] Ibid, Péan, 2005 p.80

[30] Ibid, Péan (2005) p.19

[31] Ibid. Pean 2005 p.237

[32] Ibid, Péan (2005) p. 21

[33] Albert Basominger group in Bukavu in January 1995 in a document entitled: International Law in the face of Genocide and other conflict-related crimes, by the Rwanda Government in exile, the Ministry of Justice, Bukavu-Goma, p.13

[34] Is Hutu blood red? p. 112

[35] Memorandum addressed on the 12th September 2008 to the authorities of the RTBF to protest against the denunciation campaign and the stifling of the truth. <http://www.musabyimana.be/lire/article/memo-du-clair-a-la-rtbf/index.html>

[36] The Union of Rwandese Democratic Forces (**UFDR**), a Coalition formed by the Democratic Forces for Resistance (**FRD**), the Initiative Group for Reconciliation (**GID**) and the Rally for the Return of the Refugees and Democracy in Rwanda (**RDR**)

[37] UFDR press release no.7 of March 4th, 1999 entitled "Assassination of eight foreign tourists in Uganda",

[38] UFDR Communiqué de Presse N°25 'L'appel au retour des rwandais en exil: Le Cynisme du Président Paul Kagame.' [http://www.rdrwanda.org/francais/communiques/UFDR/01\\_May\\_2000.htm](http://www.rdrwanda.org/francais/communiques/UFDR/01_May_2000.htm) In English was published on [May 2, 2000](#) as [UFDR's press release no.25: Appeal for the Return of Rwandans in Exile: President Paul Kagame's Cynicism](#)[http://www.rdrwanda.org/english/press\\_releases/URDF/01\\_May\\_2000.htm](http://www.rdrwanda.org/english/press_releases/URDF/01_May_2000.htm)

[39] See: <http://www.grandslacs.net/html/tm/ppfam.html>

[40] Hardewijk, le 22/07/1999, lettre à Son Excellence Monsieur Le Premier Ministre du Royaume de Belgique, Rue de la Loi,16, Bruxelles

[41] Lettre adressée à Monsieur le Premier Ministre Belge et à Monsieur le Président de la Commission européenne par les organisations Rwanda Pour Tous, Rassemblement pour le Retour des Réfugiés et la Démocratie au Rwanda et Forum für Frieden und Demokratie in Rwanda e.v. à l'occasion de la visite en Belgique de Monsieur Paul Kagame, Vice-Président et Ministre de la Défense du gouvernement rwandais.<http://www.rdrwanda.org/francais/documents/RDR/18Janvier1998.html>

[42] <http://www.grandslacs.net/html/tm/ppfam.html>

- [43] La révolution sociale de 1959 face à la terreur du Régent du 23 Mars 1999.  
([http://www.rdrwanda.org/francais/publications/forum/Forum\\_Rwandais\\_No2.html](http://www.rdrwanda.org/francais/publications/forum/Forum_Rwandais_No2.html))
- [44] Oscar Nkurunziza, Le 1er Octobre, un triste anniversaire, paru dans la publication du 01-30 Octobre  
1998 [http://www.rdrwanda.org/francais/publications/forum/Forum\\_Rwandais\\_No0.html](http://www.rdrwanda.org/francais/publications/forum/Forum_Rwandais_No0.html)
- [45] Published in *Forum Rwandais* No.11 of Septembre 2000
- [46] Press Release No 8/2000 entitled “The RDR condemns the exploitation of the 1994 Rwandan genocide for political purposes”, published on January 15th 2001
- [47] In a document entitled “building a new hope for Rwanda: elements of propositions for a social contract” on p. 12
- [48] C:\Documents and Settings\Guest\Desktop\Communiqués de Presse-RDR\Discours d’ouverture du Congrès.htm
- Also on [www.rdrwanda.org](http://www.rdrwanda.org)
- [49] Basomingera group: “About the final report of the United Nations Security Council experts’ commission. Conclusion to the genocide at the expense of omitting certain facts, altering others and biased interpretations” p.8
- [50] Ibid, Péan 2005 p.20
- [51] Déclaration du RDR sur la stratégie du pouvoir de Kigali d’étouffer le processus de la réconciliation des rwandais. Press Release of October 8<sup>th</sup> 2000. <http://www.rdrwanda.org/francais/communiqués/RDR/StrategiesFPR.htm>
- [52] Violations massives des Droits de l’Homme et actes de Génocides au Rwanda. A letter to Mary ROBINSON, in Genève on Novembre 10<sup>th</sup> 1998, <http://www.rdrwanda.org/francais/documents/RDR/10decembre1998.html>
- [53] Ibid, Gasana, p. 25
- [54] Les origines de l’utilisation des jeunes dans la violence politique au Rwanda publié en juin 1998
- [55] Ibid, Rwanda. The Hutu elite accused, p. 18
- [56] Le sang Hutu est-il rouge? (By Jean Bosco BARAYAGWIZA), Is Hutu blood red? p.87
- [57] The document is in the author’s archives

