

DOUGLASS CASSEL
CENTER FOR CIVIL AND HUMAN RIGHTS
301 NOTRE DAME LAW SCHOOL
Notre Dame, Indiana USA 46556
(574) 631-7895
Doug.Cassel@nd.edu

September 19, 2007

Worldview Commentary No. 266 on Chicago Public Radio, 91.5 FM WBEZ

“Rwanda’s Genocide: More Complicated Than We Thought?”

Who triggered the genocidal slaughter of nearly a million Tutsis and moderate Hutus in Rwanda in 1994? Convictions by the International Criminal Tribunal for Rwanda confirm that the genocide was planned in advance by extremist Hutus.

But were other parties complicit? An investigating commission established by Rwanda’s government is reportedly set to conclude that France trained extremist Hutu militias to commit massacres by machete. Could France truly have been complicit in the genocide?

Meanwhile a French investigating judge alleges complicity in the genocide by Tutsi guerrilla commanders, led in 1994 by the man who is now President of Rwanda, Paul Kagame. Last November the judge issued international arrest warrants for nine Tutsis, and recommended that Kagame face trial before the International Tribunal. (As a sitting president, Kagame is immune from prosecution before French courts, but not before international tribunals.)

The French judge accused the Tutsi commanders of murder and conspiracy for shooting down the plane which carried Rwanda’s then President, a Hutu, as well as the President of Burundi, in April 1994. That shooting ignited the genocide. Could it really be, as the French judge concludes, that Kagame deliberately took an action that he knew would probably spark a genocide against his own people?

Both claims seem hard to swallow. Yet both are plausible, even if neither has yet been proved conclusively.

In 1994 it was widely contended that the same Hutu extremists who masterminded the genocide also shot down the Hutu President’s plane. They viewed him as too open to accommodation with the Tutsis, especially after he brought several Tutsis into his cabinet. By assassinating him and blaming the Tutsis, they could manufacture a pretext to launch their intended genocide.

At the time it was also known that France had provided military support and training to the Hutu government, helping defend it from Tutsi guerrilla incursions. With the UN’s blessing, French forces intervened in the last stages of the genocide, sparing the Hutu forces from being overrun, and enabling them to flee to neighboring Congo.

But were Tutsi and French forces actually complicit in the genocide?

One opportunity to clarify the truth might have come from the International Criminal Tribunal for Rwanda, established by the UN in 1994 to prosecute genocide and war crimes in Rwanda. But that opportunity

appears to have been missed. While the Tribunal has indicted and placed in custody most of the Hutu leaders of Rwanda's genocidal regime, it has never indicted Tutsi military forces for war crimes.

The Tribunal has failed to do so, despite credible reports by major human rights groups that Tutsi forces committed serious war crimes during the 1994 war. A few years ago Tribunal prosecutor Carla del Ponte made known that she was investigating alleged war crimes by Tutsis. Kagame's government howled in protest. The UN then removed del Ponte as chief prosecutor for Rwanda.

Last November the French judge issued his explosive accusation against President Kagame and his men. The judge's 65-page report relied on interviews with dozens of witnesses, including close associates of Kagame.

The judge also relied on damning forensic evidence: the two missiles used to shoot down the presidential plane, he found, came from a shipment of Soviet missiles that had been sent to Uganda, in whose armed forces Kagame and most of his commanders had served. They had used another missile from the same shipment to shoot down a helicopter in 1990.

The judge's report provoked a furious response from Kagame's government, which expelled the French Ambassador. Rwanda also attempted to sue France in the International Court of Justice in The Hague, claiming interference in its internal affairs. However, France has not accepted the World Court's jurisdiction in such cases.

It was unfortunate that the accusation against Rwanda's President came from a French judge. Because of France's support of the Hutu regime against the Tutsis, the French have little credibility in Rwanda. Even though the French judge is presumably independent, he is not seen as impartial by many in Rwanda and throughout Africa.

Meanwhile Rwanda's national commission has heard testimony, not only that the French trained Hutu militias, but also that French troops systematically raped Tutsi women during the genocide. If, as expected, the commission accuses France of complicity in genocide, Rwanda may get another shot before the World Court, which has jurisdiction over genocide.

Yet the full truth is unlikely to be authoritatively established anytime soon. Some observers call for a truth commission. But there is no chance that President Kagame – who has three years left in his current term, and is all but certain to be reelected for a further 7-year term – will allow an impartial investigation of himself. The International Criminal Tribunal is now closing out its cases and will not launch any new investigations.

French courts cannot try the Rwandans *in absentia*. And the new French government of President Nicolas Sarkozy and Foreign Minister Bernard Kouchner – who led a French humanitarian group in Rwanda during the genocide – appears to be pursuing a *rapprochement* with Kagame.

So were the French and, in different ways, Tutsi leaders, both complicit in one of the worst genocides of our times? These troubling questions demand authoritative answers, but are not likely to get them in the foreseeable future -- if ever.

Doug Cassel's commentaries are generally broadcast Wednesdays during the noon hour of the Worldview program on Chicago Public Radio, 91.5 FM, and rebroadcast at 9 PM in the evening. Views expressed are personal views of the author and not necessarily those of Notre Dame Law School, the Center for Civil and Human Rights or Chicago Public Radio.