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EXPERT'S REPORT ON ANATOLE NSENGIYUMVA'S TRIAL BEFORE THE
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

2079/a

CASE NO: ICIR-98-41-T
EXHIBIT NO: PHS-788
DATE ADMITTED: 13-5-2005
TENDERED BY: DEFENCE
NAME OF WITNESS: H. STRIZEK

BY

DR. HELMUT STRIZEK

CONFIDENTIAL

JUDICIAL RECORDS/ARCHIVES
RECEIVED
ICTR
[Signature]

1. Foreward

This report deals with the political, social and military situation prevailing in Rwanda between 1 October 1990 and July 1994. It does not deal specifically with aspects of the warfare between the two belligerents during the period from the transfer of the Interim Government from Kigali to Gitarama on 11-12 April 1994 up to the RPF victory in July 1994.

The main issue is to know whether the accused persons can be held guilty of planning the genocide against the Tutsi¹ which occurred between April 1994 and mid-July 1994.

It is up to ICTR to determine if the Accused have failed to fulfil their historical obligations following the RPF attack against the President's plane on 6 April 1994.

By using the term genocide, the author is referring to reason and not to the legal definition. Similarly, by speaking about widespread killings of Hutu in the area controlled by RPF, the author uses the term massacre to avoid a controversial discussion on their being labelled genocide² or not.

The author also insists on the fact that the use of the terms "Hutu" and "Tutsi" does not at all denote a racist mentality, as Professor Jean Pierre Chrétien is wont to say. He also refutes any racist approach through a simple reference made to the term "Inyenzi"³, the very first organization of UNAR party royalist militants, who wanted to regain power by force in the 1960s.

¹ The author always uses the terms "Hutu" and "Tutsi" in a non-reflective form.
² On 15 July 1995, the German journalist Günter Krabbe made estimation in the daily, *FRANKFURTER ALLGEMEINE ZEITUNG*, which leads to the conclusion that between 2.5 and 3.5 million people (including Tutsi killed) were missing at the end of July 1994. Therefore, at least one million Hutu had also disappeared. The reporter managed to raise the issue with Seth Sendashonga, during a visit to Bonn in 1996, so as to get his views on it. He explained that the said estimation was based, *inter alia*, on the number of people living in Rwanda that he provided on the basis of figures communicated by the *bourgmestres* to UNHCR, after having assumed his responsibility as Minister of the Interior in the Twagiramungu Government. The number of Hutu refugees was known and only the number of exiles who have returned to Rwanda was estimated. The first indication of the massacre of the Hutu population was given in the "Gersony Report" which, unfortunately, has never been published.
³ Ngurumbe Aloys, one of the most known "Inyenzi" activists, explained in *KANGUKA* No. 52, of 12 February 1992, the origin of the term *Inyenzi* and his activities after having been imprisoned in Rwanda between 1981 and 1991. (See Annex 2)

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Finally, the report gives no exhaustive explanation for the 1959 Rwandan social revolution. This has been done extensively by other experts.

However, the author would like to emphasize that the monarchy was abolished through a democratic process supervised by the United Nations in 1961. The population of Rwanda had the inalienable right to choose the political substructure of the new independent state. It is true that representatives of the former regime rejected the results and went into exile. The Rwandan tragedy began at that very moment.

II. Introduction

The June 2002 report of Expert Witness Alison Des Forges gives the historical events almost without taking into consideration the fact that they had occurred in a war situation. She and other Prosecution expert witnesses seem to have forgotten that the arraigned officers were faced with a historical responsibility, not because they planned or wanted to seize power, but because they were victims of a political vacuum that resulted from the murder of the most important representatives of the State of Rwanda and its army, as well as the Head of State of Burundi and two of his ministers.

Alison Des Forges tends to minimize the importance of the attack on the President's plane on 6 April 1994 which, quite on the contrary, together with the immediate resumption of military hostilities by RPF, constitutes the main factor which triggered off anti-Tutsi genocide and widespread killings of Hutu in the area under RPF control. These combined factors fuelled the militia's hatred for the Tutsi population and paved the way for the killings.

The author insists that the Tutsi genocide was unprecedented, incomparable to other crimes against humanity described by Samantha Power (POWER 2000). The Tutsi case is unique in that it occurred within the context of total political vacuum, contrary to the holocaust which had been planned and committed under the supervision of the German State.

In Rwanda, hatred for the invaders was most profound among the million war-displaced persons, mainly from the Byumba *préfecture*, who were, particularly in February 1993, packed in makeshift camps in the suburbs of Kigali, after their property had been expropriated by the RPF rebels. Those people nursed no hope of returning following the resumption of hostilities on 7 April 1994. It is particularly revealing to read what Dallaire wrote after visiting those camps in August 1993.

"And then, in the middle of this rural idyll, we came across a hellish reminder of the long civil war. We smelled the camp before we saw it, a toxic mixture of feces, urine, vomit and death. A forest of blue plastic tarps, covered an entire hillside where 60,000 displaced persons from the demilitarized zone and the RPF sector were tightly packed into a few square kilometres. When we stopped and got out of our vehicles, we were swarmed by a thick cloud of flies, which stuck to our eyes and mouths and crawled into our ears and noses. It was hard not to gag with the smell, but breathing through the mouth was difficult with the flies. A young Belgian Red

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*Cross worker spotted us and interrupted her rounds to guide us through the camp. The refugees huddled around small open fires, a silent, ghostlike throng that followed us listlessly with their eyes as we picked our way gingerly through the filth of the camp. I was deeply impressed by the young Belgian women's [sic] calm compassion as she gently administered what aid she could to these desperate souls. It was obvious that she could see through the dirt and despair to their humanity. The scene was deeply disturbing, and it was the first time I had witnessed such suffering unmediated by the artifice of TV news."*⁴

By attacking on 7 April 1994, RPF violated the peace agreement concluded with the Government of Rwanda on 4 August 1993. In so doing, RPF destroyed the envisaged and partly established institutional base. Furthermore, RPF made no effort at all to negotiate an order which would enable the remaining Rwandan State to combat the numerous people who were killing the Tutsi. On the contrary, the rebels sabotaged any effort to restore law and order so as to achieve their military victory. The situation of Tutsi became even more problematic, desperate, when the international community and RPF rejected any intervention to bring help to them.

Withdrawal, on 15 April 1994, of the Belgian contingent of peacekeepers and soldiers from other powers which intervened to evacuate their nationals is one of the factors that encouraged the killers to continue their nasty job. Paul Kagame even threatened to consider the soldiers as enemies after the evacuation of Europeans, as this was revealed by the Belgian Minister of Foreign Affairs, Willy Claes, in 1997.⁵

Therefore, the issue is to know whether those who tried to act as stopgaps were able to maintain order and peace at the time when the RPF rebels were waging an all-out war.

When the United Nations Security Council decided on 21 April 1994 to reduce UNAMIR troops to the ridiculous number of 270, General Dallaire had no possibility to protect the Tutsi. They were left to the mercy of killers who felt that the international community had abandoned the country to RPF. All information available confirms that all countries that were opposed to a reinforced peacekeeping contingent were aware of the threat looming over the Tutsi population. This is confirmed by Linda Melvern who has had the opportunity to read confidential reports of Security Council meetings (Melvern 2000).⁶

The author does not agree with a greater section of the "international community" on the origin and perpetration of genocide against the Tutsi, namely that they were planned by "Hutu

⁴ Dallaire 2003:63/64

⁵ On 24 June 1997, Claes stated before the Belgian Senate: "Do you realize that RPF had given us an ultimatum, stating that if we did not leave on Thursday, it would attack?! RPF told us very clearly that it accepted a short-term humanitarian operation, but that we should not try to transform peacekeeping into peacemaking, if not, it would consider us to be enemies." (Extract from the report of the "Commission d'enquête parlementaire concernant les événements du Rwanda"; Chap. 3.8.4.2. *Impact sur le génocide.*)

⁶ The author does not agree with many interpretations of the facts as provided by Linda Melvern but feels that this book is indeed a valuable contribution to the "fact finding". (See Strizek 2002)

extremists". Rather, he espouses Robin Philpot's conclusions: "*Ça ne s'est pas passé comme ça à Kigali*" [It did not happen like that in Kigali]. (Philpot 2003).

Kofi Annan was right to say on 26 April 2004⁷ that the international community could have prevented the butchery in 1994. On the basis of documents received from the author, it was not the political will that was lacking as Annan said. Rather, the vast majority of members of the Security Council showed a strong will to favour an RPF victory at all costs. According to RPF, any intervention in favour of the Tutsi population would have undermined that objective. That is why its allies prevented any attempt to save the Tutsi who were under threats.

The author however supports the viewpoint of certain Prosecution expert witnesses concerning the performance of the present RPF-dominated regime in Kigali. But he does not understand why, for instance, Alison Des Forges, Filip Reyntjens⁸ and André Guichaoua⁹ do not review their stance that the genocide was planned by "Hutu extremists" excluding the fact that it resulted rather from a situation created deliberately by RPF when it invaded the country in October 1990. Based on facts, there is no palpable material that makes it possible to defend their theory that the genocide was planned by representatives of a group that was crushed on 6 April 1994, thereby immediately triggering off the killings.

RPF has never been a democratic organization. Today, we know that from the outset the RPF objective was to seize power by force and not to share it with others in a democratic, free and fair contest.¹⁰

III. International context of the war

The main factors which facilitated the Tutsi genocide are the war triggered off by RPF on 1 October 1990 and the destruction of the Rwandan State on 6 April 1994. Both events occurred within the context of instability in the world which enhanced them. What was therefore the major change in the world and what were the objectives of such a change?

(a) The invasion of 1 October 1990.

The cold war which ended in 1990 had a serious impact on the Great Lakes region of Africa. Russia withdrew from Africa and the West adopted new policies vis-à-vis its former

⁷ Kofi Annan, UN Secretary-General, stated on Friday, 26 March, that the international community "*aurait pu arrêter les tueries*" in 1994, "*mais la volonté politique n'existait pas, pas plus que les troupes.*" Jean-Pierre Stroobants, *LE MONDE*, 30 March 2004.

⁸ For instance, in a letter addressed to Chief Prosecutor Jallow on 11 January 2005, Reyntjens wrote: "*While I remain committed to the cause which is at the heart of the mandate of the ICTR, on ethical grounds I cannot any longer be involved in this process. I shall, therefore, not be able to co-operate with the OTP unless and until the first RPF suspect is indicted.*" In an interview granted to the Belgian daily *LE SOIR*, he stated on 13 January 2005: "Kagame is the worst war criminal in office today". His criticism of Kagame is also documented in Reyntjens 2004.

⁹ An example that should urge Guichaoua to make this link is his article paying tribute to Colonel Cyiza: "*Une disparition annoncée*" in Cruvellier et al. 2004 on the death of Lt. Col. Augustin Cyiza.

¹⁰ Cf. Musabyimana 2003.

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allies. In March 1990, the American Minister of Foreign Affairs, James Baker, accompanied by the Secretary of State for Africa, Herman Cohen, visited Nelson Mandela. They made a stopover in Kinshasa to see President Mobutu. They told him in no uncertain terms that the USA no longer intended to support his regime.¹¹ He was requested to immediately release Etienne Tshisekedi, the Chairman of the opposition party, UDPS, which Mobutu did. On 24 April 1990, Mobutu resigned as Chairman of the MPR party, the power base in Zaire. In unusual consultations with the USA, President Mitterand made public a new policy during the Franco-African summit held in La Baule in June 1990. The message from both countries was that allies would henceforth be supported on the sole condition that they open up their regimes and secure greater political legitimacy. London was observing. President Habyarimana then told President Mitterand that such a process would encourage the rebels to seize power. In essence, Habyarimana told Mr. Aurillac, the French Minister for Cooperation, from 1986 to 1988: "*I am going to democratize my regime (...) and I will be assassinated*".¹² In reaction to that, Mitterand offered a military guarantee in the event that such a threat was real. According to a French journalist, the feeling of the political class was: "*You Africans must democratize your regimes and France will see to it that your political enemies store away their kalachnikovs in the cupboards*".¹³ Habyarimana did what he had promised to Aurillac. He began the democratization process despite the inherent risks.

