

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE,  
LAW,  
AND INTERNATIONAL STUDIES

**Master's degree in  
Human Rights and Multi-level Governance**



THE UNITED NATIONS AND THE  
RWANDAN GENOCIDE  
(APRIL-JULY 1994)

THE UN FAILURES AND ACHIEVEMENTS IN THE  
PRE, DURING AND POST GENOCIDE PHASES

*Supervisor:* Prof. Lorenzo Mechi

*Candidate:* Martina Barbisotti

Matriculation No. 2004214

A.Y. 2021/2022



<b>ACRONYMS</b> .....	5
<b>INTRODUCTION</b> .....	7
<b>CHAPTER I- THE ORIGINS OF HUTU VERSUS TUTSI CONFLICT AND THE CAUSES OF GENOCIDE</b> .....	13
1.1 Ethnic composition of Rwanda: Hutu and Tutsi.....	13
1.2 German and Belgian occupations: the Tutsi monarchy .....	14
1.3 The Hutu revolution and the beginning of Hutu extremists’ governments power.	16
1.4 Tutsis revenge: the creation of the Rwandan Patriotic Front.....	19
1.5 The futile attempt of Arusha peace agreements.....	21
1.6 6 April 1994: Habyarimana’s plane crash and the prelude of massive killings.....	25
1.7 The incisive function of media for inciting hatred ideology: Kangura and Radio Télévision Libre Des Milles Collines .....	26
1.7.1 Radio Télévision Libre Des Milles Collines.....	27
1.7.2 Kangura Newspaper .....	30
<b>CHAPTER II- THE UNITED NATIONS INTERVENTION AND THE BREAKDOWN OF UNAMIR PEACE-KEEPING MISSION</b> .....	33
2.1 The United Nations intervention in Rwanda: UNOMUR and the Resolution 84634	
2.2 The establishment of UNAMIR: from Arusha Peace Agreements to Resolution 872	36
2.2.1 Resolution 872: the UNAMIR mandate.....	38
2.2.2 The four phases of UNAMIR mandate .....	39
2.2.3 UNAMIR: the position of Security Council’s members and Western countries .....	40
2.3 UNAMIR rules of Engagement and Operational Procedures.....	44
2.3.1 UNAMIR’s restricted mandate than principles settled through the Arusha Peace Agreements .....	45
2.3.2 UNAMIR lack of troops.....	47

2.4 The indifference of the United Nations cable to the warnings of Dallaire: the episode of Genocide Fax.....	47
2.4.1 The errors by the Department of Peace-Keeping Operations: Under-Secretary-General Kofi Annan, Assistant-Secretary-General Iqbal Riza, and the head of the Africa Section in DPKO, Hedi Annabi .....	50
2.5 The inability of the Security Council at the outbreak of genocide .....	51
2.5.1 The three options for UNAMIR survival .....	54
2.5.2 The future of UNAMIR and the instalment of UNAMIR II: Resolution 918.....	56
2.6 The Belgian contribution to UNAMIR and the reasons for its withdrawal .....	59
2.7 The position of the United States of America on the UNAMIR mission .....	60
2.8 The admission of responsibility of the United Nations for Rwandan genocide ....	62
<b>CHAPTER III- THE CHALLENGES OF RECONSTRUCTING RWANDA IN THE POST-GENOCIDE ERA .....</b>	<b>67</b>
3.1 The RPF government plan of accountability for the genocide .....	68
3.2 Domestic Criminal Prosecutions and Gacaca Courts .....	69
3.3 The International Criminal Tribunal for Rwanda .....	71
3.3.1 The RPF approval of an International Tribunal .....	71
3.3.2 The position of the Security Council on the International Criminal Tribunal for Rwanda.....	73
3.3.3 The debate between the Security Council and the RPF government on the International Criminal Tribunal for Rwanda.....	74
3.3.4 The objectives and functions of the ICTR .....	76
3.3.5 Criticisms concerning the International Criminal Tribunal for Rwanda.....	77
3.4 The Rwandan post-genocide refugee crisis and the role of UNHCR .....	80
3.4.1 The United Nations intervention for displaced persons: “Operation Turquoise” .....	83
3.4.2 Humanitarian crisis and the role of the International Community.....	85

3.5 The challenge of education in post-genocide Rwanda.....	87
3.5.1 The education system before Rwandan genocide .....	87
3.5.2 Post genocide education system.....	88
3.5.3 The role of the International Community in the new education system .....	90
3.5.4 Issues connected to International Community Intervention in the education system.....	91
3.5.5 The presence of women in civil society in post-genocide Rwanda .....	92
3.6 The economic reconstruction of Rwanda.....	93
3.6.1 The International Community's economic assistance to Rwanda .....	94
3.7 Concluding Observations.....	96
<b>CONCLUSIONS.....</b>	<b>99</b>
ANNEX I- RESOLUTION 872 (1993) .....	103
ANNEX II- REQUEST PROTECTION FOR INFORMANT .....	107
ANNEX III- CONTACTS WITH INFORMANT .....	109
ANNEX IV- RESOLUTION 955 (1994) .....	111
<b>BIBLIOGRAPHY.....</b>	<b>127</b>

## **ACRONYMS**

**BBTG:** Broad-Based Transitional Government

**DPKO:** Department of Peacekeeping Operations

**FAO:** Food and Agriculture Organization of the United Nations

**FAR:** Forces Armées Rwandaises

**IARC:** International Agricultural Research Centers

**ICTR:** International Criminal Tribunal for Rwanda

**IDP:** Internally Displaced Persons

**IOM:** International Organization for Migration

**MRD-PARMEHUTU:** Republican Democratic Movement-Party of the Hutu  
Emancipation Movement/ Mouvement démocratique républicain- Parti du Mouvement  
de l'Emancipation Hutu

**MRND:** National Revolutionary Movement for Development/Mouvement  
Révolutionnaire National pour le Développement

**NURC:** National Unity and Reconciliation Commission

**OAU:** Organisation of African Union/ Organisation de l'Unité Africaine (OUA)

**PDD25:** Presidential Decision Directive 25

**RGF:** Rwandan Government Forces

**ROE:** Rules of Engagement

**RPA:** Rwandan Patriotic Army

**RPF:** Rwandan Patriotic Front/ Front Patriotique Rwandais

**RTLMC:** Radio Télévision Libre Des Milles Collines

**SRSG:** Special Representative of the Secretary-General

**TEP:** Teacher Emergency Package

**UNAMIR:** United Nations Assistance Mission for Rwanda

**UNDP:** United Nations Development Programme

**UNESCO:** United Nations Educational, Scientific and Cultural Organization

**UNHCR:** United Nations High Commissioner for Refugees

**UNICEF:** United Nations Children's Fund

**UNOMUR:** United Nations Observer Mission Uganda-Rwanda

**UNREO:** United Nations Rwanda Emergency Office

**UNSG:** United Nations Secretary- General

**WFP:** World Food Programme

**WHO:** World Health Organisation

**ZHS:** Zones Humanitaires Sures / Safe Humanitarian Zones

## INTRODUCTION

On 12 April 2019, the Secretary-General António Guterres in a speech to the General Assembly stated:

*“I am honoured to be with you on this solemn and moving occasion. This year marks the 25th anniversary of the genocide against the Tutsi in Rwanda. In one of the darkest chapters in recent human history, more than one million people – overwhelmingly Tutsi, but also moderate Hutu and others who opposed the genocide – were systematically killed in less than three months. On this Day, we honour those who were murdered and reflect on the suffering and resilience of those who survived. /../ Today we stand in solidarity with the people of Rwanda”<sup>1</sup>.*

On that day, Guterres remembered the anniversary to the General Assembly of a historical moment that modified the International Community perspective on how to guarantee international peace and security in the world and restored the international condemnation of crimes against humanity and, in particular, the crime of genocide. As a matter of fact, genocide, in the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, had been defined *“a crime under international law which they undertake to prevent and to punish”<sup>2</sup>.*

Despite this international provision was acquired after the horrors of the Second World War, the United Nations was unable to provide assurance to Rwanda in order to avoid

---

<sup>1</sup> United Nations Secretary-General António Guterres, ‘Remarks on the 25th Anniversary of the Genocide against the Tutsi in Rwanda’, 12 April 2019, <https://www.un.org/sg/en/content/sg/speeches/2019-04-12/remarks-25th-anniversary-of-rwanda-genocide>.

<sup>2</sup> General Assembly resolution 260 A (III), ‘Convention on the Prevention and Punishment of the Crime of Genocide’, 9 December 1948, [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf), Article I: *“The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish. Article II In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group”.*



human massacres and failed its main purpose “*to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace*”<sup>3</sup>.

Rwanda, a small state located in the eastern part of central Africa, faced one of the worst tragedies in human history: the genocide of the Tutsi community, which caused the killings of 800,000 Tutsi in 100 days. Ethnic differences and the predominance of a “*race*” on the “*other*” were the main reasons that induced hatred between two communities, Hutus, and Tutsi, who had previously peacefully shared the same land, culture, social and political charges.

Since European colonization has begun to interest the African continent, the Germans and the Belgians enhanced the values of discrimination, which instilled repugnance feelings among the Rwandan population, that provoked enmity between Hutu and Tutsi ethnic groups.

However, European colonization continued under the supervision of the United Nations before Rwandan independence and remained with the end of Tutsi monarchy, the first Hutu government in 1962, the creation of the RPF, until Habyarimana’s regime. The United Nations intervened diplomatically to monitor the Arusha Peace Agreements, and they were still present in the field on 6 April 1994, when Habyarimana’s plane crash turned into a massive killing.

The Special Representative of the Secretary General in 1994 Jacques Roger Booh-Booh warned about the violent escalation in Rwanda after the death of the President, expressing in the report to Kofi Annan and to the UN headquarters in New York:

*“The situation returned into chaos after the crash of the presidential plane on 06/20/94 April 94. Assassinations have been executed in the morning of 07 Apr 94 on political opponents of the presidential tendency and on UNAMIR troops. Ten Belgian troops have*

---

<sup>3</sup> United Nations, ‘United Nations Charter, Chapter I: Purposes and Principles’, n.d., <https://www.un.org/en/about-us/un-charter/chapter-1>.

*been killed and one Ghanaian offr is missing. Heavy firing continued throughout the day. Intermittent firing continued the night also<sup>4</sup>*

The United Nations, through UNOMUR, evolving into UNAMIR under the genocide, dealt with crimes against humanity, civilian killings, and the decline of a state from every point of view. Therefore, the International Community accompanied Rwanda in the pre-genocide period, as well as in the 100 days of horror, until the end of massacres in July 1994. Nonetheless, the United Nations persisted in the post-genocide era to supply Rwanda with judicial systems, humanitarian assistance, and financial aids to rebuild new institutions and the national identity of “*Rwandese*” population.

## **RESEARCH QUESTION AND STRUCTURE**

The purpose of this thesis, for this reason, regards an analysis of the United Nations in Rwanda from the beginning, in the course, until the end of genocide, to understand the effective role of this international organization across those historical events within the African State. The actions of the United Nations in Rwanda will present an overview of failures and success of the International Community, involved in diplomatic mediation, peacekeeping operations, and post-conflict circumstances; and how massacres of innocents impacted on following United Nations activities to avoid killings and foster international peace for the future.

Therefore, the thesis is structured into three chapters, which respectively correspond to the pre, during, and post phases around the main event of Rwandan genocide. In fact, chapter I comprises an overview of the composition of the Rwandan population into the two main communities: Hutu and Tutsi and the main historical steps that led the country to the outbreak of genocide. For example, it will explore the period of Belgian colonization and the consequences on Hutu and Tutsi relations, the different regimes, and revolutions until Habyarimana’s coup d’état and the subsequent Hutu regime contravened the Rwandan Patriotic Front party and values.

---

<sup>4</sup> Jacques Roger Booh-Booh, ‘Daily Report’, 8 April 1994, 4.

Besides, it will examine the signature of Arusha Peace Agreements, under the supervision of the International Community, and their breakdown until the President was shot down. This chapter will also expound the use of mass media as propaganda to boost ethnic discrimination and to promote the extermination of Tutsi: notably, it will present Radio Télévision Libre Des Mille Collines and the newspaper Kangura with the development of ten Commandments against Tutsi and their repercussions on Rwandan public opinion and population.

On the contrary, Chapter II will focus on the United Nations intervention from UNOMUR, the United Nations Observer Mission Uganda-Rwanda, until the establishment of UNAMIR, originated from the request of Arusha for a Neutral International Force. Indeed, it will illustrate all fundamental United Nations Resolutions, which preceded the foundation of UNAMIR, and the one concerning its installation by the Security Council. Moreover, this chapter will investigate the advancement of UNAMIR before the outbreak of Rwandan genocide, with the exchange of documents and between the Force Commander of UNAMIR, Roméo Dallaire, and the Department of Peacekeeping Operations at the UN headquarters in New York.

Specifically, there will be an evaluation of the negative aspects of UNAMIR from its foundation and how the underestimation of the situation by the DPKO and the ignorance of the Security Council, led to the disregard of significant marks of massacres, such as the episode of “*Genocide Fax*”.

Then, the withdrawal of Western important countries, like Belgium and the USA will lead to the total withdrawal of UNAMIR, and I will explain the steps inducing to that important decision. The acknowledgement that genocide occurred in Rwanda and the admission of responsibility by the United Nations, through the Kofi Annan speech in 2007 and the introduction of an Action Plan to Prevent Genocide will close this section.

Finally, the last chapter will concentrate on post-genocide Rwandan situation, after the RPF installed a new regime in July 1994. In particular, it will illustrate the reconstruction procedure in Rwanda, based on solidarity, unity, and reconciliation among Rwandan

citizens. Hence, reconciliation could only be reached first, through a justice system that enabled responsible perpetrators of genocide crimes at the national and international level. For this reason, the setting up of an International Criminal Tribunal for Rwanda will be presented with its functions, the debate around its enactment between the RPF government and the United Nations, and its effective response to end the culture of impunity after massive killings of human innocents.

Furthermore, this part will depict the humanitarian assistance and financial aid the United Nations regarding the complex phenomenon of refugees *“coming home”* to Rwanda after the genocide, and the crisis of internally displaced refugees with the explanation of *“Operation Turquoise”* organized by the French military under the mandate of the UNAMIR mission and therefore the efforts of the United Nations High Commissioner for Refugees to deal with this issue.

Subsequently, the section will consider the reformulation of the education system in post-genocide Rwanda and the basis of equality between Hutu and Tutsi students, supported with education teaching emergency packages for children within refugee camps, due to the cooperation between UNESCO and UNICEF. The women’s achievement of a more important role in the new Rwandan society and the advancement of women’s advocacy programs will be briefly analyzed later.

In conclusion, the last section will consider economic reconstruction and agricultural reforms to restart Rwandan production within post-genocide Rwanda. The World Food Programme and FAO sustenance will demonstrate the interest of the International Community in the reconstruction of a modern and reconciled state.



## CHAPTER I- THE ORIGINS OF HUTU VERSUS TUTSI CONFLICT AND THE CAUSES OF GENOCIDE

*“The only plausible solution for Rwanda would be the elimination of the Tutsi”*  
Colonel Théoneste Bagasora, a Rwandan Hutu extremist and one of the architects of the Rwandan genocide, announced in 1994. The hatred amongst Hutu and Tutsi, as affirmed through this expression, constitutes the main cause, even if reinforced by external factors, which led to one of the worst massive killings in the African continent: the Rwandan genocide.

However, it represents a complex phenomenon, provoked by a combination of complex factors: European and imperialist objectives, that exacerbated the ethnic discrimination between Hutu and Tutsi, and, for example, the psychological manipulation of Rwandans by the regime against *“the other”* to enhance the genocide as the final solution<sup>5</sup>.

In this chapter, I will present an overview of the ethnic composition of Rwanda and how enmity has evolved between the two ethnic groups, as well as the essential historical steps until the explosion of genocide and the consequent impact on the international community.

### 1.1 Ethnic composition of Rwanda: Hutu and Tutsi

According to legends, the Rwandan population was composed of three communities: Hutu, Tutsi, and Twa, who came from *“Kanyarwanda”*, their ancestor. It is interesting to observe that, despite they were physically and numerically heterogeneous, the three groups shared the same language, religion, clans' divisions, and territory<sup>6</sup>.

Therefore, the only discrepancy among them was denoted by their composition: the Twa constituted one percent of the Rwandan citizens, the Tutsi comprised the seventeenth percent of the population, but since they controlled the king's army and the most

---

<sup>5</sup> Helen M. Hintjens, 'Explaining the 1994 Genocide in Rwanda', *The Journal of Modern African Studies* 37, no. 2 (June 1999): 243, <https://doi.org/10.1017/S0022278X99003018>.

<sup>6</sup>Donatien Nikuze, 'The Genocide against the Tutsi in Rwanda: Origins, Causes, Implementation, Consequences, and the Post-Genocide Era' 3, no. 5 (2014): 1089.

important districts, they became the Rwandan élite, and finally, the Hutu were the largest part of the masses. On the other hand, Twa, Hutus, and Tutsis could be differentiated for their physical appearance: in fact, if the Twa were pygmies and small, Hutus were short and shared Bantu features, while Tutsis were taller compared to the massive Hutu group, but thinner and with well prominent bodies' characteristics<sup>7</sup>.

Nonetheless, in the pre-colonial era, Twa, Hutus, and Tutsis were under a monarchy regime, which was ruled by a Tutsi king with control over the dominant territories of Rwanda, while Hutus were in a position of obedience to the élite power. Apart from the Tutsi monarchy, Rwandans identified themselves as all part of an unitarian State, and they were all entitled to the right to be Rwandan citizens, without discriminating ethnic neighboring populations.

However, the European colonization process, with the Germans before, and then the Belgians, started to emphasize the role of power of Tutsi, based on race supremacy, and as a result, the perception of inferiority of "the other" entity group started to spread among Rwandan citizens<sup>8</sup>.

## 1.2 German and Belgian occupations: the Tutsi monarchy

Although it is not fundamental to understand the historical context of genocide, the first European country to have control on Rwanda was not Belgium, but Germany. Therefore, Germany obtained the jurisdiction in Rwanda in 1884, on occasion of the division of the African continent among the European countries. Though, the Germans respected the Rwandan monarchy regime and they formally maintained power over Rwanda until the end of World War I, changes having a direct bearing on Rwandan race-diversity consciousness came with the Belgians<sup>9</sup>.

---

<sup>7</sup> Fred Grünfeld and Anke Huijboom, *The Failure to Prevent Genocide in Rwanda: The Role of Bystanders* (Brill | Nijhoff, 2007), 27, <https://doi.org/10.1163/ej.9789004157811.i-299>; Human Rights Watch, 'The Rwandan Genocide: How It Was Prepared', no. 1 (April 2006).

<sup>8</sup> Grünfeld and Huijboom, *op. cit.*, 27.; Nikuze, *art. cit.*, 1090.

<sup>9</sup> Grünfeld and Huijboom, *op. cit.*, 27-28; *ibid.*, 1090.

As a matter of fact, Belgian colonization of Rwanda began in 1926, and it foregrounded the basis of a social stratification, which recognized Tutsis, as superior and conquering race, while Hutus were catalogued as indigenous and inferior class. Furthermore, the Belgians enhanced racial hatred through policy measures that excluded Hutus from positions of power, likewise the provincial, hill and district chiefs' controls, and at the same time, the Hutu were deprived from owning and administering lands in Western parts of Rwandan State<sup>10</sup>.

In addition, one of the worst policies based on racial discrimination, was the unequal system of education: in fact, the Hutu were disallowed to attend higher education, that was useful to obtain job careers in the public sphere, and consequently, the only available education opportunity for the Hutu was the Seminar. Finally, the Belgians fostered a policy in 1933 focused on clear race distinction: a real identity card, that classified Rwandan peoples as Hutu, Tutsi, and Twa according to their belonging to a group or another. The identity card represented a tool to deny rights to the Hutu population in every dimension of their life, and therefore, most of them were forced to abandon Rwanda<sup>11</sup>.

To sum up, the German and Belgian regimes in Rwanda, cannot be considered as the main cause of the genocide, though it can be affirmed that colonial powers exercised a role in arousing ethnic frustrations among Tutsis and Hutus, that, instead, paved the way for the genocide. Indeed, colonial policies supporting Tutsis' predominance, produced a distorted vision of history and ethnicity among the Rwandan population, that mostly denied cooperation, and increased the assumption of superiority of a race over the other. The feeling of unity, that had dominated the pre-colonial era, was replaced by the ideal of oppression and by the ideology that only one group was entitled to rule the Rwandan State<sup>12</sup>.

---

<sup>10</sup> Ibid., 28.

<sup>11</sup> Grünfeld and Huijboom, *op. cit.*, 29.

<sup>12</sup> Ibid., 29; Nikuze, *art. cit.*, 1091.



### 1.3 The Hutu revolution and the beginning of Hutu extremists' governments power

Tutsis' supremacy, supported by Belgian occupation, was threatened under the pressure of the United Nations Trusteeship Council in the 1950s<sup>13</sup>. Hence, Belgium had the task to administer the trusteeship of Rwanda, since the end of World War II, while the United Nations maintained a supervisory role and had the authority to remove the colonial power from Rwanda. Therefore, the Catholic Church and the Belgian officials, which feared to lose their privileges in Rwanda, opened different positions to include the Hutu population in the public sphere, and especially in the administrative level, the educational field, the sacred context, and they even forwarded policies to reduce ethnic discrimination.

Despite the efforts of new inclusive policies, the tensions among Tutsis and Hutus pursued increasing: on the one hand, Tutsis wanted to maintain the supremacy on power, and they aspired for a Tutsis monarchy without the presence of European colonizers; while Hutus, on the other hand, pushed for revolutionary changes to gain political control<sup>14</sup>.

For this reason, Hutus began a political mobilization until the publication of a document on 24 March 1957 called "Notes on the social problem of racial indigenous in Rwanda", also known as "*Bahutu Manifesto*". This document spread out the Hutu ideology and denounced the Tutsis supremacy based on Belgian theory that recognized them as descendants from heaven (*Ibimanuka*, a Nilotic people from Egypt or Ethiopia, which conquered the local population: the Hutu<sup>15</sup>).

---

<sup>13</sup> Grünfeld and Huijboom, *op. cit.*, 30.

<sup>14</sup> Michael Geheran and David Frey, 'Leadership in War and Genocide: Roméo Dallaire in Rwanda', in *Historians on Leadership and Strategy*, ed. Martin Gutmann (Cham: Springer International Publishing, 2020), 20–21, [https://doi.org/10.1007/978-3-030-26090-3\\_2](https://doi.org/10.1007/978-3-030-26090-3_2).

<sup>15</sup> Ibid, 21; Fulvio Beltrami, 'The Bahutu Manifesto 1957 – The Emergence of the Hutu Power in Rwanda', Africa Report, n.d., <https://fulviobeltrami africa.wordpress.com/>, "Political request of the Manifesto Bahutu".

The Bahutu Manifesto was written by nine Hutu intellectuals<sup>16</sup> and on one hand it enhanced a more inclusion of the Hutu in Rwandan administration as it stated:

*“What we desire is the integrated and collective advancement of Muhutu. Those concerned are already working along these lines in the time left to them after their various corvees. But we are also calling for positive and more determined action from above”*<sup>17</sup>.

On the other hand, it reproached Belgium for their excessive interventions in favor of Tutsis as the governing authority:

*“In general, we ask Belgium to stop obliging the Muhutu always to take second place to the Mututsi. For instance, in social relations the Muhutu should no longer be required (tacitly, of course) to agree to follow Mututsi patterns of behaviour. In view of the talk about respect for different cultures, the differentiations of Ruandan culture should also be taken into account”*.

Although the Bahutu manifesto was published with the aim of fostering a solution to the ideology of hatred Rwanda between the Hutu and the Tutsi, it was a clear written demonstration to affirm the superiority of the Hutus race over that of the Tutsis’.