[58] Rwanda : A quand la levée de l'embargo onusien sur les crimes du FPR. Communiqué de Press 008 du CDA publié à Bruxelles au 14 Mars 2000

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[60] Rwanda. The Hutu elite accused, p. 9

[61] Albert Basominger Group "International Law in the face of Genocide and other conflict-related crimes, by the Rwanda Government in exile, the Ministry of Justice, Bukavu-Goma" p. 13

[62] Mémo du CLIIR aux autorités britanniques [http://www.musabyimana.be/index.php?option=com\\_content&task=view&id=237&Itemid=2](http://www.musabyimana.be/index.php?option=com_content&task=view&id=237&Itemid=2)

[63] "Révélations sur la mort du Président Habyarimana" (Revelations on the death of President Habyarimana) published on the "Forum Rwandais", no.7, March 2000, [http://www.rdrwanda.org/francais/publications/forum/Forum\\_Rwandais\\_No8.htm](http://www.rdrwanda.org/francais/publications/forum/Forum_Rwandais_No8.htm)

[64] Ibid. Gahururu  
([http://www.rdrwanda.org/francais/publications/forum/Forum\\_Rwandais\\_No8.htm](http://www.rdrwanda.org/francais/publications/forum/Forum_Rwandais_No8.htm))

[65] Invitation au dialogue à la place du terrorisme Psychologique et de l'infamie contre les Rwandais qui oeuvrent pour la paix. Lettre ouverte adressée à l'ex-Président Pasteur Bizimungu et à l'ex-Vice-président Paul Kagame à Lausanne au 27 Février 1998 p.4

[66] Ibid, p.76

[67] "Is Hutu blood red?" p. 25

[68] Lettre adressée à Monsieur Guy Verhofstadt à Bruxelles au 15 Mars 2000, par le CDA

[69] Ibid, "Is Hutu blood red?" p.73

[70] Ibid, "Is Hutu blood red?" p.117

[71] Ibid, "Is Hutu blood red?" 125

[72] Vade mecum of those to be tried by the International Tribunal for Rwanda (ICTR), the Rwandan Government in exile, Bukavu, November 1995 p.6

[73] Ibid, Vade mecum, p.13

[74] Ibid. Pean 2005 p.249

[75] Les Peuple Rwandais accuse. A document prepared on September 21, 1994 from Bukavu

[76] Ibid. Les Peuple Rwandais accuse p.6

[77] Manuel on hate speech by Anne Weber, p. 3, quoted in Freedom of Expression and its Limits, Erasmus University Law School Rotterdam, 3/2/2010, p. 2-3.

[78] Cambridge Law Journal; Milian Principle, Freedom of Expression and Hate Speech by David o Brink. University of California, San Diego, quoted in Freedom of Expression and its Limits, Erasmus University Law School Rotterdam, 3/2/2010, p. 3.