The democratization process was announced on 4 July 1990 in his annual speech to commemorate his accession to power in 1973. On 27 September 1990, he announced the formation of a synthesis commission expected to make the necessary amendments to the Constitution. Subsequently, multiparty system became a reality.

The RPF rebel leaders were afraid of the move to democratize and wanted to take advantage of the instability caused by the process in other countries. They wanted to take advantage of the confusion and excitement generated to strike.

As a matter of fact, they attacked on 1 October 1990. The RPF objective was to disrupt the democratization process. Had the democratization process succeeded, RPF would have been deprived of the propaganda argument that Habyarimana's "dictatorship" provided justification for the invasion.

The rebels certainly did not take into consideration the commitment of France to run to the assistance of regimes under threats of being overthrown by rebellions against democracy. But France kept its promise. Indeed, French troops helped the Rwandan army contain the

¹¹ The visit was confirmed by Herman Cohen in an interview granted to the news agency, *Congopolis*, on 16 October 2002: "*I was with Secretary of State Baker in March 1990 when he persuaded Mobutu to accept multi-party politics. Mobutu announced this important change on 24 April 1990. I think the transition began by Mobutu would have been crowned with success had the political class of Congo showed more intelligence in its implementation. The problem with Mobutu's uncompleted transition was the general view held by the political class that the transitional government was indeed a stage for competition to control power in Kinshasa.*" [Unofficial translation]

¹² See Eric Fottorina, *Dans le piège rwandais*, Internet file of *Le Monde*, August 1997.

¹³ See *JEUNE AFRIQUE*, No. 1747, 30.6.94, p. 15.

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invasion. By the end of October 1990, the RPF combatants were driven back to Uganda from where they had come. President Museveni was obliged to help them once again, contrary to his initial plans.

As Professor Mahmood Mamdani (Mamdani 2001) described it, the situation of Rwandans in Uganda was complicated. They had installed Museveni as President. Hence they could enjoy the fruit of their victory. But then they were under pressure from Ugandans who envied some of their posts. The situation worsened when certain exiles requested plots to finally settle down in Uganda. In such a situation, the Rwandan "Young Turks" resolved to regain power that their parents had lost during the 1959-1960 period. Museveni's position was then summarized, as Mamdani described, almost as follows: "Take my weapons, but do not try again to return to Uganda". This situation was absolutely uncomfortable and this partly explains the aggressiveness of their new organization, RPF.

RPF feared that implementation of the Rwandan-Ugandan bilateral agreement on a peaceful solution to the problem of Rwandan refugees, signed on 31 July 1990¹⁴ in Kigali under the auspices of HCR and OAU, would destroy the argument that the Government of Rwanda was preventing exiles from returning.

That argument had earned fantastic international support for the rebels since the 1988 Washington Conference.¹⁵ To avoid losing this trump card, RPF had every interest to see that the meeting scheduled in Kigali, on 24 September 1990, to hammer out the remaining obstacles, did not take place. RPF had gone as far as openly inciting the refugees in Uganda to boycott phase one of the Accords which requested a census of the exiled population in order to know the magnitude of the problem. The census had to provide reliable data on the number of those who wished to return to Rwanda, those who wanted to take up Ugandan nationality, as well as those who wanted to maintain their Rwandan nationality, while obtaining a permit for permanent residence in Uganda.

It became increasingly clear that Habyarimana, who had repeated on several occasions that unconditional and mass return of refugees could cause serious problems to Rwanda, increasingly showed signs of flexibility, particularly, after Pope John Paul II visited Rwanda at the beginning of September 1990.

A meeting planned in Kigali on 24 September 1990 was cancelled. In fact, a week later, the RPF rebels invaded Rwanda, and the refugee problem could never be resolved peacefully.

¹⁴ Cf. Musabyimana 2003: 37/38. On 21 April 1991, Habyarimana mentioned the Accords before the *CND*: "The problem of refugees, particularly, those in Uganda, caused by the *Inyenzi-Inkotanyi*, had been finally resolved during negotiations which brought together delegates from Uganda, Rwanda, the OAU and UN High Commissioner for Refugees" (Quotation from *Gasana 2002: 72*)

¹⁵ This conference was organized by Roger Winter, then Chairman of the US Committee for Refugees. Winter who currently works for USAID was and continues to be one of Kagame's foremost promoters.

The 1 October 1990 invasion cannot therefore be justified by the problem of exiles, since, as the Vice Prime Minister of Uganda, Eriya Kategaya, confirmed on 3 October before the *Conseil National de Resistance* (the Parliament), the problem was about to be solved: "I would like to repeat the position of the Movement and Government to that we all along we have been working with the Rwandese Government to find a political solution to the huge population of Rwandese Refugees who have stayed in his country for over 30 years. The last meeting which was held at Kigali from 27th to 30th 1990,¹⁶ had come up with promising ways of solving this long outstanding political problem."¹⁷

At the time of the invasion, the USA agreed with the approach of French President François Mitterand to support the regime in power in order to prevent the Tutsi exiles from overthrowing it. However, by the end of 1993, President Clinton's Government changed its position. Clinton, running away from the Somalian nightmare at the beginning of October 1993, promised never to send troops to Africa. But soon after, a section of that same Government realized that the USA could not attain its objectives of toppling the fundamentalist regime in Khartoum without soldiers. The author has developed in a series of publications,¹⁸ his findings on the strategy applied since then by the USA in Africa which can be termed as the "Sudanese syndrome" (The Rapporteur reproduces in Attachment 2, part of a recent publication [Strizek 2004] in which he discusses this issue).

The war against the Khartoum regime required new allies and, consequently, it was necessary to tone down clamours for democratization in English-speaking countries.

Thus, in October 1993, at the United Nations Security Council, Ms Madeleine Albright reneged on American commitment to offer military protection to the political transition in Rwanda. That commitment which was made a few weeks earlier on when the Arusha Accords were signed on 4 August 1993, with assistance from David Rawson and a few German colleagues of the "Prayer Breakfast Movement".¹⁹ Amadou Toumani Touré, current President of Mali, stated in 1994: "At the La Baule Conference in June 1990, it was almost announced to us that good governance was going to be required of African States. In 1993, the tone changed. 'Democracy is good, but what is important is efficiency'.²⁰

¹⁶ Kategaya refers to the Ugandan-Rwandan Summit which took place in Kigali and which discussed the refugee issue. On 11 September 1990, a tripartite summit (Zaire-Uganda-Rwanda) held in Kampala discussed the problem in a tense atmosphere since Rwanda accused Uganda of not preventing RPF from preparing war. (Cf. Musabyimana 2003: 37/38).

¹⁷ Cf. Ministry of External Affairs and International Cooperation, *Données sur l'implication de l'Ouganda dans l'agression contre le Rwanda*, p. 14, unpublished, Kigali 1990 (Quotation in S.J. Barahinyura, Rwanda. *Trente deux ans après la révolution sociale de 1959*. Frankfurt/Main, 1992, p. 9).

¹⁸ Cf. the list of publications by the author attached to his CV.

¹⁹ David Rawson who became US Ambassador to Kigali in December 1993, evacuated the American Embassy on 10 April 1994, returned to Rwanda after the RPF victory and finally left Rwanda in January 1996. Concerning the German chapter of the Prayer Breakfast Network, its long-standing Director, Rudolf Decker, has published three paperbacks in which he described its activities before, during and after the Arusha talks. (The first book published in 1995 was not signed by him).

²⁰ JEUNE AFRIQUE, Supplement to No. 1753/54, August 1994.

(b) The attack on the President's plane on 6 April 1994 and RPF resumption of the war

The process described by Touré gave rise to uneasy relations between the West and African countries. Democracy was no longer that important. The Balkan conflict resumed and the USA diverted its interests to that region.

We do not know exactly when the decision to support the RPF military victory was taken in Washington but, on the other hand, we do know when that decision was implemented. It was on 21 April 1994. When the war resumed and the anti-Tutsi genocide was at its peak, the USA and Great Britain decided not to interfere in Rwanda to protect the Tutsi. The publication, on 5 May 1994, of "Presidential Decision Directive" (PDD 25)²¹ sought to create a fresh obstacle to deter any person likely to yield to the temptation of a military intervention in favour of the Tutsi population that was in danger.

In the present report, the author does not belabour the issue of responsibility for the 6 April 1994 attack on Habyarimana's plane. But there is no doubt that RPF is responsible. The indicia are so glaring (testimonies of Hourigan, Jean Pierre Mugabe, Christophe Hakizabera, Deus Kagiraneza, Abdul Ruzibiza, Aloys Ruyenzi, the report of the French Judge Bruguière, as well as the book written by Charles Onana and the RPF dissident, Deo Mushayidi)²² that it would be easy for any court (including ICTR) to reach the same conclusion. The problem arises solely from the fact that all efforts are made by interested parties to ensure that such a process does not happen.²³

France, the only State on the Security Council that attempted to oppose the policy implemented by the RPF and its allies, is accused of having facilitated the Tutsi genocide. Yet, the facts do not demonstrate that. Militarily, France was not in Rwanda when the war resumed.

As confirmed by the former French Prime Minister, President Mitterand had accepted his advice to significantly cut down military assistance to Rwanda²⁴ as from October 1993. France was supposed to maintain its troops in Rwanda until the broad-based transitional government (BBTG) was formed. But then the French soldiers left Rwanda in December 1993 at the heat of a political chaos and the transitional government was never formed. So there was no indisputable government in place when the President was killed and when the Rwandan army was decapitated

²¹ That Directive prevents the American President from committing American troops in conflicts which do not affect American "national interest".

²² Onana and Mushayidi 2001.

²³ The author's belief that the sophisticated attack on two regional Presidents and an important section of the top brass of the Rwandan Armed Forces, all conveyed in a single plane, would have been more or less unthinkable without assistance from a few secret services outside the region, cannot be definitively proved without a few secret archives releasing their "treasures". As previously stated, it would be necessary to conduct a neutral international investigation into that attack but, unfortunately, this has been obstructed by the United States and Great Britain.

²⁴ "When the massacres began in Kigali on the night of 6 April 1994 after the plane carrying President Habyarimana was shot down, the French military presence then comprised of only some 30 men or so, since we had substantially disengaged our troops in October 1993." (Balladur, *Le Figaro*, August 2004).

on the night of 6 April 1994. Before then, the USA and Great Britain had done everything to erode UNAMIR ability as described in the books written by General Dallaire and Colonel Marchal (Dallaire 2003; Marchal 2001). After the 6 April 1994 attack which destroyed the State apparatus, the departure of all Europeans on 15 April and the United Nations Security Council decision to reduce UNAMIR to a token strength, all was ready ultimately to ensure an RPF military victory.

IV. Planning of the genocide?

One of the major factors which led to the genocide was the schism of political parties in Rwanda which ensued after RPF violated the cease-fire on 8 February 1993. Even if the Arusha Accords were signed on 4 August 1993, the forces ready to accept a compromise and thus implement them were seriously weakened by the RPF militarist posture. The parties broke up into two groups: the one favoured cooperation with RPF in order to overthrow Habyarimana and the other did not want to hear anything about overthrowing Habyarimana and replacing him with RPF. The latter was later called "Hutu Power".

The February 1993 offensive had been planned in a very sophisticated manner. It was backed by an unprecedented media campaign. As James Gasana²⁵ underscores it, RPF succeeded in using Rwanda human rights organizations to its advantage. In January 1993, an "International Commission of Inquiry" came to Rwanda. After staying in the country for three weeks, some of its members accused Dismas Nsengiyaremye's Coalition Government of planning genocide. In fact, in the final report published on 8 March 1993 (AFRICA WATCH 1993), that accusation appeared less articulated, for the January statements had already diverted international public opinion from the 8 February 1993 offensive. Belgium and other countries used the report as a pretext to block their cooperation with Habyarimana and his Government.

The final report also mentioned, without the least irrefutable evidence, the existence of "death squads". This assertion came mainly from the testimony of an amateur journalist called Janvier Afrika. Melvin²⁶ quotes him extensively but conceals the fact that he was in prison at the time when he made the said testimony.²⁷ He has never explained²⁸ clearly how Jean Carbonare who, at that moment was already member of the pro-RPF lobby, could conduct an interview with

²⁵ He quotes a letter from an "RPF personality at the ISIBO newspaper of 26 December 1992, in which he told the publisher that RPF was not going to attack before the report of the International Commission was published." (Gasana 2002: 183).