The Hutu mobilizations for political changes exploded in physical violence and reached their peak in 1959, when around 20,000 Tutsis were killed by Hutus ( the phenomenon was defined by the United Nations Special Mission for Rwanda as “Nazism actions against the Tutsi minority”); as a consequence it led to the end of Tutsis monarchy and to

---

<sup>16</sup> Ibid.21: The Bahutu Manifest was written by nine intellectuals: Hutu intellectuals: Maximilien Niyonzima, Grégoire Kayibanda, Claver Ndahayo, Isidore Nzeyimana, Calliope Mulindaha, Godefroy Sentama, Munyambonera Sylvestre, Joseph Sibomana and Jouvenal Habyarimana. These authors identified themselves as Christians and they were supporting by the Belgians “White Fathers” in the draft of the Manifesto.

<sup>17</sup> United Nations Trusteeship Council, ‘Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Ruanda-Urundi (T/1346)’ (New York, 1958), 41 (e): *“Belgium has, we are bound to admit, done a great deal in this direction but her benevolence must not be allowed to falter halfway. We are not asking for a halt to be called: we agree’ tliat the Mututsi High Council sh ould be able to participate progressively more effectively in the affairs of the State. But we urge the Administering Authority and the Mututsi Administration to take more positive and decisive action to bring about the economic and political emancipation of the Muhutu from his traditional subjugation to the Hamites”*.

local elections in July 1960, the first one held by a Hutu party, known as Parti du Mouvement de l'Emancipation Hutu<sup>18</sup>.

Thus, both the Bahutu Manifesto and the spread out of the Social Revolution pressed the European withdrawal: in January 1961, through the “coup of Gitarama” and the subsequent abolition of the monarchy, the MDR-Parmehutu party settled a government based on the ideals of the Bahutu Manifesto ideals<sup>19</sup>. As a consequence, on 27 June 1962 the United Nations General Assembly adopted the Resolution 1746 (XVI) focused on the future of Ruanda-Urundi, which stated:

*“The General Assembly /.../ (2) decides, in agreement with the Administering Authority, to terminate the Trusteeship Agreement of 13 December 1946 in respect of Ruanda-Urundi on 1 July 1962, on which date Rwanda and Burundi shall emerge as two independent and sovereign States ; 3. Calls upon the Government of Belgium to withdraw and evacuate, its forces still remaining in Rwanda and Burundi, and that, as of 1 July 1962, the Belgian troops in process of evacuation will no longer have any role to play and that the evacuation must be completed by 1 August 1962, without prejudice to the sovereign rights of Rwanda and Burundi..)”* and it required the UN Secretary General to send a representative to the territory of Rwanda for economic assistance and for helping them organizing the administration of the new State<sup>20</sup>.

The independence of Rwanda on 1 July 1962 denoted the beginning of what was called “Hutu nationalism” with the election of Gregoire Kayibanda as new president, and his explicitly anti-Tutsi politics. If the Belgian government had favored the Tutsi élite and had discriminated the Hutu population, a new era of Tutsi assassinations and exclusion began. In fact, only 9% of Tutsi could participate in the educational and employment system, while the majority were forced to abandon the country and seek asylum in neighboring countries, especially Burundi. A climate of violence and atrocities broadened

---

<sup>18</sup> Grünfeld and Huijboom, *op. cit.*, 30.

<sup>19</sup> Susanne Buckley-Zistel, ‘Nation, Narration, Unification? The Politics of History Teaching after the Rwandan Genocide’, n.d., 37.

<sup>20</sup> United Nations General Assembly, ‘Resolution Adopted on the Report of the Fourth Committee 1746 (XVI).. The Future of Ruanda-Urundi’, Resolutions Adopted by The General Assembly From 7 to 28 June 1962 (New York, n.d.), 1 (2-3).

from both sides and particularly from 1962 to 1964 almost 10,000 Tutsis were killed, as, between 100,000 and 200,000 Hutu lost their lives in that period<sup>21</sup>.

The Hutu officer Juvenal Habyarimana's coup d'état in July 1973, seemed to bring peace and stability to Rwanda, as he publicly declared his intention to stop violence against Tutsis and to welcome the population into Rwanda. For example, the slogan of the Second Republic guided by Habyarimana was "peace and unity<sup>22</sup>" and he proposed to adopt reforms to establish political pluralism and for the return of Tutsi refugees within the Rwandan territory<sup>23</sup>.

Nonetheless, his promises became a utopian illusion, as he transformed Rwanda into a totalitarian regime ruled by a strict one-party: the Mouvement Révolutionnaire National pour le Développement (MRND). Thus, despite the physical violence against Tutsis not being carried out in the first period of Habyarimana's government, the Tutsis were banned from education and from political participation (with few exceptions of a Tutsis minister and two Tutsi members in the Parliament). Besides, Habyarimana maintained the identity card system, and he introduced ethnic quotas as new ways of Tutsis repudiation within the Rwandan state<sup>24</sup>. In contrast, since the MRND policies clearly had the purpose of eliminating Tutsi's participation in Rwanda, Tutsis left the country, but their desire to reacquire positions of power in the country and their feeling of revenge encouraged a violent reaction.

#### 1.4 Tutsis revenge: the creation of the Rwandan Patriotic Front

The MRND single-party regime and Habyarimana's exclusive policies induced the exiled Tutsi in neighboring countries to react against Hutu hegemony<sup>25</sup>. Therefore, Tutsis' refugees in Uganda, after the end of the Social Revolution, founded a paramilitary organization: the Rwandan Patriotic Front (RPF) in 1979, and they settled

---

<sup>21</sup> Geheran and Frey, *op. cit.*, 21, Grünfeld and Huijboom, *op. cit.*, 31.

<sup>22</sup> Buckley-Zistel, *art. cit.*, 37.

<sup>23</sup> David P. Rawson, *Prelude to Genocide: Arusha, Rwanda, and the Failure of Diplomacy*, Studies in Conflict, Justice, and Social Change 65th (Athens, Ohio: Ohio University Press, 2018), 11.

<sup>24</sup> Grünfeld and Huijboom, *op. cit.*, 31.

<sup>25</sup> Geheran and Frey, *op. cit.*, 21.

the Rwandan Patriotic Army (RPA). The Rwandan resistance movement was prompted by the Ugandan Minister of Defense Yoweri Museveni, who protested the corrupted elections in the country, and he sustained the Rwandan rebellions. When Museveni conquered Kampala in 1986, thanks to the contribution of 3,000 Rwandan refugees within the 14,000 soldiers of the Ugandan National Resistance Army, he elected the Rwandan Fred Rwigyema as Deputy Minister of Defense and Paul Kagame as Chief of Intelligence<sup>26</sup>.

However, on 1 October 1990, the RPF soldiers deserted from the Ugandan army under the command of Major General Fred Rwigyema, and they crossed the border into Rwanda. The invasion by the Rwandan Patriotic Front with more than 4,000 well-trained Tutsi refugees provoked the beginning of a violent civil war and consequently, it induced the intervention of European countries, as well as France and Belgium. The French President Mitterrand sent 1,000 soldiers to support the Forces Armées Rwandaises (FAR) and Habyarimana's regime, while the FAR began a training operation of Hutu civilian militias with the creation of two fanatical groups focused on the elimination of Tutsi: the Interahamwe and, in 1992, the Impuzamugambi<sup>27</sup>.

However, the French assistance and the mediation of the African governments aimed at civil defense in Kigali and to arrange a ceasefire between the Rwandan Patriotic Front and the Habyarimana's regime. The European efforts were even accompanied by the United States intervention, whose objective was to foster peace negotiations between the two parts. As a result, in July 1992 in Arusha, Tanzania, the RPF and the Hutu regime adopted a ceasefire, nonetheless effective transactions for a peace process and the development of a transitional government started only in August 1992. The ceasefire discussions paved the way for an important step within Rwandan history: the Arusha Agreements<sup>28</sup>.

---

<sup>26</sup> Martin Plaut, 'Rwanda — Looking beyond the Slaughter', *Royal Institute of International Affairs The World Today*, Aug.-Sep., 1994, Vol. 50, No. 8/9 (September 1994): 150–51.

<sup>27</sup> Grünfeld and Huijboom, *op. cit.*, 33; Geheran and Frey, *art. cit.*, 22.

<sup>28</sup> Rawson, *op. cit.*, 12.

According to political scientist René Lemarchand, the Tutsi-RPF invasion of Rwanda is perceived as another factor that contributed to the outbreak of the genocide, as the Kagame's intervention violated the essential principle of international law. In fact, he did not respect the territorial integrity of Rwanda, he caused a civil war, and systematic killings of innocent Hutus, only because he contested Habyarimana's dictatorship<sup>29</sup>.

### 1.5 The futile attempt of Arusha peace agreements

As announced in the previous paragraph, the date of 4 August 1993 marked an important step in the Rwandan history: the Arusha Peace Agreements were signed between the Rwandan Patriotic Front and the Rwandan government<sup>30</sup>.

The Arusha Accords were intended by the International Community as an efficient diplomatic tool, as emphasized in the letter from the Permanent Representative of the United Republic of Tanzania to the Secretary-General, included within the forty-eighth session of the United Nations General Assembly report. For instance, he was honored to mediate among the two parts and to finally transmit the Peace Agreement, as well as the Ceasefire Agreement and the five annexed Protocols to the United Nations<sup>31</sup>.

---

<sup>29</sup> Buckley-Zistel, *art. cit.*, 38.

<sup>30</sup> Grünfeld and Huijboom, *op cit.*, 35.

<sup>31</sup> United Nations General Assembly/Security Council, 'General Assembly Forty-Eighth Session A/48/824 S/26915', 23 December 1993: "*I have the honour, in my capacity as the representative of the Facilitator in the negotiations between the Government of the Rwandese Republic and the Rwandese Patriotic Front, to transmit herewith the documents listed below, \* which together constitute the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front (see annex) and to request that they be circulated as an official document of the General Assembly, under agenda items 23, 43, 44, 101 and 114, and of the Security Council. (a) Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993; (b) The N'Sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite on 16 September 1991 and at Arusha on 12 July 1992; (c) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at Arusha on 18 August 1992; (d) Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at Arusha on 30 October 1992 and 9 January 1993, respectively; (e) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993; (f) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties, signed at Arusha on 3 August 1993; (g) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions, signed at Arusha on 3 August 1993*".

The peace agreement stated:

*“The Government of the Republic of Rwanda on the one hand, and the Rwandan Patriotic Front on the other; Firmly resolved to find a political negotiated solution to the war situation confronting the Rwandese people since 1st October 1990..././ Hereby agree on the following provisions: Article 1: “The war between the Government of the Republic of Rwanda and the Rwandese Patriotic Front is hereby brought to an end..././ Article 3: “The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law that shall govern the Country during the Transition period..<sup>32</sup>”.*

The Arusha Agreements were also elaborated with the participation of the regional Organization of African Unity and discussed under the supervision status of Western states from the embassies in Tanzania. After years of difficult civil war, these Agreements seemed to forward values of national unity, political evolvments and a transitional government towards democracy based on power-sharing ideals<sup>33</sup>.

As a matter of fact, the most important aspect of the Arusha Peace Agreements was the constitution of a Broad-Based Transitional Government (BBTG), made up of 21 Ministers belonging to different political parties, with the purpose of governing for the consecutive 22 months after the signature of the agreement, followed by national elections.

The BBTG, for instance, counted five ministers from both the Mouvement Révolutionnaire pour le Développement and the Rwandan Patriotic Front, four ministers from the biggest

---

<sup>32</sup> United Nations General Assembly/Security Council, Annex I: Peace Agreement Between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, Article 1-3.

<sup>33</sup> Ibid., “Have, at the conclusion of the Peace Talks held in Arusha, United Republic Tanzania, between 10th July, 1992 and 24th June, 1993 as well as Kinyihira, Republic of Rwanda from 19th to 25th July, 1993 under the aegis of the Facilitator, H' Excellency Ali Hassan MWINYI, President of the United Republic of Tanzania, in the presence of the Representative of the Mediator, His Excellency, MOBliTU SESE SEKO, President of the Republic of Zaire as well as Representatives of the Current Chairmen of the OAU, His Excellency Abdou DIOUF, President of the Republic Senegal, and Hosni MUBARAK, President of the Arab Republic of Egypt, Secretary General of the OAU, Dr. Salim Ahmed SALIM, the Secretary General the United Nations, Dr. Boutros Boutros GHAU and Observers representing Federal Republic of Germany, Belgium, Burundi, the United States of France, Nigeria, Uganda and Zimbabwe; Calling the International Community to witness”; Grünfeld and Huijboom, *op. cit.*, 35.

opposition party: the Mouvement Démocratique Républicain (MRD) with the chosen Prime Minister Faustin Twagiramungu from that party, and the other seven ministers elected from the rest of parties. Furthermore, the new wider political representation was supplemented by a new voting system, consisting of a majority of two-thirds for every decision, and by the constitution of a broad Rwandan national army composed of the majoritarian Hutus Forces Armées Rwandaises, and the Tutsi Rwandan Patriotic Front troops<sup>34</sup>.

Regarding, the integration of the Armed Forces of the Parties, an important role, in the Arusha Peace Accords, was, in fact, determined by the Neutral International Force inaugurated within article 54 of the Protocol of Agreement which stated:

*“A. Overall Mission: The Neutral International Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.. /../”<sup>35</sup>.*

This Protocol of Agreements explored all the possible explanations for preserving peace in Rwanda, aware of the possible consequences of a new escalation of violence. Within this context, the United Nations exercised a monitoring role, focused on preserving peace at every condition: one month after the creation of the Neutral

---

<sup>34</sup> Ibid., 35.

<sup>35</sup> United Nations General Assembly/Security Council, ‘General Assembly Forty-Eighth Session A/48/824 S/26915’: *“B. Security Missions 1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs 2. Ensure the security of the distribution of humanitarian aids. 3. Assist in catering for the security of civilians. 4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country. 5. Undertake mine clearance operations 6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians. 7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement. C. Missions of Supervising the Process of Formation of the National Army. 1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points. 2. The Neutral International Forces shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty. The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points” /../.*



International Force, the UN Security Council installed a new peace-keeping mission to accompany the Broad-Based Transitional Government.

However, the Arusha Peace accords represented an international diplomacy victory, only in appearance, as they constituted a failed attempt to install power-sharing structures, as we will analyze later in Chapter II, but, especially, they exacerbated hidden tensions between the Rwandan government and the RPF, which exploded in violent crimes. Despite some positive outcomes of the Arusha Peace Accords like the end of the civil war and carrying out a transition to democracy, all other peace theories and formulations remained utopian theoretical elements written in the Arusha Agreements.

Firstly, undoubtedly, President Habyarimana did not want to share the power with the Rwandan Patriotic Front, and he expressly complained about Arusha and power-sharing negotiations on multiple occasions. For example, after the power-sharing compromises, he accused, during a private meeting with the US Ambassador Flaten, that with the transitional national assembly elected, more opposition forces could support the RPF and exclude the Hutu president and his party from ruling the power, which they were entitled to exercise<sup>36</sup>. Hence, since he was threatened by the proliferation of RPF power, he provided other political forces with his infiltrators, and he promoted anti-government factions<sup>37</sup>.

Furthermore, instead of promoting the Broad-Based Transitional Government, he defined the Arusha Accords as a “*mere piece of paper*”, and he sponsored the Hutu nationalistic ideology to eliminate the presence of Tutsis-RPF in the Country. The hatred ideology was expanded by Habyarimana, through each form of communication and media, although the President always declared himself in favor of the Arusha agreements under the eyes of the United Nations<sup>38</sup>.

---

<sup>36</sup> Rawson, *op. cit.*, 100.

<sup>37</sup> Plaut, *art. cit.*, 151.

<sup>38</sup> Nikuze, ‘The Genocide against the Tutsi in Rwanda: Origins, Causes, Implementation, Consequences, and the Post-Genocide Era’, 1093.

Habyarimana's intent to observe formally the Arusha Accords formally, while maintaining hegemony, was pursued on with the complicity of the Chief of Staff of the Rwandan Armed Forces: Déogratias Nsabimana, who eventually published a secret report identifying Tutsis as a Rwandan enemy and he called the Rwandan army to fight for deleting them. Nsabimana's strategy to respect the Arusha agreements was based on defeating "the enemy"<sup>39</sup> without tackling democratic values and national prosperity.

However, this document increased the sensation of fear towards Tutsis, among Hutu, and, consequently, it destroyed solidarity and cooperation feelings, which were at the basis of Arusha Peace Accords<sup>40</sup>.

#### 1.6 6 April 1994: Habyarimana's plane crash and the prelude of massive killings

Incitements to violence exploded in mass massacres on 6 April 1994, when President Habyarimana, after a visit to Tanzania, and under the pressure of the International Community, accepted to speed up the transition to democracy, but his plane was attacked near the Kigali airport<sup>41</sup>. It is not relevant for the purpose of this work, to analyze in detail all phases that characterized Rwanda from Habyarimana's death to the following 100 days, though it is important to focus on this date to understand how the role of United Nations and the UNAMIR mission started to exercise a more incisive role, even if vain, in Rwanda, and how, despite the evidence, killings were not prevented.

The involvement of Tutsis-RPF in the Habyarimana's plane crash and its invasion into Rwanda, gave extremists Hutu the excuse to begin the ethnic cleansing against all Tutsi collaborators<sup>42</sup>. Thus, revenge for President's death, started against all politicians who had sympathized with "the enemy" like the prime minister: Agathe Uwilingiyimana, and it

---

<sup>39</sup> Human Rights Watch, 'The Rwandan Genocide: How It Was Prepared', 8, Nsabimana defined the enemy in his document "*Definition et Identification de l'ENI as: the Tutsi inside or outside the country, extremist and nostalgic for power, who have NEVER recognized and will NEVER recognize the realities of the 1959 social revolution and who wish to reconquer power by all means necessary, including arms*".

<sup>40</sup> Ibid., 8.

<sup>41</sup> Plaut, *art. cit.*, 151.

<sup>42</sup> Geheran and Frey, *opt. cit.*, 29.

continued with the killings of all president's opponents. Though, this phenomenon soon changed into a mass murder of the entire Tutsi population.

Furthermore, from 7 April 1994, a group of Hutu politicians linked to Habyarimana established a new government, whose objective was to attack Tutsis using firearms and all weapons, despite claiming themselves as perpetrators of the previous coalition government and representatives of all political parties. For instance, the new Prime Minister Jean Kambanda introduced a self-defense program on 25 May 1994, which incorporated the Interahamwe in the civil defense, allowing them to commit crimes against Tutsis without the risk of being accused by the International Community<sup>43</sup>. On this occasion, the self-defense also provided ordinary Hutu citizens with trainings and mobilizations to call upon them in the murders of Tutsis<sup>44</sup>.

As it is observed, the genocide was systematically prepared: the génocidaires (including all Hutu extremist parties likewise Akazu members, Interahamwe and military officials) accomplished “the nettoyage” of almost 800,000 ethnic Tutsi, Twa, and moderate Hutu between 6 April and 19 July 1994. It is interesting to note that lack of intervention was due to the United Nations, before massacres exploded, but also afterwards the plane crash<sup>45</sup>. In fact, the first sign of United Nations' weakness was the tacit acceptance of new Hutu extremist government after Habyarimana's death, by the Special Representative of the UN Secretary-General in Rwanda: Jacques-Roger Booh-Booh. This situation persisted with the failing response of UNAMIR to support the RPF and to stop the genocide, but I will deepen these aspects in the following Chapter.

### 1.7 The incisive function of media for inciting hatred ideology: Kangura and Radio Télévision Libre Des Milles Collines

While the International Community was focused on implementing a Ceasefire Agreement and Peace Accords among the Rwandan Patriotic Front and Habyarimana's

---

<sup>43</sup> Human Rights Watch, *art.cit.*, 15.

<sup>44</sup> Rina M. Alluri, *art. cit.*, 14.

<sup>45</sup> *Ibid.*, 15.

regime, the Rwandan domestic attention was conceived on broadcasting radio programmes and publishing newspapers concerning the massacres. Hence, this paragraph will evaluate how Radio Télévision Libre Des Milles Collines and the Kangura's newspaper constituted relevant sources, which paved the way for increasing killings among Hutu and Tutsis and it will show why the founders of RTLM, Ferdinand Nahimana and Jean-Bosco Barayagwiza, respectively, and the editor-in-chief of Kangura Hassan Ngeze were condemned by the International Criminal Tribunal for Rwanda, afterwards, for their responsibilities in increasing genocide feelings<sup>46</sup>.

### 1.7.1 Radio Télévision Libre Des Milles Collines

On 22<sup>nd</sup> April 1994, during the broadcasting of Radio Télévision Libre Des Milles Collines, the Hutu presenter Kantano Habimana stated:

*"To the refugees and our listeners, I say "have a nice day". We are going through difficult times, difficult rimes, through a war imposed by the RPF- those stubborn, proud and contemptuous Inkotanyi<sup>47</sup>" and then "We just spent fifteen days fighting the Inyenzi and Inkotanyi, who resumed hostilities though we have signed the Arusha Accords. They started war again as usual. They dodged us but did not catch us unawares this time around. They are now battling with the Rwandan Armed Forces on all fronts, on all fronts. Here in Kigali, you can hear the noise of bullet falling on the SGP throughout Remera area"<sup>48</sup>.*

---

<sup>46</sup> Grünfeld and Huijboom, *op. cit.*, 21.

<sup>47</sup> 'Radio Télévision Libre Des Mille Collines (RTLM)', 0004 RTLM/4 12/4/94, 12 April 1994, 5.4 minute: *".../ I think it has dawned on the Inkotanyi the extent to which the Rwandans are united in their efforts to fight them. There is no point putting on any airs and boasting they can take Kigali if they are not given all they asked for, if all power is not conceded to them and if everyone in the country does not yield to those from Uganda, Tanzania or wherever...all these people who never served with the country with the sweat of their brow but rather shoot us with old Kalachnikovs. It is unimaginable that a 22-or23-year-old young man who has never set foot in Rwanda would come to the country, armed to the teeth and threaten to seize all the property acquired by the Rwandans in his absence. The same applies to the man who has spent forty years in exile and comes back overnight to harvest the fruit of the Rwandans' labour. The Rwandans will rise against this; no matter what, we shall rise against this and we are determined to protect our property, our lives and those dear to us.../."*

<sup>48</sup> *Ibid.*, 11.4 min.: *"The bullets are meant to dislodge the Inkotanyi hiding in bouses where they have surrounded and killed people savagely. People asked the Red Cross people to assist them in burying their dead relatives, but they refused, saying: "Fend for yourselves, we do not want any trouble with the Inkotanyi". This is actually a deplorable attitude because when someone is killed, you do not ask for anything else"*.

As a matter of fact, RTLMC was founded by Hutu extremists in July 1993, and they broadcasted the first radio program on 8 July 1993 when the Arusha Accords were concluded. RTLMC was a real transmission realized for spread out an anti-Tutsis and an anti-Arusha campaign, as it sustained the only plausible government ruled by Hutu's Habyarimana<sup>49</sup>. For instance, an example of how it was exercised as vehicle of hate speech can be observed during the broadcasting 4<sup>th</sup> June 1994, when the radio affirmed:

*“They should all stand up so that we kill the Inkotanyi [cockroaches] and exterminate them ... the reason we will exterminate them is that they belong to one ethnic group. Look at the person's height and his physical appearance. Just look at his small nose and then break it”<sup>50</sup>.*

Besides, the radio was financed by mostly Hutu extremists, within whom there were members belonging to Akazu, as well as President Habyarimana. Furthermore, among the directors and owners of the radio there were names like Alphonse Ntirivamunda (son-in law of Juvenal Habyarimana), Félicien Kabuga (a businessman whose son was Habyarimana's daughter husband); the head of CDR Jean-Bosco Barayagwiza, the prefet of Kigali Tarcisse Renzaho and the Minister of Postal Services and Communications André Ntarugera<sup>51</sup>.

