

“Genocide Denial” in Rwanda: Questioning the Official View of History

BBC joins Rwanda's List of "Genocide Deniers".....Is the UN Rwanda Tribunal Next?

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Late last week the Rwandan government banned BBC broadcasts in the central African country; a day earlier the Rwandan Parliament demanded the London-based BBC production team be criminally prosecuted for “genocide denial;” and, a week earlier 38 notables, including former UN Lt. Gen. Romeo Dallaire (now a Canadian Senator), signed an open letter accusing the BBC of “irresponsible journalism.”

A casual observer would be justified in concluding that staid and steady BBC must have gone “off the rails.” How could the BBC possibly deny that the mass violence and human tragedy that the world witnessed in Rwanda in 1994 did not happen. The short answer is...it didn't.

The Victors Tell the Story of the War: Always

The supposed “crime” that triggered such intense reaction was the October 1 UK broadcast of a one-hour BBC documentary *Rwanda, The Untold Story* that describes the last 100-days of the four-year civil war in Rwanda won by the RPF army of President Paul Kagame in July 1994. For the past 20 years, the history of the Rwanda genocide has largely been told by the “RPF victors.”

This should not be a surprise to anyone who knows their history, the victors have always told the story of wars. This is the lesson Robert McNamara famously taught Americans about the Vietnam War in another famous documentary, *The Fog of War*.

Rwanda's demand to criminalize investigative journalism and free speech demonstrates that, like the *Fog of War* and the *Pentagon Papers* exposed U.S. government mythology about the Vietnam War, the BBC documentary hit a raw nerve with the Kagame/RPF one-party state by presenting interviews and solidly researched evidence that questions the "Kagame/RPF victors' version of history."

The documentary is actually an example of the highest form of investigative journalism that would never be possible in Rwanda, itself. In Rwanda, disagreement with the "Kagame-RPF victors version" of the Rwanda war, and the role of Kagame and the RPF in the Rwanda genocide IS "genocide denial." *Disagreement* is the crime.

As quoted in *the U.K. Guardian* last week, David Mepham wrote on the Human Rights Watch website: "Kagame is one of Africa's most divisive figures. These admirers – and others – seem to be willfully ignoring the darker side of Kagame's record in office. Rwanda under Kagame has no tolerance for dissent or political opposition ... Scores of Rwandan journalists have fled the country, unable to report freely and fearful for their safety."

Kagame's opponents in exile are not safe, in May 2011 *the Times and Guardian* reported that MI-6 warned two Rwandans in London that a Rwandan "hit squad" had been sent to the U.K. to assassinate them.[ii] In January 2014, Kagame's former intelligence chief, Patrick Keregaya was

strangled in the hotel room of a Rwandan business man in South Africa. The Rwandan assassins are on trial.

Questioning “Who Assassinated the Two Presidents?” IS Genocide Denial in Rwanda.

Few would disagree that the assassination of the presidents of Rwanda and Burundi by ground to air missiles that shot down the plane of Rwandan President Habyarimana as it came in for a landing in Kigali on April 6, 1994 was the “trigger” that ignited the genocide. Six months before, the assassination of the first Hutu president of Burundi by his Tutsi military, had triggered a genocide of Hutu peasants in the country next door. U.S. Ambassador Flaten warned Kagame such mass violence was likely in Rwanda too, the RPF broke the ceasefire.[iii]

Paul Kagame has denied involvement in the assassinations, but the BBC documentary shows the on camera confession of Kagame’s former Chief of Staff and Ambassador to the U.S., Dr. Theogene Rugesingwa, admitting to covering-up the assassination for decades. Other evidence includes:

- Former UN Chief Prosecutor Carla del Ponte explaining on camera that she had the evidence to prosecute Kagame for the assassinations before 2003, but was removed from her UN post in the U.S. State department meeting on May 15, 2003 U.S. Ambassador Pierre Prosper, after she refused U.S. orders to drop the Kagame prosecution;[iv]
- Former FBI Agent James Lyons describing on camera that the top UN investigative team recommended the prosecution of Kagame for the assassinations in 1997. His team was fired and told to destroy the evidence;[v]

- Two former Chiefs of Staff to President Kagame, involved in the cover-up of the assassination of Habyarimana admitting their roles on camera, Gen. Nyamwasa admitting to being involved in the shootdown, and a member of the team that fired the missiles admitting to his crime, too;
- References to indictments by French and Spanish Judges in 2006 and 2008, who had indicted Kagame and members of his government for the assassination. The French Judge personally asked Kofi Annan to prosecute Kagame at the UN Tribunal.[vi]

This can hardly be characterized as “irresponsible reporting,” but it certainly requires re-examination of the RPF victors’ version of history.

Questioning the Official View of History is Also “Genocide Denial” in Rwanda.