²⁶ Melvern 2004, German version, p. 42.

²⁷ Shimamungu wrote: "What the report does not state is that false testimony was extracted from Janvier Afrika during his imprisonment in Kigali for fraud. He received a promise that pressure would be exerted on the Rwandan court to get him out of prison. In fact, Amnesty International of which Professor Reyntjens was correspondent for the Great Lakes region, intervened in this regard, alleging that Janvier Afrika was detained because he was a journalist whereas the acts levelled against him had nothing to do with his profession (Umurava Magazine No. 17)." (Shimamungu 2004: 300).

²⁸ However, there are indications that President Habyarimana had reportedly instructed his services to allow the Commission to go wherever it wished without being accompanied.

someone who was behind bars.²⁹ It seems that Janvier was lured into believing that if he revealed the existence of death squads, he could receive recompense.

This report is, undoubtedly, one of the best examples providing justification for Kagame's statement: "*We have waged the war of communication and information better than anybody*"³⁰ or for the system of misinformation described by Professor Johan Pottier (Pottier 2002).

The February 1993 offensive highlighted one additional point: the weakness of the Rwandan army. Without support from France, RPF would have probably reached Kigali. The controversial discussion within the Rwandan society on self-defence aroused fresh interest. The objective was to replace the weakness of the national army with war against the more organized and better equipped RPF guerrilla.

The assassination of Emmanuel Gapyisi by RPF on 18 May 1993 provided the starting point of a new policy implemented by the rebels, following the failed attack of 8 February 1993.³¹ Gapyisi, who was considered to be one of the most respected politicians of the new generation, was assassinated because he refused to join the pro-RPF wing of the MDR party. He could have successfully organized democratic resistance against the invader. Consequently, RPF considered him dangerous. Gapyisi had written, *inter alia*: "*Today in Rwanda the slogan is clear: no more power imposed by force. If need be, the population of Rwanda must be ready to organize civil resistance against anyone who might attempt to impose himself by force. One million Rwandans have fled in the face of RPF advance. Should two, three, four million Rwandans be displaced before self-defence is organized? The possibility of installing or maintaining power by force is dreaded by the majority of Rwandans. It would be a deplorable set-back for the democratization process begun three years ago* ».³²

²⁹ Extract from the preliminary report of the 22 March 2004 session of the "*Commission d'Enquête Citoyenne pour la vérité sur l'implication française dans le génocide des tutsi au Rwanda*" which took place in Paris. "*It should be recalled that at the beginning of 1993, Jean Carbonare brought back many-hours video-recordings of Janvier Afrika's confession, and that he transmitted that document to Bruno Delaye, the official in charge of the African desk at the Elysée.*" (<http://www.enquete-citoyenne-rwanda.org>).

³⁰ Cf. Reyntjens 1999: 64.

³¹ Contrary to RPF assertion that Emmanuel Gapyisi and Félicien Gatabazi were allegedly killed by "Hutu extremists", André Guichaoua found that RPF was responsible for their deaths. Stephen Smith wrote in *Le Monde* of 7 May 2004: "*The Minister of Works and Energy in the opposition-led government, Félicien Gatabazi, Founder and Chairman of the Parti social-démocrate (PDS), had distanced himself, by the end of 1993, from both President Habyarimana and RPF, Paul Kagame's rebel movement. His party did not want to be "the lackey" of either of them, he explained at a meeting held in February 1994. A few days later, on Monday 21 February, on leaving an opposition meeting at the Meridien Hotel in Kigali, the opponent was killed in his car on the flyover going up to his residence at about 10.55 p.m. According to testimonies received by the International Criminal Tribunal for Rwanda (ICTR) and Judge Bruguière, and confirmed to André Guichaoua, two RPF soldiers reportedly committed that crime: Lieutenant Godfrey Kiyago Ntukayajemo, who is serving a life sentence for other crimes, and Sergeant Eric Makwandi Habumugisha, who had allegedly 'covered' the death of another opposition leader, Emmanuel Gapyisi, in May 1993.*"

³² Shimamungu 2004: 314/315

The next stage of this new strategy was the assassination on 21 October 1993 of Melchior Ndadaye, the new President of Burundi, who was democratically elected a little earlier on. The world was not inordinately dismayed and the looming disaster was not halted. (It was rumoured that Kagame was in Bujumbura on the day of that assassination³³). After that murder, the confidence that certain Hutu circles had put in the Arusha Accords was shaken.

The last stage of that strategy before the attack against the President's plane was the assassination on 22 February 1994 of Félicien Gatabazi, the charismatic leader of the PSD party. He had signed his death warrant one week earlier when he stated in Butare: "*Our party has never accepted to be under the thumb of the MRND party; it shall never also be under the supervision of RPF*". André Guichaoua revealed that it was RPF that killed Gapyisi and Gatabazi.

The following section deals with some points that are often raised as evidence of planning of the genocide by "Hutu extremists", a term used without a clear definition to designate everyone in Rwanda who challenged the justification of the RPF's armed struggle against the "dictatorship". People have formed the habit of designating all such opposition as "Hutu power".

(a) *Democratization and genocide (Evaluation of Anatole Nsengiyumva's document titled: "Le vent de l'Est du 22 mai 1990"; WS-02-27)*³⁴

In various instances, the question is asked whether the democratization imposed by the United States and France after the end of the Cold War was not the cause of the instability in the Central African region. Indeed, we may wonder whether the democratization process did not contribute in fanning the ethnic rivalries that had been contained by military regimes. However, it is clear that the ethnic problems could not justify the perpetuation of such regimes. The time was ripe for change after the end of the Cold War. The democratic aspirations of the people were voiced throughout Africa.

Against this backdrop, the 1990 paper by Anatole Nsengiyumva³⁵ should not be used, as some people are doing, to prove that every critical debate on democratization is already a proof of planning of the genocide.

³³ Shimamungu 2004: 316

³⁴ That document was chosen as a key example. The author asserts that he did not find anything racist anywhere in the documents he consulted regarding Anatole Nsengiyumva's activities. This also applies to the 27 July 1992 note mentioned by Alison Des Forges in her Expert Report in *The Prosecutor v. Bizimungu et al.* Des Forges asserts that Anatole Nsengiyumva suggested that, "the population would rise up and kill tutsi" (p. 14). That is not correct. He simply warned that that could happen. To avoid such a situation, he recommended that, "To this end, the democratic process must be kept on course and, whenever necessary, shown to the world to prove that, in spite of our current difficulties, we are still committed to democracy or, rather, to the democratic process." He proposes that the difficulties created by the Arusha negotiations should be discussed with Rwanda's allies: "Diplomatic action, be it informal, is therefore a matter of absolute necessity." That recommendation is not incitement to acts of violence against the Tutsi.

³⁵ It is worth noting that Dallaire, who is very severe towards the leaders of the Rwandan Armed Forces, does not mention the name of Anatole Nsengiyumva in his book.

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Nsengiyumva reveals in his paper that in Burundi, President Buyoya, representing the Bururi clan of the Hima-Tutsi, had stated that, "there was no ethnic problem in Burundi and that the situation will remain as such for as long as he is in power". However, after the 1988 revolt in the northern communes of Ntega and Marangara, which resulted in a blood bath, Buyoya had admitted that there was a Hutu-Tutsi problem in spite of his military regime.

To further complicate the situation in Burundi, the Government "of National Unity" put in place after the events in Ntega and Marangara clearly indicated the number of ministerial posts granted to the Hutu and the Tutsi. The Government therefore could not ignore the Hutu-Tutsi question.

It is therefore legitimate for Nsengiyumva to say that in spite of President Buyoya's efforts to consolidate national unity, he was facing a strong opposition in his own Tutsi camp that was eroding its privileges in favour of the Hutu elite. Even within the UPRONA party, discordant voices were heard opposing such a policy.

Consequently, even the military regime in Burundi could no longer guarantee "national unity".

In Rwanda, Habyarimana's one-party system and his version of "national unity" became the target of critics. Anatole Nsengiyumva, regardless of Habyarimana's fears that democratization would reawaken the ethnic demons, pointed out that democratization was inevitable. He stated that even in Tanzania, President Mwinyi had already questioned the existence of the one-party system and Julius Nyerere himself, who was still the chairman of the said party, had admitted that "the one-party era was over".

Regarding the threat posed by Rwandan refugees, he predicted a political conflagration that has indeed occurred. As an intelligence agent, was it not his duty to make such an analysis?

Anatole Nsengiyumva to a certain extent regrets the disappearance of the Eastern Block and the victory of the capitalist system over the socialist/communist system. He deplores the fact that white people now have total control over Africa and its raw materials.

However, since the one-party system was inherited from the Eastern Block and could not be maintained after the disappearance of the latter, he advises his president: "It is a matter of time and all depends on the process adopted by each country to initiate the inevitable process of change".

While condemning the democratization process as being an imposition of the white man, he clearly points out that Africa has no choice but to yield to the winds of change.

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In spite of his rather "leftist" position, his analysis of the changes that are bound to occur in Africa is quite accurate: "Our country will certainly be affected by the winds of change that are at our door". He even predicts that the current problems of regionalism, the refugee problem and the weakness of the institutions will be thrust to the fore by those who will call for change.

In saying that "the ethnic problems risk being maliciously exploited by those who will try to provoke the downfall of the Government or premature changes", Anatole Nsengiyumva was merely calling for responsible changes. He is not opposed to change.

Regarding the refugee problem, he even underestimated the danger of a return by force of arms that could be posed by the exiles in Uganda: "Each time, I concluded that they could not return by force of arms in the near future, but I added that in the meantime, they were capable of causing harm". Just five months later, the historic events proved him wrong, as the RPF invasion started on 1 October 1990.

The conclusion drawn by the author is very clear. In his analysis of May 1990, Anatole Nsengiyumva describes—even though the author does not entirely share his ideological reasoning,— the real dangers and proposes a pragmatic solution.

When he said that : "*In my opinion, the east wind is blowing instead from the west and it will have far-reaching and diverse consequences*" and we "*will have to initiate them without waiting for the wind*", he was predicting what was going to happen at the La Baule summit of June 1990.

In that document, Anatole Nsengiyumva opts for a cautious approach without overlooking the dangers inherent in the democratization process. He does not suggest at any time to oppose the change.

During the period he spent at the German ministry of cooperation in Bonn, the author tried in vain to convince the political class of the dangers posed by the ethnic problem in Burundi after the genocide against the Hutu elite in Burundi in 1972.

He also underscored that the situation following the events of Ntega and Marangara and the influx of Rwandan refugees could have very serious consequences in a country where the Hutu-Tutsi problem was less virulent for the time being.

France opposed sanctions against the Bururi regime in Burundi which it had supported since 1972. As a matter of fact, such a pro-Tutsi attitude in Burundi proves that France has never applied a pro-Hutu policy in Rwanda. French Governments on both sides of the political divide have always supported relative stability premised on the preservation of the *status quo* in Rwanda and Burundi.

(b) Self-defence and the guerilla strategy

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The situation changed dramatically in Rwanda following the RPF invasion of 1 October 1990. It was inevitable that the ethnic problem would resurface since the RPF rebels were viewed as the armed wing of the Tutsi exiles of Burundi and Uganda. The rebels came from the Tutsi diaspora. Everyone knew very well that the Tutsi within the country could be the target of ethnic hatred. Any claim that the ethnic problem and the war could be separated is most surprising.

The Rwandan Government nevertheless succeeded in circumscribing the danger up to the assassination of President Habyarimana, even though it became more virulent after the RPF offensive of 8 February 1993 and the massive influx of displaced persons fleeing the war. That does not mean either that there were no incidents. The fact of the matter is that they were brought under control as long as Habyarimana was alive.

The ethnic problem was aggravated when Paul Kagame opted for guerilla warfare in early 1991. Historically, the response to such a strategy has always been the formation of some kind of self-defence mechanism. In Rwanda, it was obvious that guerilla warfare, which was resorted to during the one-day occupation of Ruhengeri town in January 1991, was going to give rise to the "syndrome of the fifth column", against the Tutsi population within the country.