The success of the radio was due to its informal style, street language and music, as it was accessible to all categories of listeners, but especially, its audience raised thanks to the messages on the elimination of *“the enemies”*. The language of RTLMC spread out a dehumanized vision of Tutsis (they were even classified as “Inyenzi” cockroaches), and after Habyarimana's plane crash, the radio encouraged violence against Tutsi minority as a self-defense action<sup>52</sup>.

---

<sup>49</sup> Grünfeld and Huijboom, *op. cit.*, 77.

<sup>50</sup> Buckley-Zistel, *art. cit.*, 39, the sentence was pronounced by the Hutu presenter against Tutsis.

<sup>51</sup> Human Rights Watch Africa, ‘Genocide in Rwanda April-May 1994’ 6, no. 4 (May 1994): 2.

<sup>52</sup> David Yanagizawa-Drott, ‘Propaganda and Conflict: Evidence from the Rwandan Genocide\*’, *The Quarterly Journal of Economics* 129, no. 4 (1 November 2014): 1953, <https://doi.org/10.1093/qje/qju020>.

Furthermore, RTLMC from the end of 1993, became a tool for targeting government's enemies within lists of people deserving to die, and eventually, these appeals provoked the death of political opponents as the Minister of Labor and Social Affairs Lando Ndasingwa and then, Monique Mujawamariya, a human right activist<sup>53</sup>.

It must be emphasized, that RTLMC was not the only radio in Rwanda, but there was another national radio station: Radio Rwanda. Nonetheless, Radio Rwanda did not exercise a role in promoting inflammatory messages as RTLMC, but on the other hand, it refused to transmit any information concerning the civil war caused by the RPF before the genocide, or any news regarding the weeks of genocide. In addition, Radio Rwanda was not as extremist as RTLMC, and for instance, there were no elements for condemning it as an instrument incrementing violence message in Rwanda<sup>54</sup>.

As far as concern RTLMC, according to an empirical demonstration by David Drott in 2014, there is evidence that RTLMC really implied an increase in mass violence against Tutsi citizens during the genocide. As a matter of fact, through an experiment which constructed a village-level data set in Rwanda, it has been shown the effects of mass media considering two hypotheses: firstly, how the radio transmissions convinced the listeners that participation in the killings of cockroaches was preferable to non-participation, and then, it focused on the spatial diffusion of violence, thanks to radio diffusion. The results confirmed the role in promoting participation in violence with high percentages of 12-13%.

Besides, it was demonstrated that higher percentages of peoples living in villages with radio coverage were more tempted to engage in militias, as effect of the spatial diffusion of violence. Finally, the analyses highlighted with data, how almost 10% of the participation in the genocide was obtained with the broadcasting of RTLMC programmes<sup>55</sup>.

---

<sup>53</sup> Human Rights Watch Africa, 'Genocide in Rwanda April-May 1994', 2.

<sup>54</sup> Yanagizawa-Drott, *art. cit.*, 1954.

<sup>55</sup> *Ibid.*, 1953–54; the author explains how the experiment was constructed: "*We build a unique village-level data set from Rwanda to examine these hypotheses. We use information on RTLM transmitters and radio propagation software to produce a data set on radio coverage at a high spatial resolution, allowing us to calculate the area with reception within each village. To identify causal effects, our empirical strategy*

### 1.7.2 Kangura Newspaper

The Hutu repugnance for Tutsi was expanded through the print media, and, particularly, with the newspaper Kangura, inaugurated in May 1990 by Mr Hassan Ngeze<sup>56</sup>. The newspaper's name meant: "*wake others up*"<sup>57</sup>, and it called for Hutu action against the Tutsi enemy. Kangura newspaper was written in two languages: Kinyarwanda and French and it fostered the Tutsi ethnic cleansing, and to generate a new Hutu pure community<sup>58</sup>.

Kangura newspaper was published from the 1990s in Rwanda, but it reposed the same 1957's Bahutu Manifesto values, denouncing the Hutu exclusion from Rwanda because of Tutsi domination<sup>59</sup>. For instance, the newspaper defined the Tutsi as "scapegoat" and especially declaimed them for having the power in all major spheres, as it was already depicted in the Bahutu Manifesto, which established: "First and foremost, the problem is one of political monopoly enjoyed by one race, the Mututsi..."<sup>60</sup>; but more than ever, the purpose of Kangura was to mobilize the Hutu against the Tutsi hegemony, according to the 1959 revolution<sup>61</sup>.

That's why, the article of Kangura published in December 1990: "*The Appeal to the Conscience of the Hutu*" contained the "*Ten Commandments*"<sup>62</sup>, rules which condemned

---

*exploits variation in radio reception generated by Rwanda's highly varying topography, which is practically random and, therefore, arguably uncorrelated with other determinants of violence. 4 To measure participation in the violence, we use data on the number of persons prosecuted for violent crimes committed during the genocide in each village".*

<sup>56</sup> Grünfeld and Huijboom, *op. cit.*; 75.

<sup>57</sup> *Ibid.*, 75.

<sup>58</sup> *Ibid.*, 75.

<sup>59</sup> Kabanda, 'Kangura: The Triumph of Propaganda Refined', in *Media and the Rwanda Genocide*, (A. Thompson, International Development Research Centre, 2007), <http://ebookcentral.proquest.com/lib/ucsn-ebooks/detail.action?docID=289467>, p. 63.

<sup>60</sup> *Ibid.*, 63.

<sup>61</sup> *Ibid.*, 63.

<sup>62</sup> Grünfeld and Huijboom (pp. 22-23) proposed the Ten Commandments, which were published on Kangura n° 6: "(1) Every Hutu male should know that Tutsi women, wherever they may be, are working in the pay of their Tutsi ethnic group. Consequently, shall be deemed a traitor: "(a) Any Hutu male who marries a Tutsi woman; (b) Any Hutu male who keeps a Tutsi concubine; (c) Any Hutu male who makes a Tutsi woman his secretary or protegee. (2) Every Hutu male must know that our Hutu daughters are more dignified and conscientious in their role of woman, wife and mother. Are they not pretty, good secretaries and more honest! (3) Hutu women, be vigilant and bring your husbands, brothers and sons back to their senses. (4) Every Hutu male must know that all Tutsis are dishonest in their business dealings. They are

the Tutsi ethnic group as the enemy that must be exterminated from Rwanda. These principles insisted on hatred, and particularly, the Tutsi were portrayed as the evil, and for instance, it was necessary to intervene against a possible genocide being prepared by Tutsi against the Hutu and as a result, a new Tutsi monarchy at the power of the country<sup>63</sup>.

*“Hutus must cease having any pity for the Tutsi<sup>64</sup>” and “the Hutu male, wherever he may be, should be united in solidarity and be concerned about the fate of their Hutu brothers. The Hutus at home and abroad must constantly seek friends and allies for the Hutu Cause, beginning with their Bantu brothers. They must constantly counteract Tutsi propaganda. The Hutu must be firm and vigilant towards their common Tutsi enemy<sup>65</sup>”,* where only some of the Ten Commandments, which promoted violence and discrimination against the Tutsi.

Nonetheless, according to Kangura’s chief editor, Hassan Ngeze, the Ten Commandments were not enough for fulfilling Hutus’ purposes; and for this reason, the newspaper became more incisive with a direct and offensive verbal campaign against the Tutsi like on Kangura published in February 1991<sup>66</sup>, which stated: *“Let us learn about the inkontanyì and let us exterminate every last one of them”<sup>67</sup>.*

---

*only seeking ethnic supremacy. "RIZABARA UWARIRAYE" (Only he who spent a sleepless night can talk about the night). Shall be consequently considered a traitor, any Hutu male: (a) Who enters into a business partnership with Tutsis; (b) Who invests his money or State money in a Tutsi company; (c) Who lends to, or borrows from, a Tutsi; (d) Who grants business favors to Tutsis [granting of import licenses, bank loans, building plots, public tenders...]. (5) Strategic positions in the political, administrative, economic, military and security domain should, to a large extent, be entrusted to Hutus. (6) In the Education sector, (pupils, students, teachers) must be in the majority Hutu. (7) The Rwandan Armed Forces should be exclusively Hutu. That is the lesson we learned from the October 1990 war. No soldier must marry a Tutsi woman. (8) Hutus must cease having any pity for the Tutsi. (9) The Hutu male, wherever he may be, should be united in solidarity and be concerned about the fate of their Hutu brothers. The Hutus at home and abroad must constantly seek friends and allies for the Hutu Cause, beginning with their Bantu brothers. They must constantly counteract Tutsi propaganda. The Hutu must be firm and vigilant towards their common Tutsi enemy. (10) The 1959 social revolution, the 1961 referendum and the Hutu ideology must be taught to Hutus at all levels. Every Hutu must propagate the present ideology widely. Any Hutu who persecutes his brother for having read, disseminated and taught this ideology shall be deemed a traitor”.*

<sup>63</sup> Grünfeld and Huijboom, *op. cit.*; 76.

<sup>64</sup> *Ibid.*, 22.

<sup>65</sup> *Ibid.*, 23.

<sup>66</sup> Grünfeld and Huijboom, *op. cit.*; 76.

<sup>67</sup> *Ibid.*, 76.



The same Ngeze answered to the question about the tools for eliminating the Tutsi in Kangura of November 1991, publishing a figure of Grégoire Kayibanda, the Hutu President of the First Rwandan Republic, with a machete next to him, and for instance, suggesting the murdering of Tutsi<sup>68</sup>.

Besides, only one month after in December 1991, Ngeze printed out in Kangura 28 a statement made by the President Kayibanda in April 1964 to alert the Tutsis about their behaviour in the new Rwanda as following:

*“We have told you what we expect from you in our 1963 speech: awaken to democracy, follow the new custom in Rwanda”<sup>69</sup>.*

The chief editor, as a matter of fact, was impressed by the figure of Kayibanda and how he solved the crisis of 1959 with the Tutsi arrests; on the other side the clear reference to the past speeches was a useful instrument to identify Tutsis as the enemies of the government and to justify any violent intervention against them in favour of Rwanda prosperity<sup>70</sup>.

In conclusion, both Kangura and RTLMC, represented a clear example of the active role of media in implementing the genocide against the Tutsi: the hatred ideology, speeches and references to violence against Tutsi were catalogued as inducements for genocide, and as a consequence, acknowledged under the concept of genocide by the International Criminal Tribunal for Rwanda, and their authors were held accountable for the crime of genocide propaganda for the first time in history under International Law<sup>71</sup>.

Various signs of genocide were already presented before the beginning of massive killings through episodes of random killings and media, but the International Community did not interfere until the situation was no longer under control in Rwanda. We will see, for instance, in the next chapter, how the United Nations started to play an active role in the genocide of Rwanda and the results of their peacekeeping mission.

---

<sup>68</sup> Kabanda, *op. cit.*, 68.

<sup>69</sup> *Ibid.*, 70.

<sup>70</sup> *Ibid.*, 69-70.

<sup>71</sup> Grünfeld and Huijboom, *op. cit.*, 26.

## CHAPTER II- THE UNITED NATIONS INTERVENTION AND THE BREAKDOWN OF UNAMIR PEACE-KEEPING MISSION

The increasing threat of violence against Tutsi by the Hutus induced the United Nations to interfere with the principle of sovereignty to preserve the international security, and to protect peace in Rwanda. The UN intervention was, indeed, necessary to mediate hatred feelings, after years of struggling civil war, between the Rwandan Patriotic Front, on the one side, and the Hutu government, on the other.

According to the UN Charter, Chapters VI and VII, respectively, concerned the so-called peacekeeping operations<sup>72</sup> and settled the conditions for their establishment<sup>73</sup>. Chapter VI was focused on missions' operational procedures but respecting the neutrality and impartiality principles to solve international disputes, while the use of force was exclusively permitted under Chapter VII and only in cases of massive peace warnings<sup>74</sup>.

The Rwandan operation began with the UNOMUR monitoring mission, and it became UNAMIR, only after the signature of Arusha Accords and the request for a Neutral International Force. We will see in detail how UNOMUR was born, and why it evolved in UNAMIR, with its consequences for Rwanda. As a matter of fact, the UNAMIR was conceived to protect Kigali, Rwandan civilians, and the establishment of a new government, but we will analyse the reasons for its failure, and the incapacity of the Security Council to prevent the genocide, despite there were evident signs of this cruel outcome.

---

<sup>72</sup> United Nations, 'What Is Peacekeeping', n.d.; *"United Nations Peacekeeping helps countries torn by conflict create conditions for lasting peace.../ UN peacekeepers provide security and the political and peacebuilding support to help countries make the difficult, early transition from conflict to peace. UN Peacekeeping is guided by three basic principles: consent of the parties; impartiality; non-use of force except in self-defence and defence of the mandate"*.

Mathias Kabunduguru, 'Peacekeeping and the UN: Lessons from Rwanda', Asia Pacific Press, 1999, <http://ncdsnet.anu.edu.au>, *art. cit.*, 3.

<sup>74</sup> *Ibid.*, 4.

## 2.1 The United Nations intervention in Rwanda: UNOMUR and the Resolution 846

The first appeal for the UN mediation was demanded by the representative of Rwanda with a letter to the President of the Security Council on 28 February 1993. In the letter, he asked for the intercession of United Nations military observers on the borders between Rwanda and Uganda, after the latest Rwandan Patriotic Front incursions in the north of the country<sup>75</sup>. Besides, in the same period, another letter was written to the President of the Council by the Ugandan representative (on 22 February 1993), where he accused both the Rwandan Patriotic Front and the Rwandan government to have disobeyed the Arusha ceasefire agreement; therefore, he claimed the Security Council for the instalment of a United Nations observer/monitor army on the Ugandan- Rwandan border to preclude the possibility of a conflict<sup>76</sup>.

Before Resolution 846 and the UNOMUR creation, the first United Nations Resolution devolved to Rwanda was the 812 in 1993, which stated:

*“The Security Council /.../, Invites the Secretary-General to examine in consultation with the Organization of African Unity the contribution that the United Nations could bring to strengthen the peace process in Rwanda, in support of the efforts of the Organization of African Unity, in particular through the possible establishment, under the aegis of the Organization of African Unity and the United Nations, of an international force entrusted, inter alia, with humanitarian assistance and the protection of the civilian population and support of the Organization of African Unity force for the monitoring of the ceasefire, and to report to the Council most urgently on the matter; 3. Also invites the Secretary-General to examine the request by Rwanda and Uganda for the deployment of observers along the border between these two countries”<sup>77</sup>.*

---

<sup>75</sup> United Nations Security Council, ‘Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security’, n.d., 327.

<sup>76</sup> Ibid., 328.

<sup>77</sup> United Nations Security Council, ‘RESOLUTION 812 (S/RES/812)’, 12 March 1993, 2 (Paragraphs 2 and 3). The first paragraph of 812 Resolution enumerated: “.../ The Security Council calls upon the Government of Rwanda and the RPF to respect the cease-fire which took effect on 9 March 1993, to allow the delivery of humanitarian supplies and the return of displaced persons, to fulfil the obligations they have accepted in the agreements they have signed and to implement the commitments they have undertaken in their above-mentioned statements and joint communiqué.../”.

The necessity for UN presence on the borders became manifest when Rwanda and Uganda called for the International Community to supervise the transport of military equipment. That's why, the Security Council introduced the United Nations Observer Mission Uganda-Rwanda (UNOMUR) on 22 June 1993 with the aim of checking the weapons transportation between the two borders for six months. In addition, the UNOMUR mission established the presence of eighty-one United Nations observers at the borders until September 1993<sup>78</sup>.

The Rwandan Patriotic Front approved the United Nations instalment on the Ugandan side, in this way there was no possibility of weapon transportation to the Rwandan government through Uganda, but on the other hand, the party disapproved the activation of UN forces along the Rwandan borders (four fifths were controlled by the same Rwandan Patriotic Front)<sup>79</sup>.

The UNOMUR foundation and its adoption by the Security Council in 1993 represented an important moment for the International Community; as a matter of fact, the United Nations' involvement was considered fundamental to solve the conflict without the use of force<sup>80</sup>. UNOMUR was, then, defined as "*a first confidence-building measure aimed at easing tension, which could create a favourable climate and enhance the implementation of the overall peace agreements*"<sup>81</sup>"; as a result, the United Nations' intervention was welcomed by the warring parties under the spirit of Arusha agreements, and under the supervision of the Organization of African Union and the Government of the United Republic of Tanzania<sup>82</sup>.

---

<sup>78</sup> Crystal Faggart, 'U.N. Peacekeeping After Rwanda: Lessons Learned or Mistakes Forgotten?', *Penn State International Law Review* 27, no. 2 (2008), <http://elibrary.law.psu.edu/psilr/vol27/iss2/11>, 504.

<sup>79</sup> United Nations Security Council, 'Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security'.

<sup>80</sup>Ibid., 332.

<sup>81</sup>Ibid., 332.

<sup>82</sup>Ibid., 332.

Indeed, Resolution 846 of 1993 stated:

*“The Security Council /.../ 2. Decides to establish the United Nations Observer Mission Uganda Rwanda (UNOMUR) that will be deployed on the Ugandan side of the border, for an initial period of six months, as set out in the report of the Secretary-General (S/25810 and Add.1), and subject to review every six months; 3. Decides that UNOMUR shall monitor the Uganda/Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use..”<sup>83</sup>.*

However, UNOMUR was not intended to last six months as it was established on 22<sup>nd</sup> June 1993, but with the signature of Arusha Peace Agreements on 4<sup>th</sup> August 1993, the United Nation mission was replaced by an International Force, which will have been transformed into the UNAMIR: United Nations Assistance Mission for Rwanda<sup>84</sup>.

## 2.2 The establishment of UNAMIR: from Arusha Peace Agreements to Resolution 872

The signature of Arusha Peace Accords on 4<sup>th</sup> August 1993, between the Hutu Rwandan government, on the one side, and the Rwandan Patriotic Front, on the other, represented a conquest for the International Community because the dispute was solved with diplomacy<sup>85</sup>. Despite that, the United Nations’ role did not conclude with the Arusha Accords, but on the contrary, article 54 of the *Protocol of Agreement between the Government and the Rwandese Patriotic Front on Integration of the Armed Forces of the two parties on miscellaneous issues and final provisions* (which was annexed within the

---

<sup>83</sup> United Nations Security Council, ‘RESOLUTION 846 (S/RES/846)’, 22 June 1993 (Paragraphs 2 and 3). The Resolution continued with *“The Security Council 4. Requests the Secretary-General to conclude with the Government of Uganda, before the full deployment of UNOMUR, a status of mission agreement including the safety, cooperation and support the Government of Uganda will provide to UNOMUR; 5. Approves the dispatching of an advance party within fifteen days of the adoption of this resolution or as soon as possible after the conclusion of the status of mission agreement and the full deployment within thirty days of the arrival of the advance party; 6. Urges the Government of Rwanda and the RPF strictly to respect the rules of international humanitarian law;”*.

<sup>84</sup> Faggart, *art. cit.*, 504-505.

<sup>85</sup> Grünfeld and Huijboom, *op. cit.*, 35.

Arusha Peace Agreements)<sup>86</sup> claimed for the enactment of an International Neutral Force to be constituted by 10<sup>th</sup> September 1993<sup>87</sup>. The provision, described the tasks of the Neutral International Force as follow:

*“A. The Neutral International Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs. B. Security Missions: 1. Guarantee the overall security of the country [emphasis added] and especially verify the maintenance of law and order by the competent authorities and organs. 2. Ensure the security of the distribution of humanitarian aids. 3. Assist in catering for the security of civilians. 4. Assist in the tracking of arms caches [emphasis added] and neutralization of armed gangs throughout the country. 5. Undertake mine clearance operations. 6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians. 7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement /.../”<sup>88</sup>*

However, until that moment, the United Nations were still involved in the UNOMUR mission (Observer Mission Uganda-Rwanda) which had begun two months earlier, and, for instance, they had to understand how to embrace the International Neutral Force, and if it was necessary a peacekeeping mission to Rwanda<sup>89</sup>. Lieutenant General Roméo Dallaire, the Commander of UNOMUR, was informed by the Major Beardsley about the signature of Arusha Peace Accords and he was aware that Rwanda required an effective peacekeeping mission for the currently situation. Although, he knew that the Security Council will have only approved a peace-keeping mission under Chapter VI, because an enforcement operation, within Chapter VII, based on military weapons and economic means necessitated too many efforts<sup>90</sup>.

---

<sup>86</sup> United Nations General Assembly/Security Council, ‘General Assembly Forty-Eighth Session A/48/824 S/26915’.

<sup>87</sup> Ibid., 38-39.

<sup>88</sup> Ibid.; Grünfeld and Huijboom, *op. cit.*, 38.

<sup>89</sup> Ibid., 47.

<sup>90</sup> Ibid., 48-49.

Meanwhile, both Dallaire and Beardsley participated in a reconnaissance mission<sup>91</sup> in Rwanda, and at the end of the operation, the report was sent to the Department of Peace Keeping Operations (DPKO), and then, to the Secretary General, for presenting it to the Security Council the following 24<sup>th</sup> September<sup>92</sup>.

### 2.2.1 Resolution 872: the UNAMIR mandate

Besides, it was on that date, at the 3288<sup>th</sup> meeting of the United Nations, that the Secretary General used the report of the reconnaissance mission to ask the UN Council for the endorsement of a peacekeeping operation. Consequently, the proposal was transformed into a resolution, which was adopted unanimously on 5<sup>th</sup> October 1993<sup>93</sup>.

As a matter of fact, Resolution 872 asseverated:

*“The Security Council: 1. Welcomes the report of the Secretary-General (S/26488) 2. Decides to establish a peace-keeping operation under the name "United Nations Assistance Mission for Rwanda" (UNAMIR) for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Arusha Peace Agreement... ”*<sup>94</sup>.

In addition, Resolution 872 specified the United Nations’ mandate: *“(...) To contribute to the security of the city of Kigali, to monitor observance of the cease-fire agreement, to monitor the security situation during the final period of the transitional government’s*

---

<sup>91</sup> United Nations, ‘United Nations Peacekeeping Missions Military Reconnaissance Unit Manual’, April 2015.: *“The following are types of reconnaissance operations conducted by the UN Reconnaissance Unit at the company and platoon level: Area Reconnaissance, Route Reconnaissance, Surveillance, Topographic Reconnaissance, Determine Population Disposition. 1.2.3 Surveillance. Surveillance is the systematic and continuous observation of a designated area, place, person(s), or thing(s) by visual, sound, electronic, photographic or other means. Surveillance operations provide the commander information to prevent surprise, provide reaction time, and allow the commander to make informed decisions for planning and action.”*, 8-9.

<sup>92</sup> Ibid., 49.

<sup>93</sup> United Nations Security Council, ‘Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security’.

<sup>94</sup> United Nations Security Council, ‘RESOLUTION 872 (S/RES/872)’, 5 October 1993.

*mandate (...), to monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons (...)*<sup>95</sup>”.

The United Nations Assistance Mission for Rwanda, which was introduced for the implementation of the Arusha Agreement, was consigned for a period of only six months and it could have been renewed only after review by the Security Council<sup>96</sup>. It was not the first United Nations peacekeeping operation to last six months, nonetheless the future of UNAMIR was too ambiguous as it was considered as “*an implied contract between the UN and the recipient country*”<sup>97</sup>, and the UN support was dependent on the steps made by Rwanda and not by the UN task to implement the Arusha Accords<sup>98</sup>.

Moreover, the United Nations Department of Peacekeeping Operations (DPKO) guided by Kofi Annan (the future Secretary General), considered the 2548 troops recruited for the operation enough to achieve the mission’s purposes, and at the same time, he insisted on the neutral role of UNAMIR to maintain security and to support the local police, while Hutu and Tutsi were involved in negotiating the terms for lasting peace in the country<sup>99</sup>.

### 2.2.2 The four phases of UNAMIR mandate

Specifically, the operation of Assistance to Rwanda was divided into four phases with different accomplishments to achieve: the first phase consisted of sustaining the composition of the Broad-Based Transitional Government, as required within the Arusha Peace Accords, to hold the power until democratic elections in Rwanda, that will have provided the country with a permanent government<sup>100</sup>.