Even the 1993-94 written reports of one of the 38 signatories tell a different version of contemporary events than the RPF victors told after the war. The UN reports filed by Gen. Dallaire, himself, tell a story much different than the standard narrative.[vii]

The RPF were part of the Ugandan army that invaded Rwanda in late 1990 as conventional force of about 2500 and were soundly defeated. The RPF were an offensive military force during the entire four-year period and waged a war of aggression, while the defensive forces of the Rwandan government were split between 6-7,000 well trained troops and 25,000 ineffective troops Dallaire called “rabble.”

By early 1993, the RPF army was a well provisioned, armed and trained light infantry of about 25,000.[viii] Gen Dallaire reported the RPF was the dominant military power in Rwanda

that could take over the country at will. In October 1993, according to Gen. Dallaire's UN reports, the assassination of Hutu president of Burundi was assassinated touching off the Burundi genocide, and sending hundreds of thousands of refugees into destabilized Rwanda.

The April 1994 assassination of the president of Rwanda and Burundi actually touched off the second genocide in the two countries within six months.[ix] Three Hutu presidents had been assassinated military-style, the last two in the course of a four year war initiated by invasion.

Gen. Dallaire Reports Under 700,000 Tutsi Rwandans Pre-1994:

Not Enough Tutsi for 1,000,000 Victims? Dallaire is a Genocide Denier, Too.

The Kagame/RPF victors' story is that, during the last 100 days of the four year war the Hutu-planned assassination of their own president was the trigger for the long-planned conspiracy to commit genocide against Tutsi Rwandans that resulted in a shocking 800,000 to 1,000,000 dead, made of primarily of Tutsi victims. The BBC documentary presents the findings of two former Prosecution expert witnesses at the UN Rwanda Tribunal, Dr. Christian Davenport and Dr. Allan Stam, both of the U. of Michigan at the time, whose data pointed to an inconvenient truth. According to the 1991 Rwandan Census, only about 600,000 Tutsi lived in Rwanda; according to Gen. Dallaire's 1993 UN Report (yes, the Senator Dallaire who signed the open letter) the total increased to about 667,000 by 1993.[x]

Davenport and Stam make the point that, if total deaths were in the range of 800,000 to 1,000,000 the majority of the deaths must have been Hutu. The RPF agrees that not all Tutsi were

killed in the genocide (the RPF survivors organization IBUKA estimated 367,000 in 1995). The population figures from the census and Gen. Dallaire show not enough Tutsi lived in Rwanda to account for the number of Tutsi victims claimed by the “RPF victors.”

Gen. Dallaire is a “genocide denier,” too

38 Signatories Willfully Ignore UN Reports of RPF Occupation of Congo;

More Than 5-million Deaths; Mass Crimes and Genocide: Is it Genocide Denial?

And, the post-1994 Kagame/RPF dictatorship and record of invasion and carnage in central Africa Kagame supporters should not be permitted to ignore. Invasions of 1996 and 1998, “Africa’s First World War” involving most nations surrounding Congo is reflected in the UNHCHR 2010 “Mapping Report” of Crimes in Congo 1993-2003 which documents RPF resource rape and crimes, including genocide. Similar reports are in the public Security Council reports for 2002, 2003, 2004 and 2008. In 2012, U.S. War Crimes Ambassador Stephen Rapp publicly threatened Kagame with Charles Taylor-like prosecution for the crimes of M23, one of the list of RPF surrogate militia in Congo. These reports estimate the victims of RPF and surrogates crimes far in excess of 5 million.[xi]

In March 2014, HRW issued a report listing the many former members of the RPF who have been assassinated outside the country and have disappeared in Rwanda. Political opponents such as presidential candidate Victoire Ingabire facing 15-years in prison, also for “genocide denial”[xii] because she suggested that Rwanda Hutu were also victims of the Rwandan genocide.

In January 2014, Patrick Keregeya a former head of Kagame's national security apparatus was strangled in a high-end South African hotel, where he was to meet a Rwandan business man. The assassins have been arrested and South Africa and Rwanda have broken off diplomatic relations. The documentary aired an audiotape of a conversation in which the arrangements for the assassination were being discussed.

UN Rwanda Tribunal: “Habyarimana’s Troops Did Not Conspire to Assassinate Him.”

UN Tribunal and BBC both Fit “Genocide Denier” Label

In the absence of a coherent narrative to the contrary, based in evidence that can be tested more-or-less scientifically, “the victor’s story of the war” has a natural momentum that only begins to slow as more “hard data” begins to come into the public domain. The British, the Americans and Africans, all have come to understand their own history *better*, as new information permits a deeper understanding of the meaning of past events.