Consequently, it was no expression of ethnic hatred when a few officers, whose duty it was to determine who the enemy was, declared in a document that the Tutsi collaborating with the main enemy, that is RPF, had become the enemy, by extrapolation. They never said that all the Tutsi, regardless of their position vis-à-vis RPF, were enemies. Similarly, they never said that all moderate Hutu were enemies. The document defining the enemy makes the distinction between the Hutu/Tutsi who want to change the Government by democratic means and those who want to overthrow the Government by force.

When Habyarimana showed signs of willingness to negotiate a ceasefire so as to avoid a blood bath, RPF did nothing or very little. Quite on the contrary, it violated ceasefire agreements—at least three times—when it saw that the Rwandan President was ready to negotiate a lasting peace settlement.

Guerilla warfare followed a specific tradition in Rwanda. As described in an interview granted by Aloys Ngurumbe in 1961 (see Annex 1), the UNAR monarchical party established militias, later known as *INYENZI*, which left no stone unturned to arbitrarily kill all Hutu leaders who demanded democratic change in the country. That strategy did not work. However, when the Hutu applied the same strategy in 1963 after the invasion of the forces of the monarchy, they succeeded. Indeed, after the death of some 10,000 Tutsi in the country, UNAR and its army stopped the invasion. UNAR did not want to sacrifice the Tutsi population that had remained in the country.

It was rumoured that RPF leaders did not inform UNAR representatives of their plans to invade the country in October 1990, for fear that the latter would oppose such plans to avoid anti-Tutsi reprisals. The RPF leaders were determined to go ahead with the war even when they realized that a large number of Tutsi would be killed.

The fact that after the attack of 6 April 1994, the *Interahamwe* and Radio RTLM wanted the people to believe that the strategy applied in 1963 could succeed once again, is part of the Rwandan tragedy. They did not understand or could not understand³⁶ that RPF was determined to sacrifice³⁷ a large number of Tutsi, as underscored by General Dallaire before the Chamber in January 2004. It was not until 25 June 1994 that RTLM called on Hutu to stop killing Tutsi. It was only on that date that RTLM propagandists realized that RPF was not willing to stop the war and that, on the contrary, the death of Tutsi justified the RPF position before the international community when it said it was fighting against the "*génocidaires*"³⁸ [genocide perpetrators].

Such a cruel dialectic was the result of the political vacuum created by the downing of the president's plane and the setting up of a powerless Government to which neither RPF nor the international community gave the opportunity to restore peace and public order and to stop the killings. The author was reliably informed that during one of the rounds of negotiations held in Kampala, RPF refused even a five-day ceasefire to test the credibility of the Interim Government. The request had been made to it jointly by representatives of French, American, British and Tanzanian diplomatic missions in the presence of President Museveni.

Still on the subject of civil defence, it can be asserted –as Bernard Lugan has done (Lugan 2004)³⁹– that the discussions held within a political and military framework cannot in any way be considered as a systematic preparation to killing "the secondary enemy". In his recently published book, Bernard Lugan indeed states that civil defence is a normal tactic used in a difficult military situation. After the Rwandan Army fled in 1993, it was clear to any observer that the army could no longer contain the RPF rebels.

As stressed by Lugan, the civil defence strategy is akin to the classical approach used by French military academies. The objective of the "*policy of 'popular self-defence' or 'civil self-defence' was, according to us, not the genocide of the Tutsis, but rather the Operational Defence of the Territory (DOT) as taught by the French to the Rwandan General Staff, not to mention the officers, like Colonel Bagosora, who learned about that doctrine during their stay at the Paris*

³⁶ Some people think, following the testimonies of Ruzibiza and Ruyenzi, that RTLM was infiltrated by RPF with a view to guaranteeing anti-Tutsi propaganda that attracted international sympathy to RPF. Such an assertion has hitherto not been definitely proven for want of relevant materials.

³⁷ Charles Karemano who, prior to 6 April 1994, was one of the leaders of the Parti Social-Démocrate (PSD) drafted the fatal dialectic that dominated the events: "The *Interahamwe*, the Hutu militiamen, killed Tutsi because they thought RPF was sensitive to the fate of Tutsi and would halt its conquests. The logic of terror was, therefore, as follows: massacres of Tutsi civilians justified RPF attacks; such attacks encouraged killings of Tutsi." (Karemano 2003: 34)

³⁸ For instance, in an RTLM broadcast of 25 June 1994, Gaspard Gahigi said: "In order for peace to be restored – as Mr. Jean Kambanda once said, and rightly so – you must know your adversaries, the *Inkontanyi*. Your neighbour is not your adversary, simply because of he is this or that other way. (...) If the French come to help us we must make our contribution. The killings must stop everywhere. As for us, we must ensure that no one is victimized because of his appearance or regional origin, but rather for his acts." (Quoted from para. 419 of the Media Trial verdict of 3 December 2003).

³⁹ The author points out that while quoting Bernard Lugan, he does not in any event endorse his skeptical positions on the democratization process and his pro-royalist options. Given his sympathies for the Nyinginya royal dynasty, Bernard Lugan is not suspected of being anti-Tutsi. That is why his stunning findings are highly valued.

War College. That 'popular self-defence' intended to organise a resistance in case RPF crossed FAR lines." (LUGAN 2004: 183)

Regarding militias, the author cannot add anything to what Bernard Lugan has already said. Hence, with good reason, I will cite him yet again. *"Because militias were created in 1992, can we say, as Prunier writes, that the genocide was being planned since that date? We cannot, because all of the parties had these types of back-up forces whose original purpose was to maintain order during public rallies (...) and even parties totally foreign to the genocidal ideology and Hutu 'ethno-Hutu nationalism', such as PSD, had their own militia, the Abakombozi (Liberators)." (Lugan 2004: 182/183)*

We can simply add that the MRND party was not the first to create a militia, contrary to widely accepted opinion. Its militia was created in reaction to the MDR party. In that regard, in a 5 December 2000 Internet posting on the "Cercle solidaire" [solidarity circle] website, Eugène Shimamungu wrote: *"The former Prime Minister Dismas Nsengiyaremye created the first militia known as the "Inkuba", or "lightning", contrary to principle 4 of the political charter"⁴⁰ (...) In reaction to that violence the Interahamwe would be created upon the idea of Anastase Gasana, a political adviser in charge of MRND strategy, (...) a supporter of a strong league for the MRND youth wing."*

In his recent book, Eugène Shimamungu⁴¹ states that the founder of the *Interahamwe* was none other than Anastase Gasana who, later on, would join the MDR party. Gasana was Minister of Foreign Affairs in the Uwilingiyimana Government and was even brought back by the RPF Government. It is quite possible that he was an RPF infiltrator, first within the MRND party and then in MDR, after he first made contact with the RPF ideologist, Professor Alexandre Kimenyi.⁴²

In a letter to Kofi Annan dated 5 May 2001, Félicien Kanyamibwa, the general coordinator of OPJDR (Organization for Peace, Justice, and Development in Rwanda) even asked the United Nations to deny Anastase Gasana accreditation as the Rwandan representative to the United Nations, due to his political past which left much to be desired.⁴³

⁴⁰ The Report from the "National Synthesis Commission" clearly stated: *"Peaceful coexistence among the different components of Rwandan society is crucial. Accordingly, political parties may only engage in their activities through peaceful means. They may not create militias or other similar organisations, as maintaining law and order and security is a task incumbent upon the State. An advisory body for defence and security must be set up."*

⁴¹ Shimamungu 2004: 309.

⁴² Alexandre Kimenyi is a Rwandan royalist who became a professor at California State University, Sacramento, in the United States. He was the organizer of the Washington Conference in 1988. In the meantime he has split with Paul Kagamé and is the author of a famous anti-Hutu (practically racist) poem praising Fred Rwigyema after his death in October 1990.

⁴³ Excerpt from an OPJDR letter: *"It is with great shock that the Organization for Peace, Justice, and Development in Rwanda, Inc. (OPJDR) learned that Mr. Anastase Gasana was accredited as the new Rwandan Ambassador to the United Nations Organization. In fact, Anastase Gasana is the founder of the notorious Interahamwe, accused of genocide in Rwanda 1994. Besides, he was one of the prominent officials and leaders of the Rwandan Government during the massacres of more than two hundred thousand Rwandan Refugees in Eastern Congo and tens of thousands of Rwandan civilians inside Rwanda since 1994."*

These facts should be considered in the light of testimony given by Abdul Ruzibiza (Ruzibiza 2004) and Aloys Ruyenzi (Ruyenzi 2004), who state that RPF did not oppose the militias, but rather used them. After Filip Reyntjens denounced Paul Kagamé as a war criminal, Aloys Ruyenzi gave an additional account in January 2005, entitled "President Kagame is indeed a war criminal", which contains a series of shocking revelations (see text in Annex 3).

As mentioned previously, even someone like Emmanuel Gapyisi, who could be considered as non-aligned within the Rwandan political configuration, and who cannot be suspected of having any genocidal tendencies, launched the idea of a civilian defence in 1993. It is also important to point out that even in Uganda, where RPF was born and developed, the concept of civil defence existed in the form of the "Local Defence Force".

(c) *The "informant" Jean Pierre Turatsinze and Dallaire's coded telegram of 11 January 1994.*

Dallaire's coded telegram of 11 January 1994 has become the cornerstone of the theory that the genocide was planned.

It is interesting to note that this telegram from Dallaire was not used when Filip Reyntjens published it in its entirety in his 1995 book titled "*Rwanda: trois jours qui ont fait basculer l'histoire*" (Reyntjens 1995). It was simply accepted as the most significant evidence that the genocide was planned when it was given by important officials in the American administration to Gourevitch (Gourevitch 1998) who, in turn, based the arguments for his "bestseller" on it. The Carlsson report (UNO; Carlsson 1999) did exactly the same thing.⁴⁴ Carlsson refers specifically to the telegram to accuse Kofi Annan for failing to react to it appropriately. That caused Annan to publicly express his regret over the lack of response from DKPO, which he headed at the time.

Does the content of that telegram actually prove there were people within MRND who planned systematic massacres, or was it a "trap", as Dallaire himself wondered? If—as the author strongly believe—informant Jean Pierre Turatsinze was an RPF agent, -perhaps even a double agent— one piece of evidence saying that groups of people within MRND were in the process of planning the genocide falls by the wayside. Since other documents tendered into evidence have remained anonymous, the theory that the genocide was planned is seriously called into questioned.

What evidence is there that Jean Pierre was sent to UNAMIR by RPF? Descriptions of his professional background are troubling. We learned that he claims to have undergone military training, either in Egypt or in Israel. To our knowledge, the Israeli State never cooperated militarily with MRND. On the other hand, it is known that RPF has always had good relations with Israel. Similarly, if Egypt provided the Rwandan Army with some military supplies, there still is no evidence that even a single *Interahamwe* militia member was trained by the Egyptians.

⁴⁴ For more information, see Philipot 2003.

There is no doubt that Jean Pierre Turatsinze worked for a long time as a driver, for the Government and the MRND Party-State.⁴⁵ He introduced himself as a member of the Presidential Guard (Melvern 2000: 91). That has never been proved. He seemed to have secret duties within the security system at the MRND party headquarters, and in that capacity he was allegedly involved in setting up the *Interahamwe*. However, to the best of his knowledge, the author believes that Jean Pierre Turatsinze never held a specific post within the *Interahamwe* hierarchy. It is not unlikely that Turatsinze was already working in the shadows of RPF. Information available to us shows that the then new Secretary General of MRND, Joseph Nzirorera, expressed concern with Jean Pierre and asked that he be dismissed.⁴⁶

RPF then took advantage of Turatsinze's difficulties with his superiors to implement a strategy of "sparking things off", just as the plan to assassinate President Habyarimana was becoming clearer and as it mulled over the consequences of the plan. It was clear that United Nations headquarters were going to refuse to support searches for weapons caches when General Dallaire would ask for authorization to conduct them. Therefore, actual evidence of the information allegedly provided by Jean Pierre cannot be produced. The "trap" worked like a charm. After 6 April 1994, the coded telegram was used, just as planned, to make believe that the Habyarimana regime had planned the genocide.

The fact that Jean-Pierre Turatsinze could access the MRND palace on 1 January 1994 and show a certain number of weapons⁴⁷ to Senegalese Captain Amadou Deme⁴⁸ should not be exaggerated. In fact, the guards knew him. Moreover, it is not surprising that weapons could be found there, since the building belonged to the National *Gendarmerie*. (Dallaire 2003: 150)

There are indications that the informant used the RPF's above-mentioned strategy, which was to frighten the so-called "moderates". By suggesting that the *Akazu* was their biggest threat, they had achieved their goal of creating enemies against Habyarimana. From the RPF perspective, the "moderates" were extremely dangerous because of their reputation both within and outside the country. Had they been able to convince the international community that they were in a position to contribute to political change peacefully, RPF would no longer have had a pretext to take power on its own. To reduce that risk, RPF waged a campaign to tell those people that the *Akazu* sought to eliminate them. In so doing, RPF hoped that they would flee the

⁴⁵ In May 1997, Faustin Twagiramungu appeared before a Commission of the Belgian Senate: "Jean-Pierre was a driver, and worked for MRND in that capacity. He was dismissed by MRND but remained a member of the *Interahamwe*. Unless there is another Jean-Pierre. Those types of people try to gain advantages that come to them either by selling information or by lying. They boast with a certain swagger they often do not possess. He was a Tutsi (...) Those people worked with the *Interahamwe*, even if they were not decision-makers." Citation from document: "ICTR detainees", Arusha, January 2000.

⁴⁶ In a document titled "ICTR detainees" Arusha, January 2000, a specific date was given: "That informant (...) worked at MRND national party headquarters as a driver up to the time he was fired in November 1993." It is possible however that the decision had not yet been carried out in January 1994.

⁴⁷ The figures differ in range from "dozens of Kalashnikov Rifles" (Reyntjens, 18.2.1998 in Voice of America), over "at least fifty assault rifles" (Dallaire 2003: 150) to "137 Kalashnikov assault rifles" (Melvern 2000: 95).

⁴⁸ Marchal 2001: 172/173: « ...Captain Amadouh Deme, who is Senegalese and has the right skin colour, has seen a large number of Kalachnikov and G3 rifles with ammunition (...) What more can we ask for? Someone who can enter MRND headquarters so naturally and walk around as if he owns the place is certainly no dogsbody".

country. Those moderates who did not want to go would be killed, not by those RPF said would kill them, but by RPF itself.

That intimidation strategy was used against James Gasana, Emmanuel Gapyisi, Félicien Gatabazi and others.⁴⁹ The three above-mentioned people were considered as the voice of reason. Regarding James Gasana, the strategy worked like a charm and he indeed left the country after being intimidated by a "secret organisation" called AMASASU. It is unlikely that the organisation was created by the "Hutu extremists". That strange document, on the contrary, is a perfect example of the RPF's scheme to fabricate "evidence" that could be used at a later stage after President Habyarimana's death. Regarding Gapyisi and Gatabazi, those threats were carried out. Recently, thanks to research conducted by André Guichaoua, the truth was established that RPF should be held accountable for those assassinations, but RPF tried to blame them on the *Akazu*.

It is not surprising that Jean-Pierre Turatsinze "vanished from history" shortly after his visit to Luc Marchal on 10 January 1994. On that issue, Roméo Dallaire's comments are rather disturbing: "*Jean-Pierre disappeared near the end of January. Whether he had engineered an escape on his own or was uncovered and executed, I have never been able to find out. The more troubling possibility is that he simply melted back into the Interahamwe, angry and disillusioned at our vacillation and ineffectiveness, and became a génocidaire.*" (Dallaire 2003: 151). According to rumours, he was assassinated by RPF agents in 2002. At any rate, it seems strange that there is no access to credible information regarding the location of that crucial "witness" on the genocide planning theory. What that means is that the circumstances under which Jean-Pierre transmitted the information referred to in Dallaire's telegram, are so murky that no one should reasonably accept the information as evidence that the Habyarimana regime planned the genocide. As mentioned above, even the former Prime Minister Twagiramungu, who introduced Jean-Pierre to UNAMIR, does not rule out the possibility of manipulation.

(a) "AMASASU"

As regards the so-called group AMASASU, as indicated above, it is very likely that it was invented by RPF to suit its own interest. The tract signed by « Commandant Tango Mike » proves that RPF was aware to the most minute detail of what was going on within MRND and the Rwandan army. Its content was so grave that Minister James Gasana saw it as a serious threat to his security and that of his family. As suggested above, it was indeed a threat, but not issued by his rivals within MRND. The AMASASU tract has no probative value and Alison Des Forges' submission that "*It seems likely*" that Commandant Mike "*is either Col. Théoneste Bagosora or someone working closely with him*" is not at all founded. Why would Bagosora take such a risk whilst, as stated by the same expert, he was a member of the *Akazu* inner circle?

⁴⁹ In another example, the author is almost certain that that same strategy was used. Turatsinze passed a message to a high-ranking figure saying that the Hutu extremists could kill him. However, for security reasons, the author does not wish to reveal his source.

He could have resorted to other means to make the Defence Minister, James Gasana, resign if that had been his intention.

(e) The "Moderates" letter to Dallaire

The letter sent by the so-called "Moderates" to Dallaire on 3 December 1993 had the same objective as the famous coded telegram from Dallaire. Bearing in mind "the collateral damages" which will arise following the assassination of Habyarimana, RPF stood to gain by fabricating the existence of a "Machiavellian Plan" to be attributed to "Hutu" extremists. It was obvious that the announcement of the assassination would lead to total chaos. It should be noted once again that this document bears no signature for it to be authenticated. It is anonymous and does not prove anything.

(f) Political party militias set up to kill Tutsi?

Coming back to the issue of militias in addition to the arguments already advanced by Bernard Lugan in relation to the problem of civil self-defence, it should be underscored that the fact that Robert Kajuga was the son of a well-known Tutsi family is very important. In that regard, one would not expect him to be appointed to head an organization which planned to kill Tutsi. On the contrary, he was chosen to show that the *INTERAHAMWE* of MRND were not directed against the Tutsi.

But given the infiltrations within the MRND system itself, one cannot completely exclude that he had links with RPF. Being Tutsi would have been an excellent way to hide his real intentions.

(g) Distribution of weapons

Those who were given weapons were those who were involved in combating the RPF army and in the fight against the infiltrations. Furthermore, the bulk of the weapons were distributed as part of the operational defence of the territory as mentioned earlier on. This explains why the distribution of firearms started in areas situated at the northern border of the country such as Byumba, Ruhengeri and Gisenyi. If the objective had been to kill the Tutsi, there would have been a country-wide distribution of weapons.

V. The Rwandan army after the attack of 6 April 1994.

We have already stated that, in light of the various testimonies and reports available, the responsibility of RPF and its allies in the attack against the presidential plane on 6 April 1994 could be considered as a fact. We will now deal with the issue of whether, in a power vacuum, the remainder of the Rwandan armed forces could have limited the propagation of large scale killings.

The missile attack against the presidential plane and the ensuing chaos indicate that an elaborate plan to execute this attack had been put in place. As RPF predicted, the Presidential Guard vented its fury, much to the detriment of the Hutu community. In fact, all those who were responsible for the restoration of law and order and security died in a very short space of time. Since the Army Chief of Staff was dead and both the Minister of Defence and the Head of Military Intelligence were on official mission in Cameroon and their Interior counterpart in Tanzania, the power vacuum became a reality which was not created by Bagosora and the others, as submitted by Alison Des Forges. The responsibility for restoring law and order fell in the hands of a group of officers who happened to be present at Kigali. These men formed a crisis committee which the Prosecutor has shown so much interest in. It should also be stated that even the Presidential Guard had no leadership as a result of the attack on the presidential plane and its commander was not present in Kigali.

The rest of the story is public knowledge. Dallaire and Marchal submit that there are no indications that the military hierarchy attempted to stage a coup d'état. In this regard, Lugan concludes: "A. Des Forges *et al* therefore systematically interpret measures taken in response to a military situation as evidence of genocidal intentions, which, naturally, is a misinterpretation." (Lugan 2004: 163)

(a) The role of the army in the installation of the Interim Government

The Crisis Committee assigned Col. Bagosora with the task of contacting the political parties with a view to setting up a civilian government in a situation where the Prime Minister had no reason to consider himself as Interim Head of State since he was appointed only on the basis of the Constitution applicable as at 10 June 1991. It would appear that Mrs. Agathe Uwilingiyimana herself had never aspired to occupy such a position. She was not prepared to go to the studios of the National Radio station to address the Nation when the blue helmets came to fetch her. She was in danger when, against the wishes of the Crisis Committee, Gen. Dallaire insisted on having her installed as Interim President.

The Peace Accord of 4 August 1993 had put in place a new Constitution which would have allowed for such an interpretation. However, this Constitution was null and void as one of the signatories violates it by attacking the other party. This was the case when the mediator, Dallaire, failed to convince RPF to participate in setting up a government as provided for in the Arusha Peace Accord.

The following two days were dominated by efforts by the soldiers to install a legitimate civilian government. The appointment of Dr. Sindikubwabo is proof that the Crisis Committee and the political parties gave priority to legality and not to political considerations.

Sindikubwabo was a man who had no real political influence. It soon became obvious that he could not influence the turn of events in any significant manner. The famous speech at Butare certainly took place at the wrong time and was misinterpreted, but it does not *per se*, prove that

there was a plan, more so as it was delivered by an inexperienced Interim Head of State. We must take it that he was overwhelmed by the surrounding chaos.

The starting point of the "non-government" situation was remarkable. When it was sworn in on 9 April 1994, General Dallaire went to *Hôtel des Diplomates* to meet members of the newly installed Government. *"At the hotel, I encountered a number of ministers and their families packing their suitcases and belongings into vehicles. No one wanted to stop to talk to me, since they were concentrating on getting out of town. I found out later that they were heading for safety in Gitarama, which was about sixty kilometres west of the capital. The scene reminded me more of the fall of Saigon than of the supposed installation of a government determined to take control of the country."* (Dallaire 2003: 277). Therefore, even if the Government existed on paper, it should rather be seen as a group of persons displaced from within who found refuge initially at Gitarama, then Gisenyi, before finally escaping to Bukavu in Congo/Zaire.⁵⁰

Those who planned the attack against the presidential plane were objectively not interested in having to deal with a strong and organized government. Consequently, they did all that was possible to make sure that the Interim Government did not become a strong and organized institution.

In these circumstances, the officers who stayed in Kigali organised the defence of a country devoid of an efficient governing structure. The replacement of Gen. Marcel Gatsinzi by General Augustin Bizimungu as Interim Chief of Staff, on 16 April 1994, could be considered as unfortunate and its interpretation could mean mere speculation. In any event, this replacement does not buttress, in any manner whatsoever, the theory that there was a plan.

RPF was able to win the war because it did not have to deal with a structured entity which could resist. The genocide against the Tutsi was essentially the result of the massive group of displaced persons who had to flee when RPF invaded their camps. The militiamen mingled with some of these fleeing persons and army deserters assisted them with fatal consequences. In these circumstances, the Interim Government was unable to control the situation. Nevertheless, as we have mentioned before, the most important factor behind the excesses was the attitude of the international community.

(b) The conduct of the war after 6 April 1994

"On 8 April 1994, France decides to put an embargo on the sale of weapons to Rwanda. In actual fact, the last authorisation for the export of war equipment, which was already limited to the sale of pistols and parachutes, was delivered on 6 April 1994. (...) On 17 May 1994, the

⁵⁰In her report prepared for the *Casimir Bizimungu et al* trial, Alison Des Forges submits that the fact that the Interim Government conducted "business as usual" is evidence that it could be qualified as a government functioning normally. However, Ministers coming together does not prove that the Government could control the country.