[79] Dan Bilefsky, EU adopts measure outlawing Holocaust denial, NYTimes, April 19, 2007; Joshua Pantesco, EU approves framework decision criminalizing genocide denial, Thursday, April 19, 2007

[80] Framework decision on Racism and Xenophobia, 8665/07 (Presse 84), Council of the European Union, Luxembourg, 19 April 2007.

[81] Supra, Pantesco.

[82] Jay Carmella, Hungary parliament passes bill criminalizing Holocaust denial, February 24, 2010.

[83] Mike Rosen-Molina, Austrian neo-Nazi writer arrested in Spain for denying Holocaust, August 23, 2007.

[84] International Covenant on Civil and Political Rights, 23 March 1976, Articles 196 and 20.

[85] Ibid., at Article 20.

[86] International Convention on the Elimination of All Forms of Racial Discrimination, 4 January 1969, Article 4.

[87] J.R.T. and the W.G. Party v. Canada, Human Rights Committee, Communication No. 104/1981.

[88] E. DAVIDSON, *the trial of the Germans, an account of the twenty two defendants before the International Military Tribunal at Nuremberg*, 1966, first university of Missouri press, quoted in Yassin Tusingwire, *The Crime of Direct and Public Incitement to Commit Genocide Before the ICTR: A Case of Ngeze Hassan* (available at [http://www.memoireonline.com/12/10/4197/m\\_The-crime-of-direct-and-public-incitement-to-commit-genocide-before-the-ictr-a-case-of-ngeze-hassan2.html](http://www.memoireonline.com/12/10/4197/m_The-crime-of-direct-and-public-incitement-to-commit-genocide-before-the-ictr-a-case-of-ngeze-hassan2.html) ).

[89] R. E. CONOT, Justice at Nuremberg, first Carroll and graft edition, 1984, p.384-385, quoted in Yassin Tusingwire, The Crime of Direct and Public Incitement to Commit Genocide Before the ICTR: A Case of Ngeze Hassan(available at [http://www.memoireonline.com/12/10/4197/m\\_The-crime-of-direct-and-public-incitement-to-commit-genocide-before-the-ictr-a-case-of-ngeze-hassan2.html](http://www.memoireonline.com/12/10/4197/m_The-crime-of-direct-and-public-incitement-to-commit-genocide-before-the-ictr-a-case-of-ngeze-hassan2.html) ).

[90] Yassin Tusingwire, The Crime of Direct and Public Incitement to Commit Genocide Before the ICTR: A Case of Ngeze Hassan (available at [http://www.memoireonline.com/12/10/4197/m\\_The-crime-of-direct-and-public-incitement-to-commit-genocide-before-the-ictr-a-case-of-ngeze-hassan2.html](http://www.memoireonline.com/12/10/4197/m_The-crime-of-direct-and-public-incitement-to-commit-genocide-before-the-ictr-a-case-of-ngeze-hassan2.html) ).

[91] **Robert Faurisson v. France, Communication No. 550/1993, U.N. Doc. CCPR/C/58/D/550/1993(1996)** (available at <http://www1.umn.edu/humanrts/undocs/html/550-1993.html>).

[92] Ibid, at 9.5.

[93] Ibid.

[94] Ibid., at 4.1.

[95] Ibid., at 7.3 and 7.10.

[96] Ibid., at 7.6.

[97] Ibid, at 7.10.

[98] Malcolm Ross v. Canada, CCPR/C/70/D/736/1997, UN Human Rights Committee (HRC), 26 October 2000. [http://www.unhcr.org/refworld/category\\_LEGAL\\_HRC...3f588efc0.0.html](http://www.unhcr.org/refworld/category_LEGAL_HRC...3f588efc0.0.html) Communication No. 736/1997.

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[100] Ibid.

[101] X. v. Federal Republic of Germany, European Commission of Human Rights, Case No. 9235/8, 16 July 1982.

[102] Ibid.

[103] Marc Nichanian to discuss genocide denial as “historiographic perversion” in New York book talk, October 28, 2009.

[104] Ibid.