It is quite astounding that the “official version” of Rwanda remains beyond question by the 38 signatories of the open letter who must know that the “victors’ story of *any* war” has *never* been completely correct. They certainly know the Judgments of the UN International Criminal Tribunal for Rwanda (ICTR) have been calling the Kagame/RPF version of history into question since at least 2009, the same year Carla del Ponte revealed she had the evidence to prosecute Kagame for the assassination no later than 2002.[xiii]

The UN ICTR spent nearly a decade examining the best evidence Rwanda and UN Prosecutor with U.S. assistance could muster to prove the former government was engaged in a conspiracy to commit genocide against the Tutsi, and to kill

their own president. But the ICTR Military-1 Trial Chamber found that the Rwandan government, and the UN Prosecutor, could not produce the evidence during more than seven years of trying that the military was doing anything other than preparing to defend the country from the RPF invasion:

- When viewed against the backdrop of targeted killings and massive slaughter perpetrated by civilian and assailants between April and July 1994 as well as earlier cycles of violence, it is understandable why for many this evidence...shows a prior conspiracy to commit genocide....*However, they are also consistent with preparations for a political or military power struggle*...when confronted with circumstantial evidence [the Chamber] can only convict where it is the only reasonable inference...*the Prosecution has not shown that the only reasonable inference based on credible evidence...was that [genocidal] intention was shared by the Accused....the Chamber is not satisfied that the Prosecution has proven beyond a reasonable doubt that the four Accused conspired among themselves, or with others to commit genocide before it unfolded on 7 April 1994.*^[xiv] (emphasis added).

The Tribunal found that any potential crimes, such as conspiracy to commit crimes against the president or civilian Tutsi, did not occur until the day *after* the April 6, 1994 assassination. Mr. Kagame and his supporters cannot change the fact that following the Military-1 Judgment, every ICTR Trial Chamber and Appeal Chamber Judgment has agreed that narrative reflected in the BBC documentary better explains the evidence than “the RPF victors’ story.”^[xv]

For Kagame’s Defenders History is a Political “Set Piece” that New Facts Can’t Change

Rather than being excoriated, BBC's investigative journalists should be congratulated for producing a program that one-party states like RPF Rwanda must reject. In Rwanda, history is a question of politics, to prevent questioning the legitimacy of a government that rules at the barrel of a gun. When the *content* of history becomes the province of a political leader's decree, a judicial finding, or even parliamentary resolution, history ceases to have *meaning*.

Senator Dallaire and the other 37 signers, Tony Blair, Bill Clinton, and other admirers of Mr. Kagame, display willful ignorance of the mass slaughter and resource rape in Congo, the crushing dictatorship, assassinations and violence propping up the Kagame regime. To pretend Mr. Kagame's "darker side" did not, and does not exist, requires they also share Mr. Clinton's famous skill for mental and moral "compartmentalization." Even if the critique of the documentary were correct, which it is not, airbrushing the continuing crimes of the Kagame regime over the past 20-years brings no credit, or credibility, to his would-be supporters.

Denying Kagame's responsibility for the Habyarimana assassination and other crimes for which the UN Chief Prosecutor del Ponte had evidence to prosecute Kagame and the RPF in 2002, and perhaps as early as 1997, exhibits another sort of "denial" that has no *polite* name.[xvi] The BBC has earned the support of historians and free speech advocates, at least *this* time.

Notes

[i], Dir. International Humanitarian Law Inst., St. Paul, MN; past-Pres. UN-ICTR Association des Avocats de la Defense, Arusha, TZ; past-Pres. National Lawyers Guild, NY,NY; Prof. of Law (ret.) Wm. Mitchell College of Law, St. Paul, MN.

- [ii] Haroon Siddique, *Rwandan exiles warned of assassination threat by London police*, [The Guardian](#), Friday 20 May 2011.
- [iii] ICTR testimony of Amb. Robert Flaten, Military-1 Trial, July 1, 2005.
- [iv] Del Ponte and Sudetic, *Madame Prosecutor*, (The Other Press, NY 2009)
- [v] Amadou Deme, *When Victors Tell the Story* (Int. Human. Law Inst. St. Paul, 2014)
- [vi] Del Ponte and Sudetic, *Madame Prosecutor*, (The Other Press, NY 2009)
- [vii] Dallaire, UN Reconnaissance. Report September 1993
- [viii] *Id.*
- [ix] *Id.*
- [x] *Id.*
- [xi] UNHCR *Mapping Report of Crimes Committed in Congo, 1993-2003*, October 2010.
- [xii] The author consulted with Ms. Ingabire in May-June 2010 as she campaigned against Paul Kagame for the presidency. He was arrested and held for approximately three weeks on charges of genocide denial stemming from articles that appeared on the internet discussing the acquittal of the UN Tribunal Military-1 defendants on all charges before April 7, 1994, including allegations of planning and conspiring to commit genocide and conspiring to assassinate their president..
- [xiii] Del Ponte and Sudetic, *Madame Prosecutor*, (The Other Press, NY 2009)
- [xiv] *See Military-I*, ICTR-98-41-T, Final Judgement, pages 539-540, ¶ 2110-2113 (February 9, 2009) at <http://www.ictr.org>.
- [xv] See, Thierry Cruvalier, “There was a genocide, but it was brainless.” International Justice Tribune, Dec. 2011. The alternative narrative, supported by original UN and USG documents, is in the Military-1 record at the ICTR which

supported the final judgment cited at note 11. See, Erlinder, *the Accidental Genocide*, (the Int'l. Humanitarian Law Inst. St. Paul, 2013)

[xvi] Del Ponte and Sudetic, *Madame Prosecutor*, (The Other Press, NY 2009)