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Security Council (...) finally imposed an arms embargo, that is a month and a half after France did so."⁵¹

As a result, the war was lost on 8 April 1994 when France imposed a unilateral arms embargo against the Rwandan army whilst the United Nations waited till 17 May 1994 to do so. Thus, between 8 April and 18 May 1994, RPF could be supplied with weapons in all legality whilst there was a total embargo on delivery of weapons to the Rwandan army whose greatest supplier up to October 1993 was France.⁵² Most of the bank accounts opened abroad in the name of the Rwandan National Bank, essentially in London and the United States of America, had been frozen.

The 7 April 1994 offensive had been planned well in advance. The 30 March 1994 meeting between Luc Marchal and General Nsabimana is the most convincing evidence. The General said: *"My fear is that RPF will trigger war in the days to come. The information I have leaves unfortunately no room for doubt. For several weeks now, it is stocking ammunition and hardware in Uganda, along the border. In a nutshell, all that is needed to support a large scale military operation."*⁵³

⁵¹ Edouard Balladur, French Prime Minister in 1994, *LE FIGARO* of 24 August 2004.

⁵² The last Apartheid regime was also a big arms supplier, which partly explains why later on Nelson Mandela took a pro-RPF stance. Musabyimana wrote: *"Indeed, when Belgium took the decision to suspend the delivery of all types of arms to Rwanda in October 1990, the Habyarimana regime turned to South Africa to the extent that at the eve of the signing of the Arusha Accords, this country was by far the biggest supplier of weapons to Rwanda. At one stage, the ANC mission in Kampala complained through the media."* (Musabyimana 2004 : 42)

⁵³ Luc Marchal, at a conference in Paris, 4 April 2003 (contents of text confirmed to the author by Luc Marchal himself). Marchal said: *"But certainly what I consider as the most significant factor in relation to the role played by the Front (RPF) before the crash, is a conversation I had exactly seven days earlier with the Chief of Staff of the Rwandan Armed Forces (General Déogratias Nsabimana). On that day, 30 March 1994, we were in the process of inspecting various tactical positions situated on the north of the capital. After the inspection, I asked General Nsabimana if I could meet him to share with him my observations. So at the end of that day, I found myself in the presence of a man I felt was deeply preoccupied. And I could understand that one should be preoccupied by the operability of that force. What I saw at the tactical positions which are supposed to ward off the axes of advance towards the capital, was, from the military point of view, appalling. In simple terms, the units stationed at these positions are unable of stopping anybody, certainly not the RPF fighters. But that was not the purpose of my visit. I then started discussing with the Chief of Staff about the shortcomings noted with regards to the layout in the zones where weapons were consigned. We both agreed on a plan to bring this to standard. Since we had finished that topic, we continued our discussion as if the General wanted to tell me something else. For several minutes we talked about nothing in particular, and as the typical Rwandan he was, he talked to me about cattle. To tell you that we talked about everything under the sun. And then, without warning and in an anxious tone, he told me: 'My fear is that RPF will launch the war in the days to come. The information that I have unfortunately leaves no room for doubt. For several weeks now, it is stocking ammunition and hardware in Uganda, along the border, in a nutshell, all that is needed to support a large scale military operation'. I replied that it was 'unthinkable, that RPF cannot indulge in such a move under the eyes of the international community'. He retorted: 'RPF does not have any need of such considerations. The mistake that you, UNAMIR, are committing is believing that it reasons the same way as you do. But the reality is completely different. The Front is a revolutionary movement, and that is how it reasons and fixes its own objectives.' And in conclusion he told me: 'If you use the same methods against revolutionaries, you are bound to lose always'. I must say that I was deeply shaken by those words. Since then, they have been resounding in my ears and hit me with the same intensity. Unfortunately, events have proven that General Nsabimana was right."*

In an interview with a young Belgian researcher, Marchal stated: "*It should also be noted that, following the attack, the military operations started immediately. (...) RPF started its operations from 7 April in the morning and stopped them in mid-July. As a soldier, I know that operations do not come out of the blue, they are planned long before*".⁵⁴

The killings began in Kigali at the same time as the new RPF offensive. There is no doubt that it could have been stopped, militarily, even though Alan Kuperman states otherwise.⁵⁵ His arguments tend to exonerate the international community. He submits that it would have taken six weeks to deploy troops capable of defeating the *Interahamwe* to Rwanda. But that is not where the problem lies. As at 12 April 1994, there were enough forces stationed in Kigali, Bujumbura, Nairobi and throughout the region which could have reinforced the UNAMIR troops (2500 soldiers, unfortunately ill-equipped) to prevent the genocide:

- 500 Belgian para commandos (Kigali, very well equipped)
- 450 French para commandos (Kigali, the best equipped)
- 80 Italian soldiers (well equipped)
- 500 Belgian para commandos (on standby in Nairobi)
- 250 American Marines on "stand-by" in Bujumbura for the evacuation of American and European citizens if the need arises
- 800 French troops (on standby in the region)⁵⁶

Linda Melvern does not contradict Marchal who stated that he was convinced that the moderate elements of the Rwandan army would have sided with those foreign forces to enforce a peacekeeping operation.⁵⁷ The military solution existed. But the Americans and Europeans did not come to rescue Tutsi in danger.

⁵⁴ Excerpt from Christophe Vincelet, *La mort des dix casques bleus belges à Kigali le 7 avril 1994 ou l'échec de la Belgique dans la crise rwandaise*. Masters Thesis at the Université de Paris-X Nanterre, History Faculty, June 2003, pp. 105-129. The important portions of this Masters Thesis have been published in: Vincelet 2004.

⁵⁵ Kuperman, Alan J. in INTERNATIONAL HERALD TRIBUNE, June 25, 2004: "*The 10th anniversary of Rwanda's genocide brought a spate of retrospectives arguing that the international community could have prevented it if we merely had possessed the 'political will' to intervene. But this is wishful thinking. By the time we could have deployed a big enough force to Rwanda, most of the targets of the genocide would have already been killed. It's true that the West did lack the will to intervene or call the killing by its rightful name for many weeks. But this does not mean that more political will by itself could have averted the genocide.*"

⁵⁶ Cf. Melvern 2004b: 225. Marchal 2001: 251: "*At the end of the operation to evacuate the expatriates (...), there was a total of more than three thousand troops.*"

Similar figures have already been advanced during Reyntjens' testimony before the Belgian Senate Commission of Enquiry in 1997 when he submitted that from the military point of view, the attacks against the Tutsi population could have been avoided: "*We had 410 men from KIBAT, 450 men from the para brigade, plus a reserve of 800 in Nairobi, 450 French, 80 Italians and 800 men from the American Special Forces stationed at Bujumbura, 200 Ghanians present in the sector, more than 600 reservists and finally 60 Tunisians (...). In total, we had some 2, 500 men.*" (Chapter 3.8.4.2)

⁵⁷ Marchal 2001: 251/252: "*In addition, it was not out of place to think that if the international community had in the least indicated its resolve to be involved in the situation resulting from the 6 April attack, part of the RAF would certainly have participated in a pacification operation, on the condition, of course, that RPF suspends its military offensive.*"

On 15 April 1994, the well-equipped soldiers who evacuated the “Whites” left Rwanda, leaving behind Tutsi who were under threat. Following the decision of the Security Council of 21 April 1994, only a meagre number of 270 ill-equipped blue helmets remained behind. That decision was taken because of pressure exerted by Mrs. Albright, the then Representative of the United States of America at the United Nations, to ensure military victory for the troops of Paul Kagame. Launching an operation to rescue the Tutsi would have impeded the power conquest in Kigali, which, in reality, began on 6 April 1994.

All available sources indicate that RPF did nothing to save the Tutsi and this is greatly corroborated by recent testimonies from Ruzibiza and Ruyenzi. As rightly underscored by Linda Melvern, even on 3 May 1994, RPF had refused an intervention by the United Nations by arguing that such an operation would only benefit the Interim Government.⁵⁸ The RPF radio station –Radio MUHABURA– diverted the attention of the international community by broadcasting the following message on 11 May 1994: “*The genocide is already finished*”⁵⁹ whilst it was still being perpetrated at that time. Alison Des Forges states that the « *Representatives of Human Rights Watch and FIDH (...) were shocked by the RPF opposition to a force that could save tutsi lives.*”⁶⁰ Eric Gillet, one of the authors of “International Commission”, wrote on 2 May 1994 to the official head of RPF, Col. Kanyarengwe: “*We understand very well the reasons why the RPF would not want to accept an intervention force. But we cannot see any legitimate reason that the RPF might invoke to oppose a solution which would bring the necessary help to the civilian population without interfering with ongoing military operations*”.⁶¹ Alison Des Forges adds: “*Diplomats at the Security Council also exerted pressure on the RPF, but without great success*”.

*Ruyenzi wrote: “I cannot forget the pain that general Kagame inflicted to the Rwandan tutsi ethnic group, his own tribe mates. Some were even killed on his orders. Others were deliberately left at the mercy of Interahamwe. He made sure that nobody comes to their rescue. Up-to-date, he is still pursuing his policy by repeating in Congo what he did in Rwanda. Why is he busy creating hatred between Banyamulenge minority and the rest of the Congolese population? Is it for the interest of tutsis? Even in Rwanda, he does not spare anything to exacerbate tension between ethnic groups, by his policy of forced reconciliation. What he does will inevitably lead to a new wave of ethnic conflict and tutsi will again be the main victims”.*⁶²

Dallaire is –surprisingly in his book– much more explicit: “*Kagame wanted all of the country, not parts of it. I came to believe he didn’t want the situation to stabilize until he had won.*”⁶³ During his testimony in Arusha in January 2004, Dallaire made a sensational statement by declaring that at the beginning of April 1994 Paul Kagame had been warned by a Rwandan

⁵⁸ Melvern, 2004 b: 263 “In a letter to the United Nations, RPF objected to a intervention of the United Nations which it saw as a deliberate hoax aimed at manipulating the peace process with a view to protecting and supporting the murderers of the Interim Government.”

⁵⁹ Excerpt from Des Forges 1999 : 700

⁶⁰ Des Forges 1999: 700

⁶¹ Des Forges 1999: 700

⁶² Ruyenzi 2004

⁶³ Dallaire 2003: 438

Minister of the consequences the resumption of the war could have on the Tutsi population and that he allegedly replied: *"This was the price to be paid for victory"*⁶⁴. On 2 April 1994, Kagame had somehow confessed to Dallaire by saying: *"I looked at his face and it was sombre as I'd ever seen him. Something cataclysmic was coming, he said, and once it started, no one would be able to control it."*⁶⁵

As regards the strange behaviour of the American Government which on 16 July 1994 declared that the United States had *"taken a leading role in the efforts to protect the Rwandan people"*, Dallaire's observation on this issue is quite revealing: *"Clinton's fibbing dumfounded me."*⁶⁶

To conclude on this issue, the author would like to quote Dallaire once more: *"The United States, France and Belgium had proven with their evacuation exercise that this mission could not be reinforced. It was certainly not a lack of means that prevented them from reinforcing my mission or even taking my mission under their command to stop the killings. Later that day, I went to my first negotiation with the RPF regarding the RGF moderates' offer of unconditional surrender. As I'd predicted, Seth and the other politicians dismissed it outright. (...) The RGF insisted on a ceasefire so they could redeploy forces to stop the killings. The RPF insisted that the killings had to stop before they would agree to a ceasefire"*. (Dallaire 2003: 294/5). This uncompromising stand by RPF meant that the Rwandan Armed Forces (RAF) and the Interim Government had no chance of restoring peace and order. And this was exactly what RPF wanted.

RPF wanted nothing short of a military victory over RAF. Paul Kagame was not ready to share power with anyone. No one can justify or find excuses for the killing of the Tutsi, but, given that the Hutu community had lost a lot of its leaders following the 6 April 1994 shooting down of the presidential plane, there were no high-ranking personalities to explain to the group of killers that in so doing, they were playing the game of the invaders. In 1991 and 1993, when the Hutu were overwhelmed by the RPF atrocities and some of them vented their spleen on the Tutsi living inside the country, Habyarimana was able to convince members of his ethnic group that they were falling into the enemy's trap and they obeyed him. When on 25 June 1994 –as indicated above⁶⁷ –RTLM appealed for a stop to the killing of the Tutsi, the Rwandan tragedy was already completely out of control.