The first phase was established for the period between 5<sup>th</sup> October 1993 and 4<sup>th</sup> January 1994, and it called for the presence of 1428 military resources; regardless the United

---

<sup>95</sup> Ibid., 2 (Paragraph 3).

<sup>96</sup> Grünfeld and Huijboom, *op. cit.*, 50.

<sup>97</sup> Michael Barnett, the George Washington University, ‘The United Nations Security Council and Rwanda’, 1 June 2014, 2–14, 3.

<sup>98</sup> Ibid., 3.

<sup>99</sup> Grünfeld and Huijboom, *op. cit.*, 50. United Nations, ‘United Nations Peacekeeping Missions Military Reconnaissance Unit Manual’.

<sup>100</sup> R. A. Dallaire and B. Poulin, ‘UNAMIR: Mission to Rwanda’, Spring 1995, 13–17.



Nations maintained a supervision role with the purposes of providing Rwanda with security, a path towards democracy and respect of Peace Accords between the two parties. Besides, the second phase was planned between 5<sup>th</sup> January and 4<sup>th</sup> April 1994, and it embodied the cooperation among the parties involved in the conflict, supported by 2548 United Nations troops on the territory<sup>101</sup>.

This second phase was anticipated to the last ninety days, as the third phase, and it concerned participation of 1240 military troops for the real “*disengagement, demobilization and integration of all parties*”. Finally, UNAMIR phase four had been planned between 5<sup>th</sup> January and 4<sup>th</sup> November 1995, where 930 military personnel were committed to provide the transitional government with security before the new elections will be held after four months<sup>102</sup>.

### 2.2.3 UNAMIR: the position of Security Council’s members and Western countries

Before the establishment of UNAMIR, there were various discussions about the necessity to implant a peacekeeping operation among the Western members. Ahead, the two Canadians and French speaking, Dallaire and Beardsley, had been sent to Rwanda for a reconnaissance mission, where they had to check the conditions for a possible UN mission on the ground<sup>103</sup>. After meeting President Habyarimana, the last day of his reconnaissance mission, Dallaire understood the urgency of an international intervention, and therefore he had deliberations with the US, French, Belgian and German diplomats<sup>104</sup>. Nonetheless, they were worried about the costs and the risks of a peacekeeping operation and both France and the Us proposed a mission with a reduced number of troops to Rwanda (particularly, the Us could accept a mission of 500 troops, while the French 1,000)<sup>105</sup>.

---

<sup>101</sup> Ibid 13; Faggart, ‘U.N. Peacekeeping After Rwanda: Lessons Learned or Mistakes Forgotten?’

<sup>102</sup> Ibid., 505-506.

<sup>103</sup> Grünfeld and Huijboom, *op. cit.*, 47.

<sup>104</sup> Ibid., 48.

<sup>105</sup> Ibid., 50.

The Us, as Security Council's permanent member, initially demonstrated the unwillingness to install UNAMIR, because of financial reasons; and they would have accepted only a symbolic presence in the territory of Rwanda with a limited cost of 10\$ million per month<sup>106</sup>. In addition, the UNAMIR operation was discussed two days after the tragedy of eighteen US soldiers, who died in Mogadishu on 3-4 October 1993, and consequently, Washington was averse about the new peacekeeping operation<sup>107</sup>. That's why, after the failure in Somalia, the US supported by the United Kingdom and Russia, claimed for a traditional peacekeeping mission to monitor the Rwandan situation between the parties<sup>108</sup>.

The Us President, after the events in Somalia, adopted the so-called Presidential Decision Directive 25 (PDD25), which was required by the Republican Party and described sixteen factors to be followed before embracing another peacekeeping mission<sup>109</sup>.

According to Boutros-Ghali this new American policy represented a risk because unless it touched the American interests, it constituted a return to the Us non-intervention policy, but on the other hand, he was aware that the Us would have been involved in any case, financially or militarily in new missions in case of emergencies, even if they refused to provide the blue helmets directly on the ground<sup>110</sup>.

On the other hand, President Clinton needed an efficacious mission to release from the breakdown of Somalian fiasco, hence, he induced the Congress to take part in the UNAMIR and to continue the United Nations' mandate, as he was sure that the mission was a simple operation to ensure the peace in Rwanda. In the end, the Us pressured the Security Council members to give birth to the mission and they voted, only two days after the defeat of Mogadishu, in favor of the resolution for UNAMIR<sup>111</sup>. As a result, the American representative at the Security Council, affirmed that *"the adoption by the*

---

<sup>106</sup> Linda Melvern, 'The Security Council: Behind the Scenes', *International Affairs* 77, no. 1 (January 2001): 101–11, <https://doi.org/10.1111/1468-2346.00180>, 104-105.

<sup>107</sup> Linda Melvern, 'Chapter 37 United Nations Observer Mission Uganda–Rwanda (UNOMUR) and United Nations Assistance Mission for Rwanda I (UNAMIR I)', in *The Oxford Handbook of United Nations Peacekeeping Operations*, Oxford University Press, 2014.

<sup>108</sup> *Ibid.*; Melvern, 'The Security Council: Behind the Scenes', *art. cit.*, 104.

<sup>109</sup> Grünfeld and Huijboom, *op. cit.*, 142.

<sup>110</sup> *Ibid.*, 143.

<sup>111</sup> *Ibid.*, 143.

*Council of resolution 872 was a crucial prerequisite which allowed both parties to build on the trust they had created*<sup>112</sup>.

If the Us had been reluctant, at the beginning, for the instalment of a mission, other Security Council members, called instead for the intervention in favour of Rwanda. This is the case of the Nigerian country, whose Ambassador Ibrahim Gambari knew the poor conditions of Rwanda and the exigency to lead a democracy there as soon as possible<sup>113</sup>. Despite the optimistic spirit shared by the diplomats during their meeting at the UN headquarters, the information was not accurate about the reality in Rwanda, and it was simply described as a small civil war<sup>114</sup>. As a result, the non-permanent members of the Security Council in 1994: the Czech Republic, Djibouti, New Zealand, Nigeria, Oman, Pakistan, Spain, Argentina, Brazil, and Rwanda voted in favour the resolution. Nonetheless, the UN Representative for New Zealand accused after the massive killings, the officials in the Secretariat, not to have exposed the dangerous situation about Rwanda to the Council<sup>115</sup>.

Notwithstanding, after the UNAMIR's resolution, it was difficult to find troops for the mission. The mission commander was General Roméo Dallaire and the blue helmets were composed of 940 personnel from Bangladesh, which involved soldiers, military police, doctors and logisticians, 800 soldiers from Ghana and finally, 450 military personnel from Belgium<sup>116</sup>. It is interesting to note that the Belgian government, thanks to its embassy in Kigali and an intelligence cell linked to the peacekeeping unit was aware about the conditions in Rwanda and the possible genocide outcomes<sup>117</sup>. Belgium was the only Western country to provide troops for the mission, although France had offered military support that was immediately rejected by the Rwandan Patriotic Front<sup>118</sup>.

---

<sup>112</sup> United Nations Security Council, 'Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security'.

<sup>113</sup> Melvern, 'The Security Council',

<sup>114</sup> *Ibid.*, 104-105.

<sup>115</sup> *Ibid.*, 105.

<sup>116</sup> Melvern, 'Chapter 37 United Nations Observer Mission Uganda–Rwanda (UNOMUR) and United Nations Assistance Mission for Rwanda I (UNAMIR I)'.

<sup>117</sup> Melvern, 'The Security Council', *art. cit.*, 104.

<sup>118</sup> Grünfeld and Huijboom, *op. cit.*, 51.

The Belgian participation was indeed commanded by the United Nations Secretariat in August 1993, as the Belgian Minister of Foreign Affairs explained:

*“The participation of Belgium was a direct result of an explicit request of the Secretary General himself. Ghali contacted me about it personally during a Yugoslavia Conference in London”*<sup>119</sup>.

Moreover, Belgium was demanded to enter UNAMIR with an official and informal appeal from the UN, even before the resolution’s adoption, on 8 September 1993<sup>120</sup>.

The Belgium’s involvement was due to its links with Rwanda, moreover Belgium had taken part in other peacekeeping missions, and it seemed sustained by both the Rwandan Patriotic Front and the Rwandan government. For this reason, three days after Resolution 872 endorsement, the Belgian Council of Ministers contacted the U.N Secretariat to receive a formal invitation to take part into UNAMIR, and then on 14 October 1993 Belgium delivered 370 troops to Rwanda, which could arrive until 450. Besides, in the meanwhile, the Belgium state installed a reconnaissance mission to Rwanda between 25 and 31 October<sup>121</sup>.

The Belgian contribution was expected since the signature of Arusha Accords, when the State had expressed its willingness to implement the Peace Agreements taking part into the mission; furthermore, the Belgian assistance to Rwanda would have restored the protection of Belgian expatriates in Rwanda, and it would have ended the presence of Belgian troops in the Somalian peacekeeping missions, and consequently, the end of the mission there<sup>122</sup>.

---

<sup>119</sup> Ibid., 52.

<sup>120</sup> Ibid., 53.

<sup>121</sup> Ibid., 53.

<sup>122</sup> Ibid., 54.

### 2.3 UNAMIR rules of Engagement and Operational Procedures

Each peacekeeping mission comprises the rules of engagement, which are defined as: “*directives to operational commanders which delineate the parameters within which force may be used. Rules are based on a mandate - be it international (UN Security Council, regional organisation) or national (Government)- authorising a multinational force or national force to deploy and execute tasks to achieve military objectives*”<sup>123</sup>.

As far as concern UNAMIR, Lieutenant Dallaire and the Belgian troops, which contributed with the highest number to the blue helmets’ troops, drafted the Rules of Engagement for the mission<sup>124</sup>. In fact, generally, the Rules of Engagement formulation is not prepared by the Security Council, but by the Force Commander and the commanders of troops for the peacekeeping operation. The duty of Dallaire as Force Commander increased the tensions with the civilian head of UNAMIR, Jacques-Roger Booh-Booh, which reached its peak on 23<sup>rd</sup> November<sup>125</sup>. Indeed, Dallaire sent the ROE to the UN headquarters for their approval, but he never obtained a formal recognition for the mission.

The UNAMIR Rules of Engagement’ innovation consisted of paragraph 17, which was different from other peacekeeping operations because it delineated the use of force in the circumstance of crimes against humanity<sup>126</sup>.

It declared:

“*Crimes against Humanity: Ethnically or politically motivated criminal acts may also be committed during this mandate and will morally and legally require UNAMIR to use all available means to put an end to them (...); UNAMIR military personnel will follow the ROE outlined in this directive (...); UNAMIR will take the necessary action to prevent any crime against humanity*”<sup>127</sup>.

---

<sup>123</sup> Ben Klappe, ‘Chapter 6 Rules of Engagement’, in *International Military Missions and International Law*, vol. 13 (Brill | Nijhoff, 2011), [https://doi.org/10.1163/9789004215900\\_007](https://doi.org/10.1163/9789004215900_007).

<sup>124</sup> Geheran and Frey, ‘Leadership in War and Genocide’.

<sup>125</sup> *Ibid.*, 44; Geheran and Frey, *art. cit.*, 23.

<sup>126</sup> *Ibid.*, 23.

<sup>127</sup> Grünfeld and Huijboom, *op. cit.*, 44.

The incapacity to communicate between Dallaire and the Department of Peacekeeping Operations and Booh-Booh constituted one of the motives, which contributed to the UNAMIR fiasco; and when the genocide began in April 1994, Dallaire without the UN's approval of the Rules of Engagement, could apply only the self-defense principle to "*defend themselves, other UN lives, persons under their protection against direct attack, when lives are in mortal danger*"<sup>128</sup>.

Furthermore, the mandate was also accompanied by a set of criteria, which formed the "*operational procedure for the establishment of the weapon-free zone in Kigali*"<sup>129</sup>, concerning the institution of a Kigali Weapon Secure Area (KWSA). These rules required long discussions between Dallaire, the Belgian commander within UNAMIR, Luc Marchal, the FAR and the RPF, which finally, reached a compromise between 23-24 December 1993. The Operational Procedure demarcated the standards for the Kigali Secure Area and, notably, the places for "Control Points"; "Roadblocks", "Searches" and "Military Patrols".

Once again, the Operational Procedure entailed a UN headquarter approval, but especially, it confined the UNAMIR operation to a mission focused on cooperation with local authorities, limiting every possibility of autonomous actions<sup>130</sup>.

### 2.3.1 UNAMIR's restricted mandate than principles settled through the Arusha Peace Agreements

One of the factors causing the UNAMIR collapse was identified with the feeble mandate, and particularly, the misinterpretation of Arusha Peace Accords by the Security Council before the instalment of the mission<sup>131</sup>. Therefore, although the International Neutral Force within the Arusha provisions should have provided the security of Rwanda with an active role, the UNAMIR task was reduced to assure and guarantee the security<sup>132</sup>.

---

<sup>128</sup> Geheran and Frey, *op. cit.*, 24.

<sup>129</sup> 'Procédure opérationnelle pour l'établissement de la zone de consignation d'armes de Kigali', n.d., 27.

<sup>130</sup> Grünfeld and Huijboom, *op. cit.*, 45.

<sup>131</sup> Koenraad Van Brabant, 'Security and Protection in Peacekeeping: A Critical Reading of the Belgian Inquiry into Events in Rwanda in 1994', *International Peacekeeping* 6, no. 1 (March 1999): 143–53, <https://doi.org/10.1080/13533319908413761>.

<sup>132</sup> Faggart, 'U.N. Peacekeeping After Rwanda: Lessons Learned or Mistakes Forgotten?'

In addition, the security of the country, comprising all Rwanda, was diminished only to the safeguard of the capital Kigali and the creation of the Kigali Weapon Secure Area. Finally, the Arusha request for a force that could search for weapons was totally banned in the UNAMIR mandate by the Security Council<sup>133</sup>.

The UNAMIR responsibility, through Resolution 872, was restricted to a monitoring role and this underestimation of the mission did not change even after the outbreak of the genocide, when the Security Council refused to review the mandate despite Dallaire and the Belgian Force Commander's demands<sup>134</sup>. The same Belgian Minister of Foreign Affairs, Willy Claes, declared:

*“During the discussion, the permanent members of the Security Council wanted to limit the mandate as much as possible. The Americans, Russians, Chinese and British were very reticent. I think it would have been an illusion to attempt to convince them to broaden the mandate”*<sup>135</sup>.

The Security Council's limitations to the clauses of the Neutral International Force, embodied one of the biggest mistakes of UNAMIR: as illustrated, the conservative interpretation of the mandate prohibited every “intelligence work” or the army's capture by the UNAMIR force because each UN action was subjected to the Rwandese security force approval, and it could not compromise the neutrality position covered by the blue helmets in Rwanda<sup>136</sup>. The neutrality of UN troops was a UNAMIR precondition, which did not prepare the Department of Peacekeeping Mission with a possible worst-case scenario. It was only by March 1994 that UNAMIR had developed an evacuation plan, which was never communicated and followed by a real operation order; but also in that case, UNAMIR withdraw as a neutral force, without taking position during the genocide<sup>137</sup>.

Moreover, from its origin, the UNAMIR mandate was too broad and did not furnish appropriate resources and logistics for the mission, that's why six months after the blue

---

<sup>133</sup> Grünfeld and Huijboom, *op. cit.*, 41-42.

<sup>134</sup> Van Brabant, *art. cit.*, 145.

<sup>135</sup> Grünfeld and Huijboom, *op. cit.*, 42.

<sup>136</sup> Van Brabant, *art. cit.*, 145.

<sup>137</sup> *Ibid.*, 145.

helmets were not well equipped with the right means to face the genocide's events and consequences<sup>138</sup>.

### 2.3.2 UNAMIR lack of troops

UNAMIR deficiency was also connected to the absence of enough human resources for the peacekeeping mission in Rwanda. Since the first reconnaissance mission to Rwanda in August 1993, Dallaire advocated a minimum of 4,500 troops for the Rwandan mission. Thus, the UN Secretariat rejected his proposal, and it was never submitted to the Security Council<sup>139</sup>.

The Security Council could cover the financial and military costs for 2,560 troops, where the Belgian contingent represented the majority with 370 troops (they were supposed to be 600 at the beginning, but the Belgians diminished their contributions for economic reasons)<sup>140</sup>.

Besides, the UNAMIR must have included: *“three infantry battalions, one engineer company, a transportation section with four utility helicopters, one logistics company, one medical platoon, and 331 unarmed military observers, a movement control unit, and a field hospital”*<sup>141</sup>. The mission presupposed twenty-two personnel carriers (APCs) and eight military helicopters, which were never sent for supporting the peacekeeping mission, whereas only five APCs were functional<sup>142</sup>.

### 2.4 The indifference of the United Nations cable to the warnings of Dallaire: the episode of Genocide Fax

One of the main errors in preventing the genocide in Rwanda, was linked to the episode of the so-called “Genocide Fax”, and it showed the UN inability to impede the massacre by authorizing raids on weapons caches<sup>143</sup>.

---

<sup>138</sup> Faggart, ‘U.N. Peacekeeping After Rwanda: Lessons Learned or Mistakes Forgotten?’

<sup>139</sup> Van Brabant, *art. cit.*, 145..

<sup>140</sup> *Ibid.*, 145.

<sup>141</sup> Melvern, ‘Chapter 37 United Nations Observer Mission Uganda–Rwanda (UNOMUR) and United Nations Assistance Mission for Rwanda I (UNAMIR I)’.

<sup>142</sup> *Ibid.*, 463.

<sup>143</sup> Alan J. Kuperman, ‘Chapter Eight Contending Claims’, in *The Limits of Humanitarian Intervention: Genocide* (Brookings Institution Press, 2004), 162.



As a matter of fact, on 10<sup>th</sup> January 1994, the Force Commander Dallaire had a secret meeting with the Provisional Prime Minister, Faustin Twagiramungu, in which he was informed by an Interahamwe about important intelligence<sup>144</sup>. The informant's code name was "*Jean-Pierre*", and he personally warned Dallaire, regarding weapons caches prepared by the militia, and the preparation of a campaign to exterminate the Tutsi<sup>145</sup>. It must be said that the informant "*Jean-Pierre*" was a trainer of the militia himself, but despite he belonged to the MRND, and he received the instructions by the President of MRND Ndirumpatse, he could not accept the killings of innocent Tutsi and, consequently, he informed the Commander of UNAMIR, and he revealed the intelligence to the subordinates of Dallaire<sup>146</sup>.

"*Jean-Pierre*" explained that the extremists' strategy incorporated another civil war in Rwanda, the withdrawal of Belgian peacekeeping troops through life threats and killings, and to exterminate the Tutsi with 1,700-men Interahamwe troops, trained in Kigali with more than 135 weapons at their disposal in an arm containing<sup>147</sup>.

After receiving this information, Dallaire sent immediately a fax, which was after surnamed as "*Genocide Fax*", to the Military Advised to the Secretary-General, General Baril and to the head of the military division of the DPKO, while he decided to wait for the following morning in order to advise the Special Representative of the Secretary-General (SRSG) Booh-Booh<sup>148</sup>. The Fax was originally called "Request for Protection for Informant" and it declared:

*"Force Commander put in contact with informant by very important government politician /.../ He informed us he was in charge of last Saturdays demonstrations which aims were to target deputies of opposition parties coming to ceremonies and Belgian soldiers. They hoped to provoke the RPF bn to engage (being fired upon) the demonstrators and provoke a civil war. Deputies were to be assassinated upon entry or*

---

<sup>144</sup> Grünfeld and Huijboom, *op. cit.*, 95.

<sup>145</sup> Geheran and Frey, *op. cit.*, 25.

<sup>146</sup> Grünfeld and Huijboom, *op. cit.*, 95.

<sup>147</sup> Kuperman, *op. cit.*, 88.

<sup>148</sup> Grünfeld and Huijboom, *op. cit.*, 96.

*exit Parliament. Belgian troops were to be provoked and if Belgians soldiers resorted to force a number of them were to be killed and thus guarantee Belgian withdrawal from Rwanda. /.../ Informant states he disagrees with Anti-Tutsi extermination. He supports opposition to RPF but cannot support killing of innocent persons.*<sup>149</sup>”

Dallaire, as highlighted in the Fax to the UN headquarters on 11 January 1994, called for action by stating: *“It is our intention to take action within the next 36 hours with a possible HR of Wednesday at Dawn (Local)”*<sup>150</sup>.

Nonetheless, on the same day, the cable at the UN headquarters, composed of General Boutros-Boutros-Ghali, Kofi Annan and the Under-Secretary General Iqbal Riza prohibited the UNAMIR’s offensive action<sup>151</sup>.

Indeed, within the document sent by the Under Secretary-General Kofi Annan to Booh-Booh and Dallaire, they stated:

*“We have carefully reviewed the situation in the light of your MIR-79. We cannot agree to the operation contemplated in paragraph 7 of your cable, as it clearly goes beyond the mandate entrusted to UNAMIR under resolution 872 (1993) /.../ You should advise the President, that, if any violence occurs in Kigali, you would have to immediately bring to the attention of the Security Council”*<sup>152</sup>.

Instead, the Force Commander Dallaire was forced to advise about the situation and the weapons’ threat, President Habyarimana, and the Ambassadors of Belgium, France, the United States and to capitulate issue to the Rwandan government and administration. As a result, despite his disapproval, Dallaire obeyed to the UN headquarters and he informed Habyarimana about the weapons’ location; afterwards the UN even allowed

---

<sup>149</sup> Robert Dallaire, ‘Request for Protection for Informant’, 11 January 1994.

<sup>150</sup> Ibid., 2, Genocide Fax: *“9. It is our intention to take action within the next 36 hours with a possible hr. Of Wednesday, at dawn (local). Informant states that hostilities may commence again if political deadlock ends. Violence could take place day of the ceremonies or the day after; therefore Wednesday will give greatest chance of success and also be host timely to provide significant input to on-going political negotiations”*.

<sup>151</sup> Grünfeld and Huijboom, *op. cit.*, 96.

<sup>152</sup> Annan, United Nations, ‘Contacts with Informant to Booh-Booh/Dallaire-UNAMIR’, 11 January 1994.

UNAMIR to help Habyarimana's regime to recover the arms in February, damaging the UN credibility within the International Community<sup>153</sup>.

#### 2.4.1 The errors by the Department of Peace-Keeping Operations: Under-Secretary-General Kofi Annan, Assistant-Secretary-General Iqbal Riza, and the head of the Africa Section in DPKO, Hedi Annabi

After the outbreak of the genocide, various critics have denounced the UN denial for Dallaire's troops action, following the genocide fax. However, at the beginning, the same cable of Dallaire had doubted the credibility of the informant's information, as they were aware of wrong signals, which were common during civil wars<sup>154</sup>. This excuse was employed by the Secretary-General Boutros-Ghali to justify the non-intervention by the UN at the time of fax, and it was, then, followed by the Assistant-Secretary-General Iqbal Riza, who denounced the excessive "hyperbole" within the reports, not to be able to distinguish the real threats against peace, which required serious peacekeeping interventions, from the others<sup>155</sup>.

Thus, there are multiple reasons to denunciate the UN inactivity in the context of genocide fax. First of all, the risk of "massive killings against the Tutsi" in Rwanda was underestimated by the DPKO, despite the fax's content was very clear. The urgency of the situation was, in fact, highlighted by the same Dallaire, who had directly sent the fax to the Military Adviser, Baril, instead of advising the DPKO through the figure of SRSG Booh-Booh, as he was very interested in military action rather than respecting the procedure<sup>156</sup>.

Furthermore, another serious miscalculation was that Annan and Riza judged Dallaire's warning, during a cable on 11 January 1994, as "*a cause of concern but full of inconsistencies*", without facing the serious weapons and genocide's threats, and they answered only to Booh-Booh and not to Dallaire. The peacekeeping cable was only able

---

<sup>153</sup> Geheran and Frey, *op. cit.*, 26.