⁶⁴ Agence Hirondele wrote on 28 January 2004 : „Kagame had been warned by a government minister that if the war resumes Tutsis will be killed and he allegedly replied that the dead will be considered as "the price to pay ", that is as "a sacrifice", according to the testimony of the Canadian General.“

⁶⁵ Dallaire 2003: 214

⁶⁶ Dallaire 2003: 472

⁶⁷ Cf. footnote §419 of the Judgment in the Media case of 3 December 2003.

VI. Conclusion

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The Rwandan genocide against the Tutsi began on 11 April 1994,⁶⁸ in a situation of total absence of state machinery structures. A Government had been sworn in on 9 April 1994, but it did not manage to operate. Due to war, it did not pay serious attention to the problems of the country. The trial of Kambanda, unfortunately, has left open several crucial questions, which would have enlightened the world. He carried, as Bernard Lugan said, "a lot of secrets to life imprisonment".⁶⁹

The Army had been decapitated on 6 April 1994 by the shooting down of the presidential plane. Officers who were to assume responsibility in such a chaotic situation had two choices:

- Either, to give themselves in immediately, as the enemy was better prepared and unwilling to accept any compromise whatsoever;
- Or, use the little means at their disposal (since France had, on 7 April 1994, unilaterally decreed an arms embargo)⁷⁰ and try to gain time while awaiting the possible outcome of the negotiations.

The Interim Government opted for the last choice and coupled it with the creation of a civil defense force. It had the right to do that. The only question was to know whether there existed any rationale in that option, taking into account the fact that the international community had isolated the Government.

The international community was clearly in favour of the RPF's military victory and had decided to remain a "bystander to genocide" (Samantha Power)⁷¹. On 21 April 1994, this decision was made known to the public by the reduction of UNAMIR forces to some 270 Blue Helmets, with a given mandate of not actively protecting civilians.

This gave a bad signal to gangs of criminal youth basically recruited from poverty stricken areas where they were obliged to live, having been forced from their homes by RPF.

The brutality of the RPF military machine had repercussions on the reaction of the Hutu people. Some of them wrongly thought that by inflicting heavy death tolls on the Tutsi, they would coerce RPF to stop its hostilities. This, however, does not mean that the author intends to justify the Hutu strategy. He is simply trying to explain what happened.

⁶⁸ According to the author, massacres, which preceded those of ETO, are not regarded as genocide. Prior to that very day, large-scale massacres, which were politically motivated, were carried out on both sides.

⁶⁹ Lugan 2004: 185

⁷⁰ Cf. Balladur, LE FIGARO, 24 August 2004.

⁷¹ Power, Samantha. 2001. Bystanders to genocide. Why the United States Let the Rwandan Tragedy Happen. In: Atlantic Monthly 288 (2): pp.84-108.

The genocide would have, undoubtedly, been militarily prevented if there was a political will. But from the time when RPF, for strategic reasons, did not want it to be stopped, any interventions were deliberately excluded, with the support of super powers dominating the Security Council of the United Nations. It was not because human resources were insufficient. There was a conspiracy of handing over the power to RPF at any cost. These same powers have, up to this juncture, objected to any serious investigations on the shooting down of the presidential plane, which in essence, was the *casus belli* of the genocide.

This, has unfortunately, never been honestly tackled by most of the experts, including Alison Des Forges, and yet it is the key factor if one really wants to understand the Rwandan tragedy.

It is against any logic to imagine that people who were not able to know the secret plans of the international community, sat together and planned genocide as the Prosecutor asserts. Besides, if Hutu extremists had planned anti-Tutsi genocide, wouldn't the Prosecutor be able, 10 years after, to present indisputable evidence for that? It is important he admits that he has not been in a position to do it.

Perhaps Romeo Dallaire's reflection after the swearing in ceremony of the RPF's leaders on 9 July 1994, paved a way forward for the truth: *"I wondered again about the nature of this less-than-perfect unilateral ceasefire and victory, and of Paul Kagame, so dignified as he accepted his new office. Was he haunted by the cost of his victory? He and the rest of the RPF leadership had known what was going on behind the RPF lines. He and the movement had been relentlessly inflexible about any concession that might have eased the tension in the country, both before the civil war broke out and later, when they had the Rwandan Government Forces (RGF) on the run. He had been reluctant to support UNAMIR 2, whose specific duty was to stop the killing and the mass displacement of the population. Increasingly, we could see the immaculate cars of Burundian returnees or the ox carts of the Ugandan Tutsi refugees in the street of Kigali, as members of the scattered diaspora took up residence throughout the better parts of the capital, sometimes even throwing out legitimate owners who had survived the war and genocide. Kagame seemed to be doing little about it. Who exactly had been pulling his strings throughout the campaign? I found myself thinking about such dire thoughts as whether the campaign and genocide had been orchestrated to clear the way of Rwanda's return to the pre-1959 status quo in which Tutsis had called all the shots. Had the Hutu extremists been bigger dupes than I? Ten years later, I still can't put these troubling questions to rest, especially in the light of what has happened to the region since."*⁷²

Or else, Heracleitus, a Greek philosopher and historian who said, *"War is the Father and the King of all"* would probably be right.

Done in Berlin, in February 2005.

⁷² Dallaire 2003: 475/6

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“In late 1993, the democratic train got derailed somewhere between Sudan, Somalia, Rwanda and Ouganda. The Somalia disaster had transformed the U.S. commitment in Central and East Africa. As Sidney Blumenthal put it, Clinton “fled” Africa in October 1993: “On October 3, 1993 (...) gleeful crowds dragged the corpses of American soldiers through the streets and burned them before television cameras. Within days, Clinton announced a U.S. withdrawal.”⁷³ Secretary of Defense, Leslie Aspin, was held accountable for the disaster and was forced to resign shortly afterwards. Clinton promised the nation that he would only send American soldiers to Africa if national interests were affected. The decision to rule out any military intervention had serious consequences. For some the problem was how the fight could be waged against the fundamentalist regime led by General Omar al-Bashir and – initially - the philosopher Hassan al-Turabi, which had seized power in a military coup d’état in Khartoum in 1989, if there was to be no U.S. military involvement. From that point onwards, all the surrounding states were assessed in terms of their usefulness in the battle against the Khartoum government.

The Bush administration had also been interested in Sudan, where oil reserves had recently been discovered. However, George Bush Sr. had adopted a different approach, since the exploitation of these resources was conditional upon peace in the region and an end to the conflict between Northern and Southern Sudan. (...)

Most people expected that Clinton with his “leftist” leanings would pressurize the Bashir-Turabi regime into a process of democratization in line with the Bush-Mitterrand approach that had been adopted after the end of the Cold War. But things took a different course. Clinton and Madeleine Albright, the new American Ambassador to the U.N., considered Sudan to be a “rogue state” and the number one enemy in Central Africa⁷⁴. They therefore opted for a proxy approach (“get others to fight your war”)⁷⁵, a well known strategy that had been applied during the Cold War.

Mitterrand was unlikely to comply with the intended “regime change” in Khartoum. He was apparently not informed about Washington’s Sudan policy and could not understand the effects this new policy had on the Rwandan problem. After the Somalia disaster of 3 October 1993, Madeleine Albright used all the tricks in the book to minimize a U.S. contribution to the

⁷³ Blumenthal 2003: 61.

⁷⁴ In late 1997, for example, John Prendergast, then the National Security Council Director for Eastern Africa, stated that the government of Sudan was viewed as “the principle threat to U.S. security interests on the continent of Africa today”. (Quotation in: Hoile 2000: 18)

⁷⁵ *ibid.*: 17.

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UNAMIR peace keeping force envisaged in the Arusha Agreements. These activities were the first signs that the U.S. wished to reduce its commitment in favour of power sharing in Rwanda, help Museveni and his friend, Paul Kagame, to win the Rwandan war, and find other anti-Khartoum allies.

After the RPF victory in Rwanda in 1994, UN Secretary-General Boutros-Ghali was considered in Washington to be a "French and Sudanese sympathizer". He became a prominent victim of the approach to Sudan. Richard Clarke reveals a strange deal: "Albright and I and a handful of others (Michael Sheehan, Jamie Rubin) had entered into a pact together in 1996 to oust Boutros-Ghali as Secretary-General of the United Nations, a secret plan we had called Operation Orient Express (...). The entire operation had strengthened Albright's hand in the competition to be Secretary of State in the second Clinton administration." (CLARKE 2004: 201/202). This pact was forged after an attempt – attributed to the Khartoum regime – to kill Egypt's President Mubarak during a conference of the Organization for African Unity in Addis Ababa in June 1995. "Following that event, Egypt and we (joined by other countries in the region) sought and obtained the United Nations Security Council's sanctions on Sudan." (CLARKE 2004:140) (...)

As explained above, the wars that took place in Rwanda, Burundi and Zaire/Congo after October 1993 were largely the result of an attempt to oust the regime in Khartoum by force but without American soldiers.

The first allies to understand the significance of that strategy were Ugandan President Yoweri Museveni and RPF leader Paul Kagame.

Before autumn 1993, the U.S. government had favoured power sharing between the Rwandan government and the RPF exile groups that had tried to fight their way to power since the first invasion of 1 October 1990. The "tricky twins", Museveni and Kagame, were therefore obliged to accept the Arusha Agreements in August 1993. But given the obvious weakness of the Rwandan Army after the RPF attack on 8 February 1993 and the clear indications made during the Arusha negotiations that France wished to extricate itself from the Rwandan borbier (quagmire) as soon as possible, Museveni and Kagame contacted their Anglophone friends to convince them that a full RPF victory would be in their own best interests, too. A new Rwanda might also be useful in transporting supplies to the border between Zaire and Sudan in support of John Garang's SPLA. Museveni had offered to help fight Khartoum on condition that his military-controlled system of "democracy without parties" be protected from democratization. For Museveni, cooperation with the U.S. and U.K. against Khartoum had the additional advantage of presenting the rebellion of the "Lord's Resistance Army" in Northern Uganda as part of the activities pursued by Khartoum. Lynda Chalker, the long-standing conservative Head of the Overseas Development Administration and Minister for Overseas Development (1986-1992), had introduced the former Marxist, Yoweri Museveni, to the "good society" after his military victory in 1986, which had been achieved with the help of Rwandan tutsi exiles living in Uganda since the 1960s. Museveni suggested to his new allies in London and Washington that they should help him solve the "tutsi problem". If they would support him in sending his tutsi

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exiles back home to Rwanda, he said, his regime would be stabilized⁷⁶ and in return he could concentrate on the "Sudan problem".

In addition Museveni and Kagame managed to convince their partners of the crucial need to get rid of "Mitterrand's friend", Juvenal Habyarimana, who was the main obstacle to military victory. The stage was thus set in the autumn of 1993. Decisions were also taken on who should be held accountable for the inevitable "collateral damage" that this operation would incur. On 6 April 1994, the Rwandan presidential aircraft "fell" from the sky in what is still presented as a "mystery". As a result President Habyarimana, his Burundian colleague Ntaryamira and the most important Rwandan military leaders were killed. Within a period of just six months, therefore, a second President of Burundi had been killed following the murder of Melchior Ndadaye on 21 October 1993. The elimination of the hutu presidents and the chaos it created were regarded as supplementary security measures for the resumption of the civil war in Rwanda. Nobody seemed concerned by these assassinations. They were a consequence of the long tradition of impunity that had prevailed in Burundi since the 1972 genocide against the hutu elite⁷⁷.

⁷⁶ See especially Mamdani 2001, Chapter 6.

⁷⁷ For the genocide against the Hutu intelligentsia in 1972, which was never officially investigated, see especially Lemarchand 1996, Daniel Kabuto (Kabuto 2003) recently published a short novel describing the fate of a victim of the 1972 events.

Excerpt from: "Interview with Aloys Ngurumbe on the origin of the term "*Inyenzi*" (*Twaganiriye na Muzehe Ngurumbe Aloys*" by Rangira and Kalinganire, Kanguka No. 52, 5th year, 12 February 1992, translated from Kinyarwanda by Eugène Shimamungu, drawn from: RWANDANET, 12 July 2004).

Most of you know the old man Aloys Ngurumbe, who spent 10 years and two months in prison. (...) He was released recently on 4 February 1992. We went to see him at home and had a long chat with him. He told us everything and we even asked him if he was not afraid of having been an *Inyenzi*. That could be a pretext for some people to retaliate against him. But that is not even why he was put behind bars, for at the time he was picked up, the crimes of which he was accused had been pardoned.

Aloys Ngurumbe, the persona.

He first introduced himself. My name is Aloys Ngurumbe, I am from Byumba, Muvumba *commune* and was born in 1933. I attended primary school in Rwamagana, secondary school at Butare (ex Astrida) High School. I am married with five children (four boys and one girl). They all live in Toro, Kasese, Uganda. I attended military school in China and Cuba.

Inyenzi: "the *Ingangurarugo* militia fighter whose mission was to be the best".

How did the *Inyenzi* movement start and what was its objective? Aloys Ngurumbe told us he founded it himself in 1961 in Kizinga, Uganda. He told us the word *Inyenzi* is an abbreviation of "the *Ingangurarugo* militia fighter whose mission was to be the best". We realized that the expression "*Ingangurarugo yiyemeje kuba ingyenzi*" was too long, so we abbreviated it and someone among us suggested we adopt the term *Inyenzi*. Thus, the term *Inyenzi* was born. At that time, the Europeans did not want us to be independent, they wanted to exterminate people. Only Kigali, Kibungo and Byumba were calm, it was carnage elsewhere. He told us people could no longer wait for the UNAR leaders, Rwagasana and the others, who had left for the UND. We found it was appropriate to put up a resistance and set up a militia which would prevent criminals from killing people unfairly. We asked him about the royalty, he told us they were not fighting for the royalty; they simply wanted things to change so as to banish all forms of injustice.

With regard to the *Inyenzi* war (1961 – 1968)

We asked him to tell us briefly the ups and downs of the *Inyenzi* war from the beginning in 1961 to the end in 1968. He told us they started with 36 people. Before the *Inyenzi* militia was founded, I was an agricultural economist; we collected a sum of money together with Kayitare, son of Rukeba, and we bought some weapons from Goma, Zaire. We started with four rifles and went to learn by ourselves how to shoot in the forest. When we finished learning, we started the war with the support of the population because of the excesses of the Europeans.

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The 11th battalion stationed in Rumangabo and the Belgian para-commandos based in Kamina intervened. We started in Gabiro, we killed nine Europeans there; we confiscated four rifles from them. We took a trip to Musha; there was a European there who was not nice at all, we liquidated him. We crossed the border over to Kirundo in Burundi. We asked him what the Rwandan soldiers were doing. He told us that they (he and his troop) were not after the Rwandan soldiers but European criminals who were dangerous to them. We continued our way, he told us. We went through Bujumbura and Uvira, Bukavu and Goma in Zaire; we went to the *Volcans* [volcanoes]. In Kinigi, we attacked a European who was dangerous, we killed him and took possession of his vehicle.

We divided ourselves in groups; each group ought to have someone who could drive, like Kayitare and Mpambara. We took the vehicle belonging to the European who was killed in Kinigi. We left for Rutongo; there was another European there, he was also killed, but we did not take his vehicle. We went through Karuruma, took petrol in Kigali, then went through Musambira, Gitarama and Butare; we crossed Akanyaru, then returned to Bujumbura. When we arrived in Bujumbura, near the Holy Spirit College, we pushed the vehicle into a ravine, and went to see Rukeba and the others who told us that the police was looking for us. They gave us another vehicle (a pick-up truck) and we continued our journey via Uvira, Bukavu, and Goma and returned to Uganda.

There too, we were wanted by the police. We had our vehicle kept in Ntungamo. We took a bus and headed to Tanzania. When we arrived there, we were welcomed by some Rwandans and even some Tanzanians of Haya ethnic group. We went back to Goma to look for our Impala car that we had left there. We came back to Murongo via Uganda and returned to Bugeni, to the house of King Ruhinda who had a Rwandan wife. We told him we were trying to go to Bukoba in order to phone some Rwandans who were in Dar-Es-Salaam so that they could send us some money.

That was in 1962. We returned to Zaire via Kagera, in search of more weapons. We found Kayumba, Bumbogo chief, there and told him our problem. There was a Belgian plane which crashed in Masisi; it was loaded with weapons most of which were Tumson brand. We took them. When we arrived in Tanzania, people were being recruited for studies in socialist countries (China, USSR, Bulgaria ...)

Kayitare immediately went to Burundi while the others stayed in Tanzania. Numa and Mpambara were extradited by Tanzania to Rwanda; they were executed in Ruhengeri. We left for China, I left with Gérard Rwirangira, William Mukurarinda and Jacques Bunyenyezi, who was a colonel in Idi Amin's time; he is the elder brother of Major Chryss Bunyenyezi, the *Inkotanyi* whom you have heard so often about. We first went through Dar-Es-Salaam where there were nationals of other countries like Samora Machel from Mozambique, some from South Africa and the Sudan.

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While in China, we learnt the underground and command tactics. During the day, we learnt theories and at night, we did the practical. Towards the end of 1964, we all returned to Bujumbura, where we obtained asylum. We found Kayitare and many others in Gatere forest, in Kirundo. At that time, the Mulele war had started in Zaire, and we decided to lend them a hand, for we had trained people, while they would supply us with weapons in return and pave the way for us. We went to fight the war called "Chekbala". Those in Cuba came to our assistance while Tanzania brought weapons via Kigoma and we took them on our back to Zaire.

At one point in time, we went up through Rusizi and Cibitoke and established our base in Nyungwe forest. We attacked Bweyeye and Nshiri, from Nyungwe; we spent two years there (1966 – 1968). We were 1,200 men, heavily armed with canons, mortars, machine guns and other heavy weapons. Meanwhile, I left for studies in Cuba in 1966; I spent six months there.

We asked what grade he had at that time. He told us that the commander-in-chief was Mayani Sebyatsi while he was responsible for coordinating military actions with the Rwandan Liberation Front (RLF).

With regard to the *Inyenzi* attack that was stopped in Kanzenze, he told us that he had left for studies in China. The attackers were led by Kayitare and his father Rukeba. That was in December 1963.

We asked him questions about Kanyarengwe, who was allegedly shaved with fragments of broken bottles, or drawn on the road by a jeep; he told us that the *Inyenzi* never took Kanyarengwe.

He fought on several fronts.

We asked him in which countries he fought. He answered that they were Zaire, Mozambique and Rwanda. He told us that in Mozambique, he fought for Samora Machel who was his close friend. Museveni and Rwigema fought in that war. We asked him if they were together. He said those ones arrived after he had left. We asked if he did not have any children among the *Inkotanyi*, he told us that with 10 years in prison, he was not informed about the *Inkotanyi*, that he was credited with many things, that some say that Rwigema was his son, or that Kayitare was his son. All of those, he said, were lies.

He was arrested in Goma and sentenced to life imprisonment.

He narrated to us how he was kidnapped in Zaire in 1981. He had left Uganda for Zaire looking for a piece of land, for in Uganda, Obote hunted them. When he arrived in Zaire, he was handed over by a man called Ngata, an intelligence officer in Goma at the instigation of Joseph Habiambere (*préfet* of Gikongoro). (...)

Témoignage d'Aloys RUYENZI, fait en Norvège le 18/01/2005. (Transmis par Mail: aruyenzi2000@yahoo.com)

"PRESIDENT PAUL KAGAME IS INDEED A WAR CRIMINAL

He committed some of his crimes under the disguise of INTERAHAMWE.

Recently, press reports, quoting prominent experts of the Great Lakes region, raised again the issue of impunity of president Kagame, with regard to the war crimes that he committed or ordered for. The main point of this paper is to expose one of the hitherto unveiled faces of his crimes. Indeed, some of the crimes which were indiscriminately attributed to Interahamwe were in actual facts carried out by none other than Kagame and his henchmen. In their sinister plans, they would disguise as the notorious militia Interahamwe. This should however not be misconstrued to mean that the latter did not kill. This is not a hearsays, I am ready to produce evidence and call other people who witnessed the crimes that occurred in the following places:

1. When 7th BN was deployed in areas of Rushashi, Tare, Mbogo, and Rurindo in 1998 the director of schools at Rwankuba, the Bourgmestre of commune Rushashi as well as the agriculture officer of that commune were murdered over the same night. RPF hurriedly blamed their death on Interahamwe insurgents, yet they had been killed by its own elements.

2. The same year of 1998 Kagame planned to kill all civilians who were watching the world cup tournament in the Hotel called "Pensez-Y" and again blame their death on insurgents. Fortunately the operations officer of 7thBN, Capt. Kwizera who had been assigned the task, got drunk and failed to properly coordinate the operation. Indeed, when the soldiers who were to disguise as Interahamwe insurgents reached the Hotel, they found many RPF soldiers mixed with the civilian crowd which was watching the world cup tournament. They contacted the commanding officer, Major Eugène Nkubito, who angrily told them to tell all the soldiers present to report to their respective positions. When some civilians saw that, they suspected a foul play and also left the Hotel. A few moments later, the Hotel was burnt to ashes and so many civilians who remained watching the TV died. After the operation, Radio Rwanda announced that the Interahamwe had burned that hotel and killed many people. Despite the number of casualties, Kagame was not happy because the plan did not go the way it had been hatched. He summoned himself Capt. Kwizera in the officers' mess, sent his own presidential jeep to collect sticks and beat captain Kwizera. The captain was given 100 strokes, demoted to the rank of private and put behind bars till he was dismissed from the army. This was done in public and many people watched the scene.

After that action of burning the Hotel "Pensez-y" and killing the civilians watching the world cup tournament they announced as anticipated that, the Interahamwe burnt the Hotel and killed so many people.

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3. Another glaring example is the killing of western tourists in the Bwindi National Park, which prominently featured in western media. RPF immediately blamed it on the Interahamwe and so did the western media. Yet, they had been killed by RPF soldiers disguised as Interahamwe. The decision to kill western tourists venturing in that area had been taken mainly for two reasons:

- The issue of Interahamwe would be more internationalised if they were accused of killing innocent western tourists. As a result, RPF would be given a free hand in fighting them the way it wants and wherever they are suspected to be;

- RPF suspected some Europeans of sympathising with Interahamwe by disclosing to them the positions of RPF. Moreover, the presence of foreigners near an insurgent area was hindering RPF atrocities perpetrated under the disguise of counter insurgent operations. I got astonished when I heard the then attorney general, Gerald Gahima endeavouring to explain how the Interahamwe killed the tourists. I don't think that Gerald Gahima knew anything about the plan apart from being told what to say.

4. When the late Andre Kisasu Ngandu the vice-chairman of the late President Laurent Kabila was killed, the Government of Rwanda, which was fighting alongside Kabila to overthrow the Government of Mobutu, announced that Kisasu Ngandu was killed in an ambush by the Interahamwe and the ex-FAZ (ex-Force Armées Zairoises). Yet, he was killed by the RPA officers and men who are up-to-date serving in the RPF army.

His assassination was planned by James Kabalebe and Jack Nziza under the orders of Paul Kagame because Ngandu was opposed to the killing of refugees.

5. A group of Ugandans were detained in the former house of the director of special intelligence Senior Superintendent Gacinya and killed in November 2004. This house is one of the clandestine detention houses, where they keep people incommunicado, until they decide their fate. The house is located at Muhima and is managed by Assistant Inspector of Police Munana and Nshuti. The Ugandan victims were: 1. Rwemihigo, 2. Waswa, 3. Richard, 4. Katongole, 5. Mutume, 6. Swaibu and 7. Kato. After their murder, the bodies were taken to the Akagera National Park, burnt and the ashes thrown in the Akagera River. All these killings were ordered by General Kagame and his collaborators. Regarding other human rights abuses, nearly 11 years after RPF takeover, people are still being killed and tortured in prisons by the security organs especially DMI and Special Intelligence using electric wires. I once again appeal to human rights organisations and the international community to make their own counter investigations and insure that Kagame is held accountable for those crimes. It is the only way to put an end to impunity in the Great Lakes region. Similarly, I call upon Rwandans to come out boldly and say the truth because not doing so will boost the impunity of criminals“.