<sup>154</sup> Kuperman, *op. cit.*, 88.

<sup>155</sup> *Ibid.*, 88.

<sup>156</sup> Grünfeld and Huijboom, *op. cit.*, 99.

to ban every use of force and to prevent Dallaire from every intervention in Rwanda; on the other hand, Booh-Booh respected the UN peacekeeping department's orders even if he recognized the increasing risk for Tutsi<sup>157</sup>.

One of worst errors committed by the peacekeeping operation department was not to communicate with the Security Council about the reports on the tensions in Rwanda and the possible escalation there; as a matter of fact, in this way no decision-making process could be activated within the Council, and therefore, any action to elude the genocide outbreak was precluded because the recent violent events were unknown<sup>158</sup>.

Unfortunately, the episode of genocide fax was only the first of various weapons' prohibition, in truth the permission for a seizure of weapons was denied at least six times after the request through the "genocide fax" as: on 22 January, on 2 February, in Mid-February, on 27 February and on 15 March. Despite all these requests, the UN peacekeeping department in New York headquarters refused the authorization because it overwhelmed the UNAMIR mandate. As a result, Dallaire's requests were never inserted within the Security Council agenda because of Heidi Annabi, Kofi Annan, and Iqbal Riza's rejections, and they were never blamed for their indifference regarding Rwanda<sup>159</sup>.

## 2.5 The inability of the Security Council at the outbreak of genocide

The DPKO paved the way for the Security Council indifference and weakness during the genocide in Rwanda. As Colin Keating highlighted, the Security Council in 1993 and 1994 was partially informed about the Rwandan's conditions and how he underlined that the situation "*was much more complex and dangerous than was ever indicated to the Council*"<sup>160</sup>.

---

<sup>157</sup> Ibid., 100.

<sup>158</sup> Ibid., 104.

<sup>159</sup> Ibid., 130.

<sup>160</sup> Mats Berdal, 'The United Nations, Peacebuilding, and the Genocide in Rwanda', *Global Governance: A Review of Multilateralism and International Organizations* 11, no. 1 (3 August 2005): 115–30, <https://doi.org/10.1163/19426720-01101009>.

On 5 April 1994 there was a Security Council meeting, that had to decide about the UNAMIR renewal. One month before, on 30<sup>th</sup> March 1994 the Secretary-General had prepared for the Council a second progress report on UNAMIR<sup>161</sup>. In the report, the Secretary-General stressed that, despite the accord on 10 December 1993 between the RPF and the Rwandan regime to embrace a transitional government, it did not happen due to: *“the inability of the parties concerned to agree on the relevant modalities, including the lists of members of the broad-based transitional Government and the Transitional National Assembly”*<sup>162</sup>.

However, on the other hand, in the military aspects he sustained that:

*“Despite the increased tensions and insecurity engendered by the political impasse described above, the cease-fire generally appeared to hold during the period under review. UNAMIR forces, whose operational capacity was enhanced with the deployment of additional personnel and equipment, continued to play a stabilizing role”*<sup>163</sup>.

Consequently, within this report, the Secretary General recommended the Council to protract the mandate for other six month to join a compromise between the transitional institutions. In light of this, the Council, in the course of a public and open meeting, voted in favor of Resolution 909, whose goal was setting up of transitional institutions following the Arusha Accords, hence, its failure would have led to the UNAMIR withdrawal from Rwanda<sup>164</sup>.

However, the Secretary-General report on UNAMIR progress, was too optimistic compared to the real Rwandan situation, and furthermore, it did not comprise the military evaluation regarding the lack of equipment and weakness written by Dallaire<sup>165</sup>. The erroneous representation of UNAMIR was, then, confirmed in Resolution 909, that

---

<sup>161</sup> United Nations Security Council, ‘Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security’.

<sup>162</sup> United Nations Security Council, ‘Second Progress Report of The Secretary-General on the United Nations Assistance Mission for Rwanda (S/1994/360)’, 30 March 1994.

<sup>163</sup> Ibid., 5-6, paragraphs 23-24.

<sup>164</sup> Melvern, ‘The Security Council’, *art. cit.*, 106.

<sup>165</sup> Ibid., 106.

declared: “*despite the difficulties encountered in implementing the Arusha Peace Agreement, the cease-fire has been respected, and commends in this respect the essential contribution made by UNAMIR*”<sup>166</sup>.

The Security Council’s incompetency became clear after only 20 hours from the Resolution’s adoption<sup>167</sup>, when at 8.23 on 6<sup>th</sup> April 1994, President Habyarimana was killed<sup>168</sup>. Indeed, while the Hutu extremists and the Presidential Guard were starting a “political decapitation” to eliminate all moderate Hutu and then, the Tutsi race; the UNAMIR and his Force Commander Dallaire were unprepared, and they were submerged with aid requests throughout the country<sup>169</sup>. For this reason, the first Dallaire’s move involved a telephone call to Iqbal Riza and to the Special Representative of the Secretary-General, Jacques Booh-Booh, but particularly, he had to save the new head of government, Madame Agathe Uwilingiyamana, against Bagosora’s purposes<sup>170</sup>.

It is interesting to underline how UNAMIR failed to fulfil its task to protect Madame Agathe, and why this episode, which conduced to the death of ten Belgian peacekeepers led to the Security Council decisions about the UNAMIR future in Rwanda. Precisely, ten Belgian peacekeepers arrived at 5.20 am on 7<sup>th</sup> April 1994 at Madame Agathe’s house, to help her to escape from her house against the Presidential Guard and Hutu extremists<sup>171</sup>. Thus, Madame Agathe’s house was surrounded by enemies’ troops and on the rooftops, at 7 o’clock and various explosions took place in her house’s street, so it was impossible for her any salvation possibility.

Despite, the Belgian peace-keeper Lieutenant Thierry Lotin informed the UN headquarters about the 20 soldiers with grenades and bombs at Madame Agathe’s house, they could not interfere because of an explosion, and they died<sup>172</sup>. Regardless Madame Agathe was able to evade with her husband, they were killed at her relative’s house, where

---

<sup>166</sup> United Nations Security Council, ‘RESOLUTION 909 (S/RES/909)’, 5 April 1994.

<sup>167</sup> Melvern, ‘The Security Council’, *art. cit.*, 106. Colonel Théoneste Bagosora was the Chef de Cabinet of the Ministry of Defense.

<sup>168</sup> Grünfeld and Huijboom, *op. cit.*, 153.

<sup>169</sup> *Ibid.*, 157.

<sup>170</sup> *Ibid.*, 157.

<sup>171</sup> *Ibid.*, 158.

<sup>172</sup> *Ibid.*, 158.

she had hidden, while her children were saved by a UN Development Program employee<sup>173</sup>.

Dallaire found the Belgian peacekeepers dead at 11.15 pm of 7<sup>th</sup> April next to the Kigali hospital and, after the last events, the Force Commander pressured the UN New York headquarters to adopt a more active attitude.

After the crash, Dallaire had already tried to persuade Riza to extend the UNAMIR mandate, through multiple callings and, notably, twice before the Belgian peacekeeper's tragedy<sup>174</sup>.

In fact, the first one was on 7<sup>th</sup> April, around 3 a.m. where Riza disallowed Dallaire from the employ of fire and to simply negotiate between the parties, while the latter call was around 10 a.m. and it concerned the risk of death for moderates under UNAMIR protection, but Dallaire's use of force was rejected by Riza<sup>175</sup>. It was only after the third call on 7<sup>th</sup> April, around 4 p.m., when Dallaire advised Kofi Annan, Iqbal Riza and Heidi Annabi about the Belgian troops' death, the assassination of moderate political leaders, that the UN headquarters understood the gravity of circumstances and acted for the UN security<sup>176</sup>. Hence, in six days after the beginning of the genocide, every UN agency, development missions closed their office in Rwanda and the Security Council started to hold private discussions on UNAMIR with closed doors in New York<sup>177</sup>.

### 2.5.1 The three options for UNAMIR survival

When the Security Council was informed of the fate of ten Belgian peacekeepers, it invited Rwandan military troops to end the violence as soon as possible. It is not certain that the Council was aware of the violent phenomenon, as a systematic extermination against the Tutsi and moderate Hutus<sup>178</sup>. In this context, the Security Council was influenced by the Secretary-General's intention to end the UNAMIR mission: in fact, the

---

<sup>173</sup> Ibid., 158.

<sup>174</sup> Ibid., 164.

<sup>175</sup> Ibid., 161.

<sup>176</sup> Ibid., 164.

<sup>177</sup> Melvern, 'The Security Council', *art. cit.*, 106.

<sup>178</sup> Geheran and Frey, *op. cit.*, 30.

Secretary-General sent a letter on 8 April 1994, which was a clear sign to terminate the peacekeeping operation to evacuate the UN troops from the territory<sup>179</sup>. In addition, Riza had also convinced the Security Council that Dallaire did not need other troops under the current UNAMIR mandate<sup>180</sup>. On 12 April 1994, Dallaire tried to provide the UNAMIR army with more than 5000 well-trained military troops, but the DPKO denied every reinforcement<sup>181</sup>.

In the end, when the evacuation procedure was completed, on 14 April 1994 an informal Council meeting was held to take a position regarding UNAMIR, and indeed, the DPKO prepared the day before a draft with three options for the Council<sup>182</sup>. The first embodied the complete removal of UNAMIR troops and was supported by Security Council members like the US, whose purpose was to protect the peacekeepers because the UNAMIR commitment linked to the Arusha Accords could no longer be carried out<sup>183</sup>.

On the other hand, the second option was more sustained by the nonaligned members, and it proposed a stronger UNAMIR mandate to protect the Rwandan civilians. Nonetheless, after the Belgian withdrawal, this condition was almost impossible, and the last proposal concerned a reduced UNAMIR presence to negotiate a ceasefire between the parties but maintaining a diplomatic presence on the territory with a little peacekeeping representation<sup>184</sup>. The Council members, as usually happens during crisis situations, before holding discussions and any decision had to wait for the Secretary-General recommendations, but Boutros-Ghali through its actions demonstrated that the Secretariat was paralyzed by the Rwandan crisis<sup>185</sup>.

---

<sup>179</sup> Grünfeld and Huijboom, *op. cit.*, 200.

<sup>180</sup> Michael Barnett, the George Washington University, 'The United Nations Security Council and Rwanda', 1 June 2014, 2–14.

<sup>181</sup> Geheran and Frey, *art. cit.*, 31.

<sup>182</sup> Grünfeld and Huijboom, *op. cit.*, 204-205.

<sup>183</sup> Michael Barnett, the George Washington University, 'The United Nations Security Council and Rwanda'.

<sup>184</sup> *Ibid.*, 6.

<sup>185</sup> *Ibid.*, 7.



On 21 April 1994, Boutros Boutros-Ghali sent another report to the Security Council, in which he emphasized the necessity of a ceasefire in the Rwandan civil war, but it repeated the futility of UNAMIR military intervention on the ground<sup>186</sup>. Indeed, after discussions held by the Council for the entire day, the Council voted unanimously for the adoption of Resolution 912, which settled the withdrawal of the majority of peacekeepers in Rwanda, with a symbolic presence of 270 soldiers there to negotiate between the parties<sup>187</sup>.

The Council representations expressed completely different opinions on the withdrawal and resolution of UNAMIR. Although, Nigeria described that none of the three options for the Security Council was supported by his government, the representative of Oman and Djibouti approved the UNAMIR reduction of troops, and consequently, the uselessness of the peacekeeping mission for a commitment to the Arusha Accords, which was never completed<sup>188</sup>. On the contrary, the representative of Rwanda accused the UN decision to reduce the UNAMIR troops, as inappropriate to respond to the aid appeal of the people of Rwanda; but the draft's vote in favor of the resolution was an invitation to the Council to find a way to end hostilities and massive killings in Rwanda<sup>189</sup>.

#### 2.5.2 The future of UNAMIR and the instalment of UNAMIR II: Resolution 918

Through resolution 912, the UNAMIR mandate was even limited than before, and indeed, the troops on the ground did not have the authorisation to interfere in the continued massacres in Rwanda<sup>190</sup>.

Nonetheless, until that moment, the Council thought that the assassinations were due to the civil war and did not constitute a genocide, but during some informal Security Council informal meetings, held on 25 and 28 April, the Council changed its perspective about the Rwandan massacres. In fact, the Council distinguished among what were defined as

---

<sup>186</sup> Melvern, 'The Security Council', *art. cit.*, 108.

<sup>187</sup> Grünfeld and Huijboom, *op. cit.*, 215.

<sup>188</sup> United Nations Security Council, 'Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security'.

<sup>189</sup> *Ibid.*, 345.

<sup>190</sup> *Ibid.*, 347.

“two levels of killing” and therefore, a division between the civil war and the episodes of massive killings against Rwandan civilians; but, blamed the Rwandan government forces for the crimes against innocent Tutsi and moderate Hutus<sup>191</sup>.

The awareness about the genocide was also highlighted by some delegations at the Council, in various ways. For example, the Czech delegation started some consultations with other non-permanent members of the Council on possible reactions to the genocide in Rwanda, instead of leaving the UNAMIR. It was Ambassador Kovanda, who replied to the Czech Foreign Ministry stating that:

*“This [Rwandan conflict] is clearly a genocide, of governmental and presidential Hutu units against the Tutsis. Whichever way one looks at the numbers, there had been some 1.2 million Tutsis before the war, of which certainly 100,000 have been killed”*<sup>192</sup>.

Regardless, on 29 April 1994 Boutros-Boutros Ghali, as Secretary-General, wrote a letter to the President of the Council in which he prayed him to review the decision of 21 April with the approval of Resolution 912. Hence, he wanted to provide the member states with permission to end the massacres, which had become a “*humanitarian catastrophe*” and an intervention by the international community was needed<sup>193</sup>. In the wake of the last events, the Secretary-General, in a letter to the President of the Council on 3 May, interrogated which systems to introduce to restore law and peace in Rwanda, after consulting the Charmaine in Office of OAU, and the leaders of many African countries<sup>194</sup>.

Moreover, he finally admitted on 4 May that the assassinations were considered acts of genocide<sup>195</sup>. It was the Security Council that advised Boutros-Ghali to prepare a procedure focused on “*humanitarian assistance*”<sup>196</sup>. After receiving this letter, the SG presented a

---

<sup>191</sup> Touko Piiparinen, ‘Beyond the Mystery of the Rwanda “Black Box”: Political Will and Early Warning’, *International Peacekeeping* 13, no. 3 (September 2006): 334–49, <https://doi.org/10.1080/13533310600824033>.

<sup>192</sup> *Ibid.*, 342.

<sup>193</sup> United Nations Security Council, ‘Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security’.

<sup>194</sup> *Ibid.*, 348.

<sup>195</sup> Grünfeld and Huijboom, *op. cit.*, 216.

<sup>196</sup> *Ibid.*, 216.

report to the Council, in which he underlined the violence between the RGF and the RPF and he suggested a UNAMIR expansion to provide:

*“Security assistance to humanitarian organizations for the distribution of relief supplies and would establish access to sites where displaced and other affected persons were concentrated and could assure their protection; it would also monitor border crossing points as well as the deployment of the parties in conflict, in order to assure the effective conduct of its operations”*<sup>197</sup>.

On 17 May 1994, the Council including the SG report in its agenda, and it voted in favor of Resolution 918, which gave birth to UNAMIR II, it consisted of 5,500 army troops and it was adopted unanimously by all the Members<sup>198</sup>.

As Resolution 918 specified, the Security Council:

*“3. Decides to expand UNAMIR’s mandate under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it: (a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; (b) To provide security and support for the distribution of relief supplies and humanitarian relief operations; 4. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief”*<sup>199</sup>.

Despite all this progress in the UNAMIR II, it is, instead, admitted that if UNAMIR I failed to prevent the genocide, this new UNAMIR II did not have useful effects, as it took more than three months after the genocide for it to be implemented<sup>200</sup>.

---

<sup>197</sup> United Nations Security Council, ‘Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security’, 349.

<sup>198</sup> Grünfeld and Huijboom, *op. cit.*, 216.

<sup>199</sup> United Nations Security Council, ‘RESOLUTION 918 (S/RES/918)’, 17 May 1994, 1.

<sup>200</sup> Grünfeld and Huijboom, *op. cit.*, 217.

## 2.6 The Belgian contribution to UNAMIR and the reasons for its withdrawal

Since the establishment of UNAMIR, the Belgians were on the side of furnishing troops to the UN peacekeeping mission, despite an anti-Belgian climate developing in Rwanda. As a matter of fact, even before the genocide, there were serious threats against the Belgian, such as on 24 January 1994, when a Belgian guard was fired upon on the ground<sup>201</sup>. Furthermore, the anti-Belgium tendency was shown through RTLMC and the National Radio, which broadcasted anti-Belgium speeches: for example, President Habyarimana blamed the Belgians to have abandoned Rwanda, while the French had remained there to help the government<sup>202</sup>.

Nonetheless, Belgian peacekeepers still respected the UNAMIR mandate, and Belgium was the only country, before Habyarimana's death, that requested an expansion of the UNAMIR mandate. Besides, Belgian Foreign Minister Claes was the first to ask New York for an elucidation on the role of peacekeepers in Rwanda and their mandate on the territory<sup>203</sup>.

When the ten Belgian peacekeepers were tortured and died, failing to protect Madame Agathe and his husband, as soon as the Belgian authorities were informed, the Cabinet decision of the Council of Ministers was to remove the troops from Rwanda<sup>204</sup>. The Belgian Cabinet announced the reasons for the Belgian retirement before a meeting with Boutros-Boutros Ghali on 12 April and they were classified in the following way: the failure of Arusha Accords, the incapacity to enhance the general conditions of a peacekeeping mission, but especially the danger for other Belgian blue helmets, that could not change use force to defend themselves because the mission was structured under Chapter VI<sup>205</sup>.

---

<sup>201</sup> Ibid., 149.

<sup>202</sup> Ibid., 149.

<sup>203</sup> Ibid., 179-180.

<sup>204</sup> Ibid., 187.

<sup>205</sup> Ibid., 188.

Once Belgium decided to leave its troops from Rwanda, it had an impact on the future of all UNAMIR operation. Therefore, on the same day, the Secretary-General informed the Security Council of the withdrawal of the Belgians and stated:

*“The continued discharge by UNAMIR of its mandate will become untenable unless the Belgian contingent is replaced by another equally well equipped contingent or unless the Government of Belgium reconsiders its decision to withdraw with its contingent”*<sup>206</sup>.

Furthermore, the Belgian attitude did not support the survival of UNAMIR, as they started a campaign for a total retirement of blue helmets: as a matter of fact, through a telex, Minister Claes wanted to inform other countries contributing to troops and members of the Security Council members about its withdrawal, and for example, they could have followed the decision of the Belgians with a total withdrawal of UNAMIR<sup>207</sup>. Thus, the Belgian verdict was finally communicated on 15 April with a letter sent to the Secretary-General and the President of the Security Council<sup>208</sup>.

The retirement of Belgium had irreversible consequences for the entire peacekeeping mission, but the Belgians only demonstrated their primary interest in saving their nationals and rescue them after the tragedy of the ten Belgian peacekeepers. Despite this, they remained the country, which contributed mainly to end the civil war in Rwanda and pressured the United Nations to increase their efforts in the Rwandan country<sup>209</sup>.

## 2.7 The position of the United States of America on the UNAMIR mission

As I mentioned previously, one year before the outbreak of genocide, the United States had tested a new peacekeeping directive, the so-called PPD, which implanted the conditions to enter peacekeeping missions. Therefore, the American peacekeeping intervention, should therefore respond to *“threats to international peace and security”*, but, notably, it should have protected the *“American interests at acceptable risk, and*

---

<sup>206</sup> Ibid.,191.

<sup>207</sup> Ibid.,191.

<sup>208</sup> Ibid.,193.

<sup>209</sup> Ibid.,198.

should have adequate command and control procedures and an exit strategy”<sup>210</sup>. Hence, since the UNAMIR peacekeeping mission did not respond to American interests, the United States should have refused to participate in UNAMIR. Regardless, Bill Clinton’s campaign had supported the American participation in international operations to guarantee humanitarian assistance, and the protection of civilians and the Rwandan case perfectly matched these principles<sup>211</sup>.

Indeed, the American presence within UNAMIR fluctuated in accordance with the different phases of genocide, and consequently, it had an impact on the International Community<sup>212</sup>. As a matter of fact, after the failure of the Arusha Accords and Habyarimana’s death, the US denied carrying out their troops for the peacekeeping mission, demoralized other armies to participate in the operations, and no OAU forces or African troops, for example, shared their soldiers<sup>213</sup>. In addition, the Us reluctance impacted the effectiveness of UNAMIR: in fact, although troops were sent by Ghana, Senegal, Ethiopia and other nations, only rich nations such as the United States would have had the resources for the troop’s equipment and maintenance during the operation<sup>214</sup>.

The Clinton administration was responsible for always voting against any UNAMIR expansion of mandate, and furthermore not to interfere with other tools to stop the genocide in Rwanda. A discussion of the issue concerned particularly the refusal of Clinton to block the broadcasts in Rwanda, which sponsored the ethnic cleansing against Tutsi. The Pentagon excuse was that the radio broadcasts were a political matter that only the State Department could have faced, but since the last one did not take any action to stop the hatred speech, the Us failed in their mission<sup>215</sup>.

The Clinton administration participation in Rwanda mission, was only reduced to the attempt to inform Lasso, the United Nations commissioner for human rights to investigate

---

<sup>210</sup> Holly J. Burkhalter, ‘The Question of Genocide: The Clinton Administration and Rwanda’, *World Policy Journal*, Duke University Press, Vol. 11, no. 4 (Winter /1995 1994): 12.

<sup>211</sup> *Ibid.*,48.

<sup>212</sup> *Ibid.*,44.

<sup>213</sup> *Ibid.*,49.

<sup>214</sup> *Ibid.*,50.

<sup>215</sup> *Ibid.*,51.

and condemn the crimes in Rwanda<sup>216</sup>, without taking effective measures, or even worse it consisted of protracting every possible intervention, until the French arrival and took effective actions<sup>217</sup>. The Clinton administration denounced the Rwandan atrocities on 15 July, announced the closure of the Rwandan Embassy in Washington, and tried to expel the Rwandan government from the United Nations seat.

In conclusion, the role of the United States within UNAMIR, respected the conservative position of the nation focused on limiting the dangers and risks of the United States, despite this attitude being unhelpful for the success of UNAMIR. The USA failure in Somalia was, for sure, an additional element in favor of the Us reluctance, but, on the other hand, it is certainly sure that the Us policy, prior to the Somalia crisis, was the fundamental aspect in which the United States could refrain from an active participation on the ground<sup>218</sup>. Finally, the American restricted mandate, was well depicted with the evacuation by the military army after the plane crash<sup>219</sup>.

Protection of American interests was underlined by Clinton's urgent request to the Secretary of State and the Secretary of Defense to save the United States in Rwanda, because he wanted "*all Americans out alive*". The US Task Force, in the end, rescued all American people and soldiers within eight days, until 15 April, leaving Rwanda alone in the middle of massacres<sup>220</sup>.

## 2.8 The admission of responsibility of the United Nations for Rwandan genocide

The first admission by the International Community that the mass killings of Rwandans were due to a systematic plan for the extermination of Tutsi and could be identified with the definition of "genocide" covered by the Convention for the Prevention and Punishment of the Crime of Genocide<sup>221</sup>, was highlighted by the Nigerian and Czech

---

<sup>216</sup> Ibid.,52.

<sup>217</sup> Ibid.,53.

<sup>218</sup> Emily Willard and University of Washington, 'New Documents Shed Light: Why Did Peacekeepers Withdraw during Rwanda's 1994 Genocide?', *Genocide Studies and Prevention* 12, no. 3 (December 2018): 143–62, <https://doi.org/10.5038/1911-9933.12.3.1611>.

<sup>219</sup> Grünfeld and Huijboom, *op. cit.*, 171.

<sup>220</sup> Ibid.,172.

<sup>221</sup> General Assembly resolution 260 A (III), 'Convention on the Prevention and Punishment of the Crime of Genocide'.

delegates during the Council's discussions on the future of UNAMIR on 28 April. From that moment on, and, particularly, after the end of Rwandan genocide, the International Community and the United Nations admitted their responsibility to prevent the genocide in the African country.

As a matter of fact, the new UN Secretary-General, in February 2004 declared:

*"The events in Rwanda 10 years ago were especially shameful. The international community clearly had the capacity to prevent those events but failed to summon the will (...) We must ensure that we never again fail to summon the will."*<sup>222</sup>

Moreover, on the occasion of the International Day of Reflection on the 1994 Genocide in Rwanda, ten years after, Secretary-General Kofi Anna gave a speech to the Human Rights Commission of Human Rights, in which he acknowledged the United Nations accountability, but he also introduced the UN Action Plan to Prevent Genocide, which had its roots in the recommendations highlighted by a 1999 independent commission of inquiry in the Rwandan genocide<sup>223</sup>.

Another time, Kofi Annan blamed the UN system, and especially the United Nations Secretariat, the Security Council, the Member States and finally the International Media, for not paying enough attention to the disaster and Rwandan circumstances<sup>224</sup>. Therefore, Kofi Annan's speech stated:

*"We must never forget our collective failure to protect at least 800,000 defenceless men, women and children who perished in Rwanda 10 years ago. Such crimes cannot be reversed. Such failures cannot be repaired. The dead cannot be brought back to life. So what can we do? First, we must all acknowledge our responsibility for not having done*

---

<sup>222</sup> Ernest Harsch, 'The World Reflects on Rwanda Genocide-Annan Urges Action to Prevent Future Tragedies', April 2004, <https://www.un.org/africarenewal/magazine/april-2004/world-reflects-rwanda-genocide-0#:~:text=The%20UN%20action%20plan%2C%20which%20is%20inspired%20by,Ingvar%20Carlsson%2C%20will%20involve%20the%20whole%20UN%20system.>

<sup>223</sup> Ibid.

<sup>224</sup> United Nations Secretary-General Kofi Annan, 'Address by Kofi Annan to the Commission on Human Rights', 7 April 2004, <https://www.un.org/sg/en/content/sg/speeches/2004-04-07/address-kofi-annan-commission-human-rights>.



*more to prevent or stop the genocide. Neither the United Nations Secretariat, nor the Security Council, nor Member States in general, nor the international media, paid enough attention to the gathering signs of disaster. Still less did we take timely action.*<sup>225</sup>”

Additionally, following Secretary General Kofi Annan’s apologies for the failure of the UN failure, he improved the points of the Action Plan, which were summarized using five headings:

*“First, preventing armed conflict; second protection of civilians in armed conflict; third, ending impunity; fourth, early and clear warning, and fifth, the need for swift and decisive action when, it was learned that genocide was happening, or was about to happen”*<sup>226</sup>.

As a result, the Action Plan clarified that genocides occurred in war situations, but most importantly, it underlined the urgency of protecting civilians, and especially women and children subjected to violence, despite the fact that they should have been protected under international humanitarian law<sup>227</sup>.

Furthermore, impunity was another special aspect to consider in genocides and called for the efforts of international courts, where national courts are not enough, as in the case of the International Criminal Tribunal for Rwanda and the International Criminal Court<sup>228</sup>. Warning was introduced as the fourth point, in order to provide states with tools to recognize a possible genocide in advance, while the last one focused on “action” was added for cases in which the situation will have required a UN response, including military offence and soldiers<sup>229</sup>.

Therefore, all the purposes embraced within the Action Plan were not sufficient to address the crime of genocide in the international context. For this reason, the establishment of

---

<sup>225</sup> Ibid.

<sup>226</sup> United Nations Human Rights Office of the High Commissioner, ‘Secretary-General to Commission on Human Rights: The Risk of Genocide is Frighteningly Real’, 7 April 2004.

<sup>227</sup> United Nations Secretary-General Kofi Annan, ‘Address by Kofi Annan to the Commission on Human Rights’.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

an international force, guided by the UN Security Council, whose task was to find answers to genocide cases and the linked human rights violations was proposed<sup>230</sup>.

An ideal UN force should be well equipped, with logistical support and rules of engagement including the use of force if necessary. Despite this solution, the great powers would never approve an ambitious plan like that one; nevertheless a few positive moves have been done towards the instalment of a new anti-genocide regime<sup>231</sup>. Therefore, the awareness of genocide crime, the establishment of a legal consensus against genocide, the recognition of the high costs of genocide, and the judicial, national, and international systems for the accountability of genocide perpetrators have paved the way for progress regarding the act of genocide and its consequences by the international community<sup>232</sup>.

---

<sup>230</sup> Edward A. Kolodziej, 'The Great Powers and Genocide: Lessons from Rwanda', *Pacifica Review: Peace, Security & Global Change* 12, no. 2 (June 2000): 121–45, <https://doi.org/10.1080/713604460.139>.

<sup>231</sup> *Ibid.*, 139.

<sup>232</sup> *Ibid.*, 139.



## CHAPTER III- THE CHALLENGES OF RECONSTRUCTING RWANDA IN THE POST-GENOCIDE ERA

On 4 July 1994, the Rwandan Patriotic Front conquered Kigali, while on 18 July 1994 the rebellion party declared its victory after capturing the last Hutu, putting an end to 100 days of genocide in Rwanda<sup>233</sup>. When the RPF-Tutsi took the power guided by Paul Kagame, until his election in 2003 as President, Rwanda had to face the consequences of genocide and provide the country with a national reconstruction in the political, economic, and judicial spheres<sup>234</sup>. New government strategies to deal with the post-conflict situation focused on reconstruction, development, and reconciliation.

Regarding reconciliation, the Tutsi transitional government had established through a law in 1999 the National Unity and Reconciliation Commission (NURC), which was based on Article 5 of the Arusha Accords, and that promoted peace, security, and unity<sup>235</sup>. Unity to the government was, particularly, supported by three principles:

*“1 The Rwandan people are one and indivisible. They depend on the same administrative entity which also treats them alike (with the King (Mwami) previously as the unifying knot for all Rwandans). 2 All are to be treated equally before the law without discrimination or categorisation of Rwandans into social classes or any other category. 3 All forms of exclusion and discrimination are to be rejected”<sup>236</sup>.*

Furthermore, the same Tutsi leader Kagame underlined unity by stating in various circumstances: *“There are no Hutus, Tutsis or Twas...only Rwandans”<sup>237</sup>* and highlighting that the creation of a new nation, with a new Rwandan identity with shared history, language, and culture<sup>238</sup>.

---

<sup>233</sup> Victor Peskin, ‘Part III Rwanda: Virtual Trials, International Justice, and The Politics of Shame -The Struggle to Create the International Criminal Tribunal for Rwanda’, in *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge University Press, 2008).

<sup>234</sup> David Kiwuka, *Ethnic Politics and Democratic Transition in Rwanda*, 0 ed. (Routledge, 2012), <https://doi.org/10.4324/9780203119877>.

<sup>235</sup> *Ibid.*, 118.

<sup>236</sup> *Ibid.*, 118-119.

<sup>237</sup> *Ibid.*, 120.

<sup>238</sup> *Ibid.*, 120.

However, utopic national reconstruction had to overcome the catastrophic repercussions after the genocide; in fact, Rwandan problems comprised loss of confidence in public security by Rwandans, divisionism among Hutus and Tutsi exacerbated with the genocide<sup>239</sup>; the emergency of refugees and displaced persons (more than 1,800,000 Rwandans were located in internally displaced persons camps (IDP) and at least 3,000,000 Rwandan refugees resided in camps in neighboring countries<sup>240</sup>), the collapse of Rwandan economy, and the connected rate of poverty<sup>241</sup>. However, the reconstruction of Rwanda had to be particularly confronted with the accountability for the genocide and the installation of a justice system, which was necessary to rebuild Rwanda from a legal, but most importantly, from a political point of view<sup>242</sup>.

That is why, in this chapter, I will analyze the challenges of justice within Rwanda, explaining the purposes of accountability mechanisms for the new state. Moreover, I will present the role of the United Nations to create the International Criminal Tribunal for Rwanda (ICTR) to prosecute the perpetrators of the genocide and its impact on the Rwandan re-building process.

Subsequently, I will concentrate on the crisis of displaced persons and refugees in Rwanda and the Un intervention, through Operation Turquoise and the humanitarian aid from the UNHCHR. Finally, I will give an overview of the economic reconstruction of the country after the collapse and the lack of wealth and resources due to human massacres.

### 3.1 The RPF government plan of accountability for the genocide

Since the beginning of the Hutu revolution in 1959, impunity had characterized the history of Rwanda. Nonetheless, when the genocide ended, accountability for mass

---

<sup>239</sup> ‘Accountability for Mass Atrocity: Challenges, Choices and Goals of Transitional Justice in Post-Genocide Rwanda’, in *Transitional Justice in Rwanda*, by Gerald Gahima, 0 ed. (Routledge, 2013), 97–122, <https://doi.org/10.4324/9780203075159-11>.

<sup>240</sup> *Ibid.*, 57.

<sup>241</sup> *Ibid.*, 55-56.

<sup>242</sup> *Ibid.*, 59.

killings became one of the primary purposes of the RPF, and it had to be pursued both at the domestic level and also at the international level with the participation of the International Community<sup>243</sup>.

First, the primary purpose of the need for trials was the stabilization of the country; hence, it was highlighted that justice for genocide was necessary to obtain consensus among the population, and especially, to convince the Hutu community about their inclusion in the new Rwanda, without being discriminated for their role in the genocide<sup>244</sup>. Therefore, accountability for crimes, through the reconstruction of the truth, could have helped victims build relations between their families and perpetrators to improve Hutu and Tutsi relations, and would have contributed having faith in the new state's institutions<sup>245</sup>.

Indeed, despite these reasons, the Rwandan government wanted the truth about perpetrators of the genocide to increase their power, against the attacks from the other political forces responsible for crimes during the genocide. Punishing the perpetrators of genocide constituted for the RPF government the first step towards national reconstruction and reconciliation, but, particularly, it meant the end of a culture of impunity and that crimes against fundamental human rights would never again happen in the Rwandan state.

The key word for the justice transitional process was to bring stability to Rwandan citizens, and despite many national attempts, it was only reached with the United Nations intervention and the introduction of the International Criminal Tribunal for Rwanda.

### 3.2 Domestic Criminal Prosecutions and Gacaca Courts

Although the United Nations had already approved the decision to institute an International Tribunal, internal consultations within the RPF government gathered

---

<sup>243</sup> Peskin, *op. cit.*, 157.

<sup>244</sup> Gahima, *op. cit.*, 70-71 'Accountability for Mass Atrocity'.

<sup>245</sup> *Ibid.*, 71-72.

domestic prosecutions as a useful legal instrument to combat divisionism in the Rwandan society<sup>246</sup>. According to RPF consultations, genocide perpetrators had to be judged with criminal prosecutions, as these legal procedures were considered the best option to end the “*culture of impunity for human rights violations*”. In addition, criminal prosecutions were chosen because “*accused people*” were guaranteed trials through a process according to human rights standards, and it consisted of a political system, that showed the new government’s respect for the rule of law<sup>247</sup>.

Furthermore, domestic criminal prosecutions had to comply with some legal standards: first, special courts were created to address genocide cases, and in particular, perpetrators were valued in pre-1994 criminal law to avoid the so-called principle of “*retroactive legislation*”<sup>248</sup>. Besides, perpetrators responsible for genocide acts, were divided into groups according to the seriousness of the crimes, and only the people accused of the worst crimes, could have faced the worst legal punishment, including the capital one.

For example, the death penalty was applied for the most serious genocide crimes, such as sexual violence against Tutsi women or girls, and, only in those cases, specialized chambers and specialized sections in the service were introduced within the court’s trials. On the other hand, in all other domestic courts, capital punishment was excluded as a final solution, not to aggravate the already complex situation between the Hutu and Tutsi communities<sup>249</sup>.

Despite the initial premises, domestic criminal courts were not functional in accountability procedures and did not include popular participation. As a matter of fact, the same president underlined the criticisms of criminal courts due to the inadequacy of resources and judges, but particularly due to the way they were defined: “*time-consuming legal-procedures*”<sup>250</sup>. For this reason, during the Urugwiro Reflection Meetings (consultations organised by the RPF) in the period between 1 August 1998 and 13

---

<sup>246</sup> Ibid., 63-64.

<sup>247</sup> Ibid., 64.

<sup>248</sup> Ibid., 64.

<sup>249</sup> Ibid., 64.

<sup>250</sup> Ibid., 66.

February 1999, the challenge of justice became one of the major issues in the debate and the government proposed an alternative to the domestic prosecutions courts as judicial mechanisms to respond to genocide crimes: the Gacaca courts<sup>251</sup>.

Gacaca courts, indeed, presented some advantages rather than domestic national courts: for example, they included a wider public representation comprising Tutsi, but also Hutu communities. As a matter of fact, the Urugwiro Reflection Meetings were opened to more Hutu participants than previous RPF consultations, and moreover, those Gacaca courts were community courts with higher percentage of legitimacy than domestic national courts.

Hence, Gacaca justice mechanisms were established with a law adopted in January 2001 and they pursued various objectives<sup>252</sup>. First, this judicial system had to respond effectively to genocide cases, being credible to most Rwandan citizens; then it promoted the reintegration of individuals, who had a role in the genocide, within their specific communities; that is why the Gacaca system involved accountability for perpetrators of genocide in order to find “*a closure*” with the past genocide and finally to increase social cohesion among the Rwandan population. Regardless, the Gacaca courts did not provide justice as planned, and consequently, the challenge of justice was devoted to the international community<sup>253</sup>.

### 3.3 The International Criminal Tribunal for Rwanda

#### 3.3.1 The RPF approval of an International Tribunal

Despite the fact that the new RPF government improved national courts and domestic trials, the regime was aware of the need for international support to prosecute the perpetrators of genocide. As a matter of fact, only an international court had the power to solve the legitimacy crisis within Rwanda and, particularly, to give permission to

---

<sup>251</sup> Ibid., 68-69.

<sup>252</sup> Ibid., 70.

<sup>253</sup> Ibid., 76-77.



extradite suspected Hutu who found refuge in neighboring countries like Zaire and Kenya, because their governments rejected Rwandan political ideas such as the admission of death penalty, or they were more in line with Hutu perspectives than those of the Tutsi-RPF regime<sup>254</sup>.

On the other hand, the instalment of an international tribunal was a clear accuse of the international community because it had left Rwanda alone during the genocide and to have failed to prevent the massive killings, despite the UNAMIR intervention<sup>255</sup>. Therefore, the RPF government preferred the creation of an international tribunal for different reasons: first, it recognized the gravity of genocide crime and, as a result, the international community as a whole should have promoted international norms to repress genocide acts in all circumstances, then the new government needed an international presence to guarantee a fair, effective, and impartial judicial system, which was not in contrast to every type of “*revenge justice*” after the genocide<sup>256</sup>.

Furthermore, an international tribunal would have provided Rwanda with the “eradication impunity culture”, which was the first step in fostering Rwanda’s reconstruction and reconciliation procedures. In fact, as highlighted the Tutsi government was “*convinced that, through the punishment of those responsible for the Rwandese tragedy the Tribunal will help national reconciliation and the construction of a new society based on a social justice and respect for fundamental rights of the human person*”<sup>257</sup>. But an ad hoc international tribunal was required more than for moral ideals, as I had analyzed before, to judge Hutu perpetrators and genocide criminals, who had fled from Rwanda to other countries, despite being responsible for mass atrocities in the Rwandan state<sup>258</sup>.

---

<sup>254</sup> Peskin, *op. cit.*, 159.

<sup>255</sup> *Ibid.*, 160.

<sup>256</sup> Payam Akhavan, ‘The International Criminal Tribunal for Rwanda: The Politics and Pragmatics of Punishment’, *American Journal of International Law* 90, no. 3 (July 1996): 501–10, <https://doi.org/10.2307/2204076>.

<sup>257</sup> *Ibid.*, 505.

<sup>258</sup> *Ibid.*, 505.

### 3.3.2 The position of the Security Council on the International Criminal Tribunal for Rwanda

As far as concerns the United Nations, the proposal of an international war crime tribunal was adopted with a consensus among the Security Council, in order to recover the faith in the international institution after the insufficient intervention in the Rwandan genocide. Moreover, some western members, such as the US State Department, believed that an international justice system could reinforce peace in Central Africa and Rwanda and, notably, to end the impunity of Hutu génocidaires refugees in other African states<sup>259</sup>.

The motion to set up the International Tribunal was carried out on 1 July 1994, when the Secretary-General approved Resolution 935, which originated a commission of experts to investigate in the territory of Rwanda about the grave violations of international law committed in the territory, and even the acts of genocide. The Commission of experts presented its final report to the Secretary-General on 1 October 1994, which highlighted the grave violations, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide, within a plan to exterminate the Tutsi population. Consequently, according to the Commission, those crimes must have been judged by an ad hoc tribunal, similar to the tribunal installed to judge the crimes committed in Yugoslavia<sup>260</sup>.

Actually, even prior to the constitution of the tribunal, the United Nations had examined the violations of international humanitarian law: as a matter of fact, the Security Council through Resolution 925, on 8 June 1994, had finally introduced the word genocide within its report concerning the Rwandan situation, and after a meeting in Geneva on 24 and 25 May 1994 with the United Nations Commission on Human Rights, it stimulated the establishment of a Special Rapporteur on Rwanda to enquiry about the massive human rights violations during those terrible months, whose reports had expressed a view in

---

<sup>259</sup> Peskin, *op. cit.*, 159.

<sup>260</sup> ‘Accountability, Justice and the Role of the International Criminal Tribunal for Rwanda’, in *Transitional Justice in Rwanda*, by Gerald Gahima, 0 ed. (Routledge, 2013), 123–71, <https://doi.org/10.4324/9780203075159-12>.

favor of an international tribunal to apply its jurisdiction on those specific humanitarian crimes<sup>261</sup>.

However, when the Security Council introduced the International Criminal Tribunal for Rwanda with Resolution on 8 November 1994, as an innovative judicial system to prosecute genocide perpetrators and to respond to the exigencies of the RPF, the Rwandan government opposed to the Security Council proposal<sup>262</sup>, as I will describe in the following paragraph.

### 3.3.3 The debate between the Security Council and the RPF government on the International Criminal Tribunal for Rwanda

On 8 November 1994, the Rwandan ambassador voted against the International Tribunal initiated by the United Nations, precisely expressing the reasons for its condemnation of the tribunal, such as the ban of the capital punishment from its provisions, the subordination of the International Criminal Tribunal for Rwanda to the similar tribunal created for Yugoslavia and lastly the tribunal position outside Rwanda<sup>263</sup>.

Therefore, the first statement by Manzi Bakuramutsa (the Rwandan ambassador) was to remind the failure of the United Nations as he said:

*“When the genocide began, the international community, which had troops in Rwanda and could have saved hundred of thousands of human lives... decided instead to withdraw its troops from Rwanda and to abandon the victims to their butchers”<sup>264</sup>.*

Beforehand, the main objection of the RPF concerns the death penalty for perpetrators accused of genocide, as it was considered unfair not to apply the death penalty to Hutu, who had participated in the Tutsi extermination. In fact, the Tutsi government considered appropriate for the crime of genocide, but, on the contrary, the Security Council excluded

---

<sup>261</sup>Ibid., 82.

<sup>262</sup> Peskin, *op. cit.*, 161.

<sup>263</sup> Ibid., 162.

<sup>264</sup> Ibid., 161.

the death penalty from the code of “*just punishment*”, following the provisions affirmed in the Nuremberg and Tokyo procedures<sup>265</sup>.

Moreover, another concern of the RPF was related to the fact that the ICTR and the ICTY (previously instituted) had in common the chief prosecutor and the chambers<sup>266</sup>. For this reason, the RPF refused an institution, whose prosecution was subordinated to the judicial mechanisms focused on the Balkans situation. Despite this RPF conviction, the Security Council declared that the “*court remained a separate institution with its own statute, budget, trial judges, prosecutors and administrators*”<sup>267</sup>.

Furthermore, the location of the tribunal outside Rwanda, represented a political defeat for the Tutsi-government. As a matter of fact, the position of the Tribunal within Rwanda, especially located in the capital Kigali, would have acquired a role in the international justice legal system, although with a formal role and no active intervention in the trials. The decision about the location of the Rwandan tribunal in the city of Arusha, Tanzania, was chosen by the Secretary General Boutros-Ghali, who recommended Arusha according to the principles of independence and administrative efficiency; meanwhile, he was conscient that the location of the tribunal in Kigali was a threat to the impartiality and efficiency of the tribunal to perpetrate Hutu accountable for mass atrocities<sup>268</sup>.

Furthermore, the RPF rejected the Rwandan International Criminal Tribunal because it criticized the “*temporal jurisdiction*” of the Tribunal, which was limited to the acts committed in 1994, excluding all massive and grave human rights violations committed before that year<sup>269</sup>. Other negative judgements about the Tribunal were connected to its lack of financial resources and, as a result, there was the risk of a Tribunal dealing with minor crimes, such as corporal punishments or plunder, that could have been solved within the jurisdiction of internal tribunals<sup>270</sup>. In the same vein, the Rwandan government

---

<sup>265</sup> Ibid., 163.

<sup>266</sup> Ibid., 164.

<sup>267</sup> Ibid., 165.

<sup>268</sup> Ibid., 166.

<sup>269</sup> Akhavan, *op. cit.*, 506.

<sup>270</sup> Ibid., 507.

repudiated the fact that some countries had proposed candidates as judges for the tribunal, who were active protagonists in the civil war of Rwanda.

Finally, the RPF delegation dismissed the possibility of judging people accused of genocide outside Rwanda, and under the jurisdiction of other states, as this task was due to the ICTR or to the same Tutsi government<sup>271</sup>.

### 3.3.4 The objectives and functions of the ICTR

Despite the disapprobation of the RPF on the International Criminal Tribunal for Rwanda, throughout Resolution 955 adopted in November 1994, the tribunal was finally inaugurated. The Security Council decided that the new Tribunal was covered by Chapter VII of the UN Charter, focusing on peace and security objectives.

Therefore, the Tribunal also concentrated on acts of genocide, crimes against humanity, infractions to international humanitarian law and particularly, actions that outraged Article III of the Geneva Conventions and provisions within Additional Protocol II<sup>272</sup>.

The jurisdiction of the Tribunal was emphasized under article 1 of the Statute which enumerated:

*“The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute.”<sup>273</sup>*

---

<sup>271</sup> Ibid., 507.

<sup>272</sup> Lilian A. Barria and Steven D. Roper, ‘How Effective Are International Criminal Tribunals? An Analysis of the ICTY and the ICTR’, *The International Journal of Human Rights* 9, no. 3 (September 2005): 349–68, <https://doi.org/10.1080/13642980500170782>.

<sup>273</sup> Kirsten MF Keith, ‘Justice at the International Criminal Tribunal for Rwanda: Are Criticisms Just?’, n.d., 25.

Furthermore, the main purpose of the ICTR remained to prosecute the responsible, who committed acts of genocide and violations of international humanitarian law during the worst 100 days of Rwandan history. Consequently, the punishment of genocide perpetrators was inserted into a major United Nations scope, the foundation of an ad hoc international tribunal to promote a human rights regime, facing the culture of impunity and gross violations of human rights in the Rwandan circumstances<sup>274</sup>.

Combating human rights abuses was not only linked to genocide events, but the Tribunal was introduced with a deterrent function, emphasized within the Security Council Resolution 955<sup>275</sup>, to stop the perpetuation of human rights crimes in Rwanda and neighboring countries<sup>276</sup>. The International Criminal Tribunal for Rwanda was then instituted to face the Rwandan refugee crisis, as a matter of fact, it fostered justice on leaders who escaped during the genocide and funded military organizations in the new refugee camps; but it also wanted to strengthen the refugee return to Rwanda<sup>277</sup>.

In conclusion, the Security Council directed a tribunal based on the restoration of peace, security, and reconciliation, which was in line with the RPF's purposes for Rwanda's reconstruction. The Security Council encouraged the tribunal to rebuild a reformed judicial system, as expressed in the Resolution Preamble, which stated: *"to strengthen the courts and judicial system of Rwanda, having regard, in particular, to the necessity for those courts to deal with large numbers of suspects"*<sup>278</sup>.

### 3.3.5 Criticisms concerning the International Criminal Tribunal for Rwanda

Although the Tribunal was approved with consensus among the Security Council and Western countries, the most difficult task was to transfer the mandate and purposes of the ad hoc justice mechanisms to a concrete, fair, and impartially credible institution. In fact, the Tribunal has received negative judgements since its beginning, and it

---

<sup>274</sup> Gahima, *op. cit.*, 90.

<sup>275</sup> United Nations Security Council, 'RESOLUTION 955 (S/RES/955)', 8 November 1994.

<sup>276</sup> *Ibid.*, 91.

<sup>277</sup> *Ibid.*, 92.

<sup>278</sup> *Ibid.*, 93.

demonstrated the first signs of another United Nations failing institution, as illustrated within various episodes. First, it was difficult to transfer, under the jurisdiction of the International Tribunal, perpetrators accused of genocide, but especially, the Tribunal was slow in the identification procedure of handlines of genocide, causing frustration within all the International Community and in governments, which had supported its establishment financially<sup>279</sup>.

In addition, even when trials were conducted, they constituted long and complex procedures due to the analysis of documents, interviews of witnesses, translation, and interpretation of the Kinyarwanda language into French and English and the still open investigations on these cases by the Prosecutor's and defense<sup>280</sup>.

The so-called delay issue was considered one of the biggest problems connected to the ICTR, and as a result, it was not able to provide judicial proceedings expeditiously<sup>281</sup>. On the other hand, the Tribunal justified the delays, supported by the United Nations and the President Judge Pillay, elucidated that judicial mechanisms and trials within the international jurisdiction were more complicated than those at the national levels, and, for instance, issues were more complicated as they involved the judgement of high numbers of genocide perpetrators, more than 100 witnesses with an average of 1-2 years for each trial<sup>282</sup>.

Then the ICTR's criticism focused on the lack of prosecution for gender violence in Rwanda during the genocide<sup>283</sup>. In particular, it was stressed that the ICTR Chief Prosecutor and Jurist Carla Del Ponte was not able to investigate sexual violence, war crimes, and crimes against humanity with a "*coherent strategy*" in Rwanda. In most cases, acts of sexual violence were denounced during the trial by witness testimony<sup>284</sup>.

---

<sup>279</sup> Ibid., 94.

<sup>280</sup> Ibid., 95.

<sup>281</sup> Keith, *art. cit.*, 86.

<sup>282</sup> Ibid., 87.

<sup>283</sup> Beth Van Schaack, 'Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson', *AM. Univ. J. of Gender, Social Policy, & The Law*, January 2009.

<sup>284</sup> Ibid., 361.

However, the court did not always include rape and sexual violence in the final proceedings, such as in the case known as the Cyangugu trial. As a matter of fact, despite the female witness experiencing sexual violence and describing the episode in the middle of the trial, the trial chamber, although the evidence emerged within the procedure, did not include the eleventh-hour amendments to extend the crime to sexual violence, and the witness was forced to block her testimony<sup>285</sup>.

Therefore, it is believed that the lack of investigation of sexual crimes was due to various factors: for example, the Office of the Prosecutor of the ICTR did not have the expertise in gender justice to face sexual violence crimes, and, moreover, the people charged with investigating sexual violence were men, part of national police or armed forces, who were not equipped with the experience necessary to collect testimony from female witnesses on the ground<sup>286</sup>.

Thus, the ICTR was not a total defeat in cases of sexual violence, as illustrated by its early experience, which was dealt with seriously by the Chamber. The Akayesu case designed a clear example: when two female witnesses denounced a rape within Akayesu's commune during a trial, the ICTR based on the new evidence, and after various NGOs and the Coalition for Women's Human Rights in Conflict Situation defended the women's position, condemned Akayesu to have encouraged crimes against humanity, and finally, the Chamber applied some amendments to the specific case and declared for the first time in history rape and sexual violence under international law<sup>287</sup>.

The lack of adequate resources and investigative methods to deal with perpetrators for genocide crimes was not solved in the following years, however, the Chief Prosecutor delegated one case under the International Tribunal jurisdiction to the RPF and domestic prosecution, on 4 June 2008<sup>288</sup>. The Prosecutor had to inform the Security Council about this decision, but that case was a clear sign of the contradictions of the Tribunal, which

---

<sup>285</sup> Ibid., 366-367.

<sup>286</sup> Ibid., 369.

<sup>287</sup> Ibid., 363-364.

<sup>288</sup> Leslie Haskell and Lars Waldorf, 'The Impunity Gap of the International Criminal Tribunal for Rwanda: Causes and Consequences', *Hastings International and Comparative Law Review* 34, no. 1 (Winter 2011): 39.



had refused to transfer suspects of genocide to national courts due to impartial RPF trials in the same period. The cases involved the killing of an archbishop, two bishops, ten clergy members, and two civilians in Kabgayi. In addition to the results of the procedure, it again demonstrated the failure of the international community to guarantee Rwanda with judicial mechanisms and to prosecute those responsible for crimes against humanity<sup>289</sup>.

Regardless, the International Criminal Tribunal for Rwanda had a fundamental role in the Rwandan post-genocide era and constituted one of the challenges of transitional justice in the African country. Despite positive results in condemning genocide perpetrators, the issues connected to the Tribunal overcame the advantages of the International Tribunal, which was destined to close in 2014, increasing the doubts within the International Community about the effectiveness of the International Tribunal in post-war situations<sup>290</sup>.

### 3.4 The Rwandan post-genocide refugee crisis and the role of UNHCR

The Rwandan refugee crisis, also known as the Great Lake refugee crisis of the 1990s, represented a challenging phenomenon in the post-conflict situation, even though it had begun before the outbreak of genocide, due to Rwandan historical events, such as the Hutu revolution in 1959, with the consequent exile of the RPF until its invasion to Rwanda in 1990. Therefore, the refugee crisis inevitably increased during genocide and despite the efforts of the United Nations through specific operations for displaced persons or the UNHCR intervention, the refugee issue was conceived as *“one of the largest humanitarian failures in history”*<sup>291</sup>.

It was emphasized that in the war and the genocide until the RPF seized the power in July 1994, more than two million Rwandans moved to neighboring African states (notably the majority were Hutu, who feared the new RPF government), while around 700,000

---

<sup>289</sup> Ibid., 60.

<sup>290</sup> Gahima, *op. cit.*, 125-126.

<sup>291</sup> Molly Brune, ‘Political Survival as a Motive in Decision-Making: The UNHCR and the Rwandan Refugee Crisis’, n.d., 100.

returned to Rwanda instead<sup>292</sup>. For example, according to the UN High Commission for Refugees Sadako Ogata on 14 July 1994, 100.000 people crossed the Rwandan borders to find refuge in Zaire<sup>293</sup>. The return to the native state, was part of the procedure for “*coming home*”, however, the conditions were totally different since their departure.

First, they returned home after thirty years of exile and of a tragedy that had killed more than a half million people; besides the population was mainly composed of people who had not returned for years, or for those under thirty years of age was even their first time<sup>294</sup>, and finally there was a greater tension between the Tutsi “refugees”, who took power in the government after “*coming home*”, and on the other hand, the survived Tutsi during the massive massacres that remained excluded from power or any political position<sup>295</sup>.

For this reason, as a consequence of mass displacements and forced exile, Rwanda catalogued as displaced people by August 1994, three different groups: old caseload refugees, new caseload refugees and internally displaced persons due to the Rwandan last crisis. The first category comprised Tutsi, who fled from Rwanda in 1959 and came back in July 1994: around 600,000 Tutsi were refugees in Burundi, Tanzania, Uganda, and Zaire by 1993 and, since their intention was to return home, the victory of the RPF gave the possibility to more than 700,000 old-case refugees to rebound with their homeland<sup>296</sup>.

In addition, the government supported old-case refugees due to their political affinity, and as a result, their reintegration was a priority for the political institutions and, at the same time, they were provided with rehabilitation, aid to families, assistance to ministries, and by the Ministry of Rehabilitation and Social Integration<sup>297</sup>.

---

<sup>292</sup> David Newbury, ‘Returning Refugees: Four Historical Patterns of “Coming Home” to Rwanda’, *Comparative Studies in Society and History* 47, no. 2 (April 2005): 252–85, <https://doi.org/10.1017/S0010417505000137>.

<sup>293</sup> Anonymous, ““Genocidal Slaughter” Claims as Many as 1 Million’, *UN Chronicle, Social Science Premium Collection*, December 1994.

<sup>294</sup> *Ibid.*, 277.

<sup>295</sup> *Ibid.*, 278.

<sup>296</sup> Krishna Kumar and David Tardif, ‘Rebuilding Postwar Rwanda The Role of the International Community’, July 1966, 77.

<sup>297</sup> *Ibid.*, 43.

In contrast, the new refugees with a large number of cases were Hutu, who left Rwanda during the 1994 events and genocide outcomes, and their repatriation inside Rwanda was impeded by the new government, despite the NGOs and the UNHCR working in the field to release the refugee population in the camps. Nonetheless, between the end of July and August 1994 a repatriation procedure took place for old-case refugees, but with high opposition from the Tutsi government<sup>298</sup>. For this reason, in July 1995 the United Nations High Commissioner for Refugees enunciated a repatriation plan for this category of refugees, which could work for both boundaries, and it was focused on:

*“Preparing areas for return, ensuring implementation of minimum rehabilitation, and coordinating with local authorities, UNAMIR, and human rights monitors to enhance the security of returnees and involve NGOs in establishing community services and distributing relief supplies. /.../ Mobilizing international assistance for reintegration projects and overall reconstruction programs for the country with special emphasis on preparation of new sites and settlement areas for refugees who left the country some 30 years ago and who upon their return have had to occupy the property of others”<sup>299</sup>.*

However, UNHCR purposes within the repatriation plan were not sufficient and Rwanda registered a lack of progress in the reintegration of refugees, and consequently, neighboring countries were forced to host refugees in their territories<sup>300</sup>.

The last category comprised internally displaced persons, who also in this case were especially Hutu located in camps in the southwest of Rwanda. According to UNHCR, about half and a million people escaped to displaced persons camps, in the French safe zone in southwest Rwanda by 15 July 1994, while a month later there were only a little less than 800,000 in Rwanda. The internally displaced persons crisis, required the intervention of the UNHCR, supported by the United Nations Rwanda Emergency Office (UNREO) in September 1994; as a matter of fact, both agencies with the help of

---

<sup>298</sup> Ibid., 44.

<sup>299</sup> Ibid., 45-46.

<sup>300</sup> Ibid., 46.

government ministries and donors provided the refugees crisis with a relief and repatriation plan<sup>301</sup>.

Moreover, the UNREO inaugurated the so-called Operation Retour at the end of December 1994, to facilitate the repatriation of internally displaced persons through returnee registration, centers providing refugees with medicines, food, and transport from the camps to relief centers. Thanks to the new UNREO system, some results were obtained in January with the repatriation of 350,000 remaining internally displaced persons, but in the following months the progress decreased and because of the indifference of the International Community, the charged government resolved to close refugee camps<sup>302</sup>.

#### 3.4.1 The United Nations intervention for displaced persons: “Operation Turquoise”

While the United Nations High Commissioner for Refugees was adopting strategies for the repatriation of refugees and internally displaced persons, the UN Security Council embraced on 22 June 1994 a mission, introduced with Resolution 929 and on the French initiative, with humanitarian purposes<sup>303</sup>.

According to Resolution 929, the Security Council:

*“2. Welcomes also the offer by Member States (S/1994/734) to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, on the understanding that the costs of implementing the offer will be borne by the Member States concerned”<sup>304</sup>.*

---

<sup>301</sup> Ibid., 48.

<sup>302</sup> Ibid., 48.

<sup>303</sup> Sophie Haspeslagh, ‘Safe Havens in Rwanda: Operation Turquoise’, n.d, 6; Anonymous, ‘Genocidal Slaughter’ Claims as Many as 1 million’, 1.

<sup>304</sup> United Nations Security Council, ‘Resolution 929 (S/RES/929)’, 22 June 1994.

Furthermore, Resolution limited Operation Turquoise to two-month period, and its mandate was settled under Chapter VII of the United Nations Charter<sup>305</sup>, in contrast to UNAMIR mission, that was installed under the provision of Chapter VI. The French contributed to Operation Turquoise with at least 2,500 soldiers, supported by army troops from Senegal, Guinea-Bissau, Chad, Mauritania, Egypt, Congo, and Niger<sup>306</sup>. Moreover, the operation led to the creation of the so-called “Zones Humanitaires Sures” (ZHS), also known as Safe Humanitarian Zones, and in particular, on 2 July a Safe Humanitarian Zone was implanted within South-West Rwanda in the Cyangugu-Kibuye-Gikongoro triangle, that covered one-fifth of the Rwandan territory<sup>307</sup>.

Operation Turquoise, as all missions, presented periodic reports on its progress: the first one on 5 July reported that a higher percentage of refugees had fled from Rwanda to neighboring countries, despite the establishment of Safe Humanitarian Zones, while the second one on 4 August concerned the mission progress, such as the entombment of victims of epidemics, and the delivery of food and water to refugees and internally displaced persons.

In conclusion, Operation Turquoise formally ended on 21 August, and was carried out to protect the Rwandan population, within Safe Humanitarian Zones, and to provide humanitarian aid on the ground<sup>308</sup>. In fact, Operation Turquoise imparted some humanitarian advantages to Rwanda: first, it managed to reduce the number of refugees escaping to Zaire<sup>309</sup>, and it was able to protect around 13,000-14,000 people<sup>310</sup>.

---

<sup>305</sup> United Nations Security Council, 929, Paragraph 3 and 4 stated: " 3. *Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 2 above using all necessary means to achieve the humanitarian objectives set out in subparagraphs 4 (a) and (b) of resolution 925 (1994); 4. Decides that the mission of Member States cooperating with the Secretary-General will be limited to a period of two months following the adoption of the present resolution, unless the Secretary-General determines at an earlier date that the expanded UNAMIR is able to carry out its mandate*".

<sup>306</sup> Anonymous, ““Genocidal Slaughter” Claims as Many as 1 Million”,7.

<sup>307</sup> Ibid.,7.

<sup>308</sup> Ibid.,7.

<sup>309</sup> Haspesslagh, art. cit., 1.

<sup>310</sup> Ibid.,2.

On the other hand, it must be said that Safe Humanitarian Zones encountered especially Hutu members, who represented a threat for the Tutsi government and, moreover, these zones were not demilitarized by the French-contributing troops; as a result, these ZHS constituted a threat for the RPF government at the power. Despite French soldiers mainly supplied with the biggest number of soldiers Operation Turquoise, in August 1994 France announced its withdrawal from the mission, and, for instance, the mandate was devoted to UNAMIR forces until the end of the mission<sup>311</sup>.

#### 3.4.2 Humanitarian crisis and the role of the International Community

The United Nations High Commissioner for Refugees, since the end of Rwandan genocide, started programmes of aid for refugees' persons and internally displaced persons in the territory. Nonetheless, the UNHCR agency was not able alone to deal with that complex phenomenon; that's why it required the intervention of all UN agencies and humanitarian organizations on the ground<sup>312</sup>.

Besides, on 22 July, the Secretary-General ensconced the UN Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda, which was installed within the UN Rwanda Emergency Office. The UN Secretary-General also sent the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to conduct an evaluation mission on refugees' repatriation in the Great Lakes region and the territory of Rwanda<sup>313</sup>. On the same line, Hansen coordinated a Conference in Geneva, on 2 August, in which he emphasized the main three conditions for the operations concerning refugee people and displaced persons as illustrated: "meeting immediate lifesaving needs in the hardest hit areas; establishing and facilitating conditions for the safe return of refugees, ensuring a smooth transition in the humanitarian protected zone as the French-led multinational force withdrew<sup>314</sup>.

---

<sup>311</sup> Ibid.,2.

<sup>312</sup> Anonymous, "'Genocidal Slaughter' Claims as Many as 1 Million', 9.

<sup>313</sup> Ibid.,9.

<sup>314</sup> Ibid.,9.

The Secretary-General added a fourth task for refugees “returning home” procedure, which consisted of strengthening and building infrastructures in Rwanda for the reconstruction of the new State. However, the UNCHR strategies to deal with humanitarian crisis were not sufficient to solve what was defined by the UNHCR representative as a tragedy resulting from the ethnic and war conflict in Rwanda and Burundi to the Economic and Social Council<sup>315</sup>.

Despite this, the UNHCR intensified the process of reintegration within Rwanda, due to the cooperation with other UN agencies, as the UN Department of Humanitarian Affairs, the World Food Programme (WFP), the International Organization for Migration (IOM), the UN Development Programme, the UN Children’s Fund, and the World Health Organization<sup>316</sup>.

UNHCR tried to overcome the refugee crisis in the region with as many efforts as possible, however repatriation procedure counted actions of omission and commission committed by donors and humanitarian agencies<sup>317</sup>. As a matter of fact, the International Community was not capable of disarming Hutus and armed Rwandans situated in refugee camps or in their surrounding areas. Therefore, armed refugees took control over the camps, and they threatened those, who were planning to return to Rwanda. Besides, the postponement to provide refugee camps with security and the delay in installing the International Tribunal for Rwanda symbolized the weakness of the International Community to act properly in post-genocide situation<sup>318</sup>.

Delay embodied also one of the major failures by the International Community, regarding old-caseload returnees. As a matter of fact, they occupied vacant homes of new-caseload refugees because the International Community did not give on time fund to the government for resettling old-caseload refugees and they did not take into account the specific case of women returnees and their connected rights on family property<sup>319</sup>.

---

<sup>315</sup> Ibid.,9.

<sup>316</sup> Ibid.,9.

<sup>317</sup> Kumar and Tardif, ‘Rebuilding Postwar Rwanda The Role of the International Community’,50.

<sup>318</sup> Ibid.,50.

<sup>319</sup> Ibid.,51.

Despite the International Community failures on refugees relief and repatriation, the UNHCR remained the UN agency, which most intervened to solve the challenge of Rwandan returnees, but as highlighted, institutional inadequacy, lack of capacity to find strategies on the issue, poor governance and failing plans from their expectations profoundly persisted in the post-genocide Rwanda and obstructed the reconstruction process<sup>320</sup>.

### 3.5 The challenge of education in post-genocide Rwanda

In 1994, Rwanda faced the death of 800,000 Tutsi and moderate Hutu, who were brutally killed over 100 days. Genocide clashed every sphere of Rwandan lives, political economical, but it also affected the education system. As a matter of fact, due to massacres in the territory, schools and infrastructure were demolished, meanwhile at least 75% of teachers were killed or sentenced to prison because of their involvement in the genocide, and 70% of children were injured or they died in violent circumstances<sup>321</sup>.

For this reason, I will discuss the how the education system evolved from the years before the genocide occurred until the post-conflict phase, and how genocide repercussions on the educational system were fundamental to advance the reconciliation procedure, supported by UN agencies to assist this process.

#### 3.5.1 The education system before Rwandan genocide

Inequality, ethnic division, and hatred were the main values sponsored within Rwandan schools from the arrival of Belgian colonialists in the 1920s; therefore, schooling model proposed focused on Tutsis predominance and difference with “the other”, that permeated teacher and students’ way of acting, textbooks, and school lessons<sup>322</sup>.

---

<sup>320</sup> Benon Kabeera and Vishanthie Sewpaul, ‘Genocide and Its Aftermath: The Case of Rwanda’, *International Social Work* 51, no. 3 (May 2008): 324–36, <https://doi.org/10.1177/0020872807088079>, 334.

<sup>321</sup> Marian Hodgkin, ‘Reconciliation in Rwanda: Education, History and The State’, *Journal of International Affairs*, Journal of International Affairs Editorial Board, 60, no. 1 (Fall/Winter 2006): 199–210, 200.

<sup>322</sup> *Ibid.*, 201.



Despite that, even before colonization interested Rwanda, the education system was informal and it collected children without distinction from Hutu and Tutsis to teach Rwandan social values, through dances and stories. However, the Belgian colonization forwarded anti-Hutu feelings, and particularly, it exploited schools and education to foster divisionism between Hutu and Tutsis.

On the contrary, after the 1959 Hutu revolution and Rwandan Independence in 1962, anti-Tutsi propaganda was inserted with schools' curricula and ethnic elements were at the basis of education system, especially in secondary schools, which were controlled by President Gregoire Kayibanda and his Hutu supporters. For example, one of the main "divisionism tools" was the introduction of regional quotas policy to exclude Tutsi from the National University of Rwanda and other educational opportunities<sup>323</sup>.

On the same line, President Habyarimana in 1973 introduced the so-called "Public Education Law", which basically promoted discrimination against Tutsi and regarded regional, ethnic and gender quotas in the passage from primary to secondary education school. Ethnic inequalities advanced hatred among Hutu and Tutsi before the outbreak of genocide, supported by school contents', that taught students false history to increase violence and ethnic discrimination between the two communities<sup>324</sup>.

### 3.5.2 Post genocide education system

If before genocide, education system had advanced values of divisionism and hatred between the communities, after 1994 atrocities the challenge of reconstruction took also in account the education system. Indeed, the objective was the construction of a totally new education system based on fairness, efficiency, and equality for the first time in Rwandan history. Since, a radical reform was necessary for the reconciliation of Rwanda, the government created the National Unity and Reconciliation Commission, that was

---

<sup>323</sup> Faustin Mafeza, 'The Role of Education in Combating Genocide Ideology in Post-Genocide Rwanda', *International Journal of Education and Research* 1, no. 10 (October 2013), 3.

<sup>324</sup> *Ibid.*, 4.

involved in the educational reform and it furthered the ideal of “Banyarwanda”, that is to say a national group sharing the same language, culture, history, and land<sup>325</sup>.

Education was reformulated in all its aspects: first, the categorization of students and teachers in Hutu, Tutsi and Twa was banned<sup>326</sup>, in addition the purposes of education and the curricula were modified to include the value identified within Rwanda “Ubumbe” and “udupfura”, meaning respectively unity and solidarity, on the one hand, and courage and respect for the progenitors, on the other hand<sup>327</sup>.

Besides, another consequence in post-genocide Rwandan schools was the prohibition of history into schools’ curricula. As a matter of fact, the new government was aware of history power in developing ethnic divisions and discrimination between Hutu and Tutsi before the genocide, therefore the teaching of history constituted a complex issue in post-conflict situation. For instance, in 1994, the Ministry of Education reinforced the decision to ban histories within schools, because of historical role of propaganda and despite it was assumed being a temporary measure, twelve years later, it was still in force<sup>328</sup>.

Nonetheless, in April 1995, the Ministry of Education, held a Conference on Policy and Planning of Education in Rwanda, whose aims concerned a new society free from ethnic, political prejudices and to encourage a non-violent society based on justice, democracy, and tolerance. Besides, the National Curriculum Development Centre of Rwanda, and the Ministry of Education drafted a programme for primary and secondary schools, where the focus was to learn the concept of “*Rwandanness*”<sup>329</sup>.

It is interest to highlight, the genocide prevention culture installed in the social studies curriculum and children, since primary schools, were taught civil education, and values of freedom, peace, national unity, reconciliation, and equality. Rwandan students, due to education, acquired knowledge on genocide prevention, with lessons and courses that

---

<sup>325</sup> Hodgkin, *art. cit.*, 202.

<sup>326</sup> *Ibid.*, 202.

<sup>327</sup> *Ibid.*, 203.

<sup>328</sup> *Ibid.*, 203.

<sup>329</sup> Mafeza, *art. cit.*, 5.

distinguished the Rwandan genocide from other historical genocides such as the one of the Armenians, or the Jewish during the Holocaust<sup>330</sup>.

Hence, in Secondary School, students participated to the module of General Paper dedicated to Rwandan genocide, the history of discrimination and ethnic divisionism in order to provide the students with sufficient tools to foster reconciliation, and not to forget the consequences of hatred for their ancestors in Rwanda<sup>331</sup>.

### 3.5.3 The role of the International Community in the new education system

As far as concern the reconciliation procedure and the reformulation of the education system, the International Community intervened especially within primary education through school equipment, food and salary supplies to teachers and the recovery of institutional buildings. It's remarkable, in this field, the introduction of a programme called TEP (the Teacher Emergency Packages), realized in 1994, thanks to the cooperation between UNICEF and UNESCO<sup>332</sup>.

TEP programmes consisted of "mobile classrooms" for 80 students and a teacher for a period of four-five months since August 1994. These programmes furnished students with psychological assistance, after the genocide, and minimum educational services until the new education system being reformulated in the State. Thanks to UNICEF and UNESCO intervention, supported by various NGOs, it was demonstrated that over 600,000 Rwandan children ameliorated their education through the teaching emergency packages, while around 7,500 teachers were prepared to teach Rwandan students<sup>333</sup>.

Furthermore, UNICEF contributed with funds as incentive for teachers (for a total of \$ 800,000) and school employers involved in Primary Education. In the meanwhile, the World Food Programme, between September 1994 and February 1995, was able to donor 5,200 metric tons of food for Rwandan Primary Schools, which constituted salaries supplement for teachers and represented almost 50% of teachers' salaries in pre-genocide

---

<sup>330</sup> Ibid., 5.

<sup>331</sup> Ibid., 5.

<sup>332</sup> Kumar & Tardif, art. cit., 32.

<sup>333</sup> Ibid., 32.

Rwanda. In addition, the Ministry of Primary and Secondary Education in Rwanda was given assistance by UNICEF and UNESCO, as these organisations devoted school equipment, textbooks, and all necessary school material for Rwandans, while they dedicated specific programmes to train ministry personnel and schoolteachers for the following years into school training centres<sup>334</sup>.

#### 3.5.4 Issues connected to International Community Intervention in the education system

Despite International education projects were very productive for the reconciliation and reconstruction of Rwanda, the International Community faced some fragilities such as the lack of funds to support complex emergency interventions and, consequently, the limited effects of the programmes in the territory<sup>335</sup>.

In particular, one of the main criticisms concerned the TED distribution on the territory, as it was concentrated on some communes, although these areas had already strengthened with new education programmes, and furthermore it did not cover all school grades. Besides, the Teaching Emergency Programmes offered limited teachers' packages, instead of rehabilitating the failing Rwandan education system after the genocide consequences. Nonetheless, TED remained very useful, but it had been structured only in case of countries at war or children in refugee camps, rather than being applied within Primary and Secondary education school<sup>336</sup>.

Finally, lack of funds was a complicated issue, in fact in 1995, more than \$ 10.5 million were invested in emergency funds and for education aims by UNICEF and different NGOs, nonetheless the Rwanda Recovery Program, would have devoted \$ 18 million to the restoration of primary and secondary school in Rwanda, but until mid-1995 no funds were provided as previously planned, increasing the education post-genocide crisis<sup>337</sup>

---

<sup>334</sup> Ibid., 32.

<sup>335</sup> Ibid., 34.

<sup>336</sup> Ibid., 34.

<sup>337</sup> Ibid., 34.

### 3.5.5 The presence of women in civil society in post-genocide Rwanda

The process of national unity and reconstruction in Rwanda benefitted women to acquire a further role in society, a battle that they had started before, in the 1990s<sup>338</sup>. Indeed, women's organizations proliferated, due to the exigency of protecting this category of vulnerable people deeply affected by genocide, in the years between 1994 and 2003 and they became an active sector within Rwandan civil society. Women's organizations and policies were, furthermore, fostered by the RPF government, as a clear example for Rwandans to promote women's rights and the modernization of the nation<sup>339</sup>.

However, first women's organization had been developed in Rwanda after the wave of the Third United Nations Conference on Women, held in Nairobi in 1985<sup>340</sup>. From that moment, in the 1980s organizations like Duterimbere, defined as "*women's banking and micro-lending cooperative modelled on the Grameen Bank*"<sup>341</sup>; Haguruka, focused on defending women's rights, and it was even installed in 1992 during Habyarimana's regime a Ministry for the Promotion of Women and the Family to advance the status of women and children in the political, social, and economic sphere<sup>342</sup>.

In post-genocide Rwanda women's organizations worked actively for providing women with basic goods, like food, clothes, and refugee, but notably, social, and psychological support after being affected by the overall ethnic extermination. Furthermore, in late 1994 and 1995, women's organizations sustained campaigns for refugees "returning home" and they even sent some members in the refugee camps located in eastern Zaire and Tanzania to convince people to come home<sup>343</sup>.

---

<sup>338</sup> J. E. Burnet, 'Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda', *African Affairs* 107, no. 428 (2 May 2008): 361–86, <https://doi.org/10.1093/afraf/adn024>, 371.

<sup>339</sup> *Ibid.*, 372.

<sup>340</sup> *Ibid.*, 372.

<sup>341</sup> *Ibid.*, 373.

<sup>342</sup> *Ibid.*

<sup>343</sup> *Ibid.*, 373.

One of the relevant women's organizations, in post-conflict Rwanda, was Pro-Femmes Twese Hamwe, which was born in 1992 and was dedicated to women's advocacy to improve women's development, inheritance rights and conditions. Therefore, a surprising aspect concerned the composition of the organization, which was made up of Hutu, Tutsi widows from the genocide, Tutsi returnees from Uganda, Burundi and the Democratic Republic of Congo, all cooperating for the same women's purposes without discrimination between the communities<sup>344</sup>.

The United Nations, since 1990s, has supplied women's organizations with consistent aids; as a matter of fact, they accommodated millions of dollars for Rwandan women's activists. The International Community, on the other hand, expressed its appreciation for Rwandan women leaders in women's organizations, who were even invited to international conferences and educational exchanges as inspirational figures for all communities<sup>345</sup>.

### 3.6 The economic reconstruction of Rwanda

According to the United Nations Development Program (UNDP) Human Development Index, Rwanda combatted the economic consequences after genocide and, thanks to the new economic reforms, it reduced economic poverty and increased Rwanda's wealth. Therefore, government strategies concentrated on three levels: first, the Tutsi regime tried to modernize the agricultural rural sector to increase Rwandan economic wealth, then they proposed reforms for rural life, in order to reduce the poverty index and finally, Rwandan was transformed into a society that pursued objectives within a highest-lowest level perspective<sup>346</sup>.

Thus, before achieving progress in the economic field, Rwanda dealt with economic issues, due to agricultural scares production, land systems, increasing inequalities

---

<sup>344</sup> Ibid., 373-374.

<sup>345</sup> Ibid., 374.

<sup>346</sup> An Ansoms, 'Rwanda's PostGenocide Economic Reconstruction The Mismatch between Elite Ambitions and Rural Realities', in *Remaking Rwanda: State Building and Human Rights after Mass Violence* (University of Wisconsin Press, 2011), 240.

between the communities and the low income from non-agrarian activities in the territory<sup>347</sup>. For this reason, the RPF adopted an innovative approach to the economic policy, which focused on a major control on regional markets and trade<sup>348</sup>.

The RPF-Tutsi government proposed land and agricultural reforms which belonged to a larger development plan. Nonetheless the government was considered more “*outward-oriented*”, as it presented a wider integrated approach, rather than its predecessors Kayibanda and Habyarimana<sup>349</sup>.

The most important measure, with respect to the economic process, was defined as the Séminaire nationale sur la Formulation de la Stratégie Agricole and Plan Global d’Actions pour la Sécurité Alimentaire, which tried to provide food security, and at the same time, promoted off-farm income<sup>350</sup>.

### 3.6.1 The International Community’s economic assistance to Rwanda

The Rwandan Tutsi government in the reconstruction of the Rwandan economy was not left alone by the international community, but the State’s economic plan required the invention of fundamental organizations like the Food and Agricultural Organization, on the one hand, and the World Food Program, on the other<sup>351</sup>.

According to them, for example, in the period comprised between August and September 1993, as far as crop concern, its production was reduced to only 45% levels, compared to the previous year. Furthermore, damage to forests and land was caused by refugees and internally displaced persons crisis, while only two researchers up to 60, which had to work with the national agricultural system, stayed in Rwanda, as all nine research stations and laboratories were closed in those terrible months, and the Services of the Ministry of Agriculture challenged significant losses in 1994<sup>352</sup>.

---

<sup>347</sup> S. Van Hoyweghen, ‘The Urgency of Land and Agrarian Reform in Rwanda’, *African Affairs* 98, no. 392 (1 July 1999): 353–72, <https://doi.org/10.1093/oxfordjournals.afraf.a008044>, 353.

<sup>348</sup> *Ibid.*, 356-357.

<sup>349</sup> *Ibid.*, 366.

<sup>350</sup> *Ibid.*, 367.

<sup>351</sup> Kumar and Tardif, art. cit., 25.

<sup>352</sup> *Ibid.*, 25.

The cooperation between International Organizations (FAO; WFP), NGOs, and the Ministry of Agriculture, that began with weekly meetings in August 1994, advanced programs and assistance for the restoration of agricultural production. As a matter of fact, the first project was defined as “*seeds and tools*” and was initially aimed at internally displaced persons and refugees but became a larger program that involved 62% of farmers in Rwanda with seeds and 72% with tools.

Moreover, the “seeds and tools” plan was supported by a similar program, called “seeds protection”, which favored the economic agricultural rehabilitation with a food distribution aid, in order to compensate for the expensive consumption of selected seeds for the agricultural plan<sup>353</sup>. Additionally, the International Agriculture Research Centers (IARC), exploited an initiative known as “seeds of hope” to furnish Rwanda with seeds of bean, maize, potato, and sorghum, while other NGOs such as World Vision and Catholic Relief Services or Caritas International tested seeds to improve their distribution for the economic growth<sup>354</sup>.

The Rwandan government, called on \$ 700,000 to adjust coffee and tea plantations and to increase their production, as established within the Rwandan Recovery Plan. However, the International Community, and especially the African Development Bank and the European Union, gave \$24.9 million and \$2.2 million dollars for the renovation of agriculture in Rwanda. On the contrary, agencies and organizations like the WFP, UNICEF, and FAO guaranteed logistical support, salary supplies, and material based on ad-hoc occasions<sup>355</sup>.

Although the economic plan involving the rehabilitation of agriculture was accepted on consensus basis and the outcomes overcame the initial procedure challenge, the post-genocide economic restoration presented some issues. As a matter of fact, lack of funds remained one of the biggest concerns in every field of Rwandan reconstruction, as, for

---

<sup>353</sup> Ibid., 26.

<sup>354</sup> Ibid., 27.

<sup>355</sup> Ibid., 27.



example, the World Bank slowness in releasing \$ 50 million emergency credit to Rwanda, caused irreparable damage to the State<sup>356</sup>.

Furthermore, the delay in distributing seeds and tools became another big problem in the postwar period, also because food-aid programs did not have resources to cover millions of people. For this reason, the 1995 season did not meet the planned agricultural demands. Delays in rehabilitating agriculture were another failure of the International Community in remonetizing and rehabilitate the rural economy<sup>357</sup>.

Although, the results have overcome delays and negative concerns on the rehabilitation program, as thanks to seeds and tools projects, high percentages of farmers have begun work activities, despite psychological, physical injuries, and insecurity consequences caused by the genocide. Finally, the UN Consolidated Inter-Agency Appeal had donated \$54 million for the first part of agricultural rehabilitation, while other donors have supported with around \$79 million dollars the following phases, with regard to the restoration of economy in 1995<sup>358</sup>.

### 3.7 Concluding Observations

Despite historically, Rwandan genocide lasted for 100 days in 1994, the real challenge started in the post-genocide era, and it affected every aspect of life: the political transition with the new RPF government, the issue of prosecuting perpetrators of genocide crimes at the national, and international level with the International Criminal Tribunal for Rwanda, the reformulation and the institution of a new education system, and the economic plan with the agricultural reform of rural areas.

A member, who belongs to a widow's survivors' organization (Avega official) in the post-genocide period stated:

*"We can't repeat the mistakes of the past, we are trying to live together like in the past when we all got along. Besides, we really do not have a choice. To prevent future*

---

<sup>356</sup> Ibid., 27.

<sup>357</sup> Ibid., 28.

<sup>358</sup> Ibid., 29.

*genocide, we have to reconcile with each other even if we find it very difficult. It takes time and perhaps generations.*<sup>359</sup>”

These words reassumed the perfect emphasis on truth and reconciliation, which represented the main values of the new Rwandan citizen.

However, the process is very complex and is still going on after many years following the genocide; in fact, reconciliation in the society can be reached only when trust between the government and the population is reciprocal and it is not superficially given. Besides, reconciliation involves forgiveness of the responsible genocide and restarting a communitarian life between Hutu and Tutsis, without ethnic divisionism, hatred, and discrimination, which have prevailed for decades in Rwandan history<sup>360</sup>.

---

<sup>359</sup> Kiwuwa, *Ethnic Politics and Democratic Transition in Rwanda*, *op. cit.*, 131.

<sup>360</sup> *Ibid.*, 130.



## CONCLUSIONS

*“The genocide in Rwanda should never, ever have happened. But it did. The international community failed Rwanda, and that must leave us always with a sense of bitter regret and abiding sorrow. /.../ The international community is guilty of sins of omission. I myself, as head of the UN's peacekeeping department at the time, pressed dozens of countries for troops. I believed at that time that I was doing my best. But I realised after the genocide that there was more that I could and should have done to sound the alarm and rally support.”<sup>361</sup>*

With these words, Secretary-General Kofi Annan opened the Memorial Conference on the Rwandan Genocide, which was organised at the United Nations by the Rwandan and Canadian governments on 26 March 2004. The Conference marked the 10-year anniversary of Rwanda's genocide, and it denoted those human tragedies, such as the one in Rwanda, must “*Never Again*” happen in the future<sup>362</sup>.

As a matter of fact, after 100 days of Rwandese genocide, the International Community tried to reply to a question I have presented within this thesis: why did the international community not to prevent massacres in Rwanda, despite there being evidence signs of violent upcoming? But especially, why did UNAMIR fail to protect Rwandan civilians and to stop the escalation?

Despite the Secretary-General admitting his fault in Rwandan genocide and claiming that the United Nations was inadequate to deal with human tragedy, I can conclude, stating that “genocide” was the result of various factors and episodes involving the United Nations.

---

<sup>361</sup> United Nations Secretary General, ‘Secretary-General’s Remarks at “Memorial Conference on the Rwanda Genocide”, Organized by the Governments of Canada and Rwanda’ (New York, 26 March 2004), <https://www.un.org/sg/en/content/sg/statement/2004-03-26/secretary-generals-remarks-memorial-conference-rwanda-genocide>.

<sup>362</sup>International Peace Academy (IPA), ‘10 Years After Genocide in Rwanda: Building Consensus for the Responsibility to Protect’ (New York, 26 March 2004), 1.

First, the United Nations Trusteeship on Rwanda with Belgium Accords to rule in the African state until independence in 1962, promoted, through colonization regimes, hatred, discrimination, and violence between two communities, Hutus and Tutsi, which had previously shared the language, land, and culture without any desire to eliminate “*the other*”. As a matter of fact, the Belgians favored the Tutsi élite and introduced systems of eliminating Hutu from every sphere of power, but also social life and education.

Nonetheless, hatred increased, causing the Hutu revolution in 1959, the exile of Tutsi refugees in neighboring countries with the subsequent foundation of the Rwandan Patriotic Front, the first Hutu regime with President Kayibanda until Habyarimana’s army coup d’état. The Habyarimana death episode was considered the straw that broke the tensions between the two groups in Rwanda, that officially became enemies despite their common roots.

However, in all these phases the United Nations were passive, although the risk of a human tragedy was imminent and it was exacerbated by the mass media propaganda, through all possible TV and channels, which forewarned the beginning of massacres against Tutsi and moderate Hutu well in advance. Besides, the fallacious victory of diplomacy, with the Arusha Peace Agreements between the RPF and the Rwandan Hutu government on 4 August 1993, constituted another element not to pay attention to the real situation in Rwanda.

The request within Arusha Accords of a Neutral International Force gave the United Nations the chance to acquire an important function: in fact, the force to guarantee the security over Rwanda was destined to fund UNAMIR, a concrete peacekeeping mission originated from the United Nations Observer Mission Uganda-Rwanda. Indeed, the International Community hope that UNAMIR would have prevented the outbreak of genocide declined since the establishment of the UNAMIR mandate and Rules of Engagement. In fact, UNAMIR peacekeeping was instituted under Chapter VI of the United Nations Charter, with a restricted mandate and for a limited period, whose action was subjected to cooperation with the local authorities. Therefore, the lack of equipment and the lack of troops contributed to the weakness of UNAMIR, and, subsequently, the

UNAMIR Force Commander, Roméo Dallaire, faced difficult obstacles to expand the UNAMIR mandate.

Furthermore, Dallaire had to confront with Riza, Annan, and Annabi at the UN Department of Peacekeeping Operations before taking any action, although, they disallowed the use of force on every occasion, even when being secretly informed of a planned extermination of Tutsis, as in the case of the famous “*genocide-fax*”. The lack of understanding between Dallaire and the Department of Peacekeeping Operation increased the fragmentation of the UN and inability to deal with the violent phenomena that occurred in Rwanda. Annan, Annabi, and Riza underestimated the situation in Rwanda, and as a result, did not inform the Security Council about the events and possible outcomes in the field. All these issues were given to UNAMIR’s incapacity to defend and to protect civilians on 6 April 1994, when Habyarimana’s plane was shot down.

The failure of the international community to prevent genocide pursued in the first days of assassinations, until ten Belgian peacekeepers were killed when defending the New Prime Minister, and subsequently, Belgium withdrew the mission. Besides, when the Security Council was delayed in reporting on the massacres, the only possible solution was the total withdrawal of UNAMIR. On 21 April, the Security Council voted for a symbolic presence of 270 persons in Rwanda, marking the final collapse of UNAMIR.

Nonetheless, another operation under UNAMIR was “*Operation Turquoise*”, which was directed by the French military and caused misconception, as the operation was introduced under Chapter VII of the UN Charter for humanitarian purposes and toward refugees “*coming home*” and internally displaced persons in Rwanda. Operation Turquoise represented another contradiction for the Department of Peacekeeping, and the mission was limited for two months until the French withdrawal.

When the RPF conquered Kigali and installed a new government in July 1994, the United Nations was still present in the Rwandan reconstruction program focused on unity,

solidarity, new education, and justice for perpetrators of genocide. In fact, the United Nations promoted the creation of an Ad hoc International Criminal Tribunal for Rwanda to eradicate the culture of impunity and to perpetrate responsible of acts of genocide and human rights violations. Therefore, the UN formally acknowledged the genocide in Rwanda, as the new Secretary General Kofi Annan stated in the Memorial Conference for the Genocide of Rwanda in March 2004, and then at the International Day of Reflection on 7 April 2004.

However, the International Criminal Tribunal for Rwanda, despite the first initial success in bringing to justice genocide crimes, was not effective in the new justice system and viewed a decline in the participation of the international community in trials. Justice was only a facet in the reconstruction and reconciliation of Rwanda, and, for example, the refugee crisis, the reformulation of the education system and the agricultural system involved the participation of the UN agencies such as: the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Educational, Scientific, and Cultural Organization, also supported by the United Nations Rwanda Emergency Office and the United Development Programme as various NGOs.

In conclusion, the awareness that acts of genocide could become a reality led the United Nations to admit their responsibility in the Rwandan massacres, but especially to offer humanitarian assistance to innocent victims' people, belonging to the same community. The responsibility to prevent must always be accompanied by the responsibility to protect; for this reason, the United Nations must take all necessary steps to guarantee civilian protection in the future. "*Inshingano yo k'urinda*", the responsibility to protect in the Kinyarwanda language, which means "*to defend*" must guide the following United Nations actions to ensure that these tragedies would never again happen in history<sup>363</sup>.

---

<sup>363</sup> International Peace Academy (IPA) *art. cit.*, 8.

## APPENDIX

ANNEX I- RESOLUTION 872 (1993)

UNITED NATIONS

S



Security Council

Distr.  
GENERAL

S/RES/872 (1993)

5 October 1993

---

RESOLUTION 872 (1993)

Adopted by the Security Council at its 3288th  
meeting, on 5 October 1993

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Reaffirming also its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Having considered the report of the Secretary-General of 24 September 1993 (S/26488 and Add.1),

Welcoming the signing of the Arusha Peace Agreement (including its Protocols) on 4 August 1993 and urging the parties to continue to comply fully with it,

Noting the conclusion of the Secretary-General that in order to enable the United Nations to carry out its mandate successfully and effectively, the full cooperation of the parties with one another and with the Organization is required,



Stressing the urgency of the deployment of an international neutral force in Rwanda, as underlined both by the Government of the Republic of Rwanda and by the Rwandese Patriotic Front and as reaffirmed by their joint delegation in New York,

Paying tribute to the role played by the Organization of African Unity (OAU) and by the Government of the United Republic of Tanzania in the conclusion of the Arusha Peace Agreement,

Resolved that the United Nations should, at the request of the parties and under peaceful conditions with the full cooperation of all the parties, make its full contribution to the implementation of the Arusha Peace Agreement,

93-54063 (E)

S/RES/872 (1993)

Page 2

1. Welcomes the report of the Secretary-General (S/26488);
2. Decides to establish a peace-keeping operation under the name "United Nations Assistance Mission for Rwanda" (UNAMIR) for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Arusha Peace Agreement;
3. Decides that, drawing from the Secretary-General's recommendations, UNAMIR shall have the following mandate:
  - (a) To contribute to the security of the city of Kigali inter alia within a weapons-secure area established by the parties in and around the city;
  - (b) To monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures;
  - (c) To monitor the security situation during the final period of the transitional government's mandate, leading up to the elections;
  - (d) To assist with mine clearance, primarily through training programmes;

(e) To investigate at the request of the parties or on its own initiative instances of alleged non-compliance with the provisions of the Arusha Peace Agreement relating to the integration of the armed forces, and pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;

(f) To monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;

(g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;

(h) To investigate and report on incidents regarding the activities of the gendarmerie and police;

4. Approves the Secretary-General's proposal that the United Nations Observer Mission Uganda-Rwanda (UNOMUR) established by resolution 846 (1993) should be integrated within UNAMIR;

5. Welcomes the efforts and the cooperation of the OAU in helping to implement the Arusha Peace Agreement, in particular the integration of the Neutral Military Observer Group (NMOG II) within UNAMIR;

6. Further approves the Secretary-General's proposal that the deployment and withdrawal of UNAMIR should be carried out in stages and notes in this connection that UNAMIR's mandate, if extended, is expected to terminate following national elections and the installation of a new government in Rwanda, /...

S/RES/8

72

(1993)

Page 3

events which are scheduled to occur by October 1995, but no later than December 1995;

7. Authorizes the Secretary-General, in this context, to deploy the first contingent, at the level specified by the Secretary-General's report, to Kigali for an initial period of six months, in the shortest possible time, which, when fully in place, will permit the establishment

of the transitional institutions and implementation of the other relevant provisions of the Arusha Peace Agreement;

8. Invites the Secretary-General, in the context of the report referred to in paragraph 2 above, also to report on the progress of UNAMIR following its initial deployment, and resolves to review as appropriate, on the basis of that report and as part of the review referred to in paragraph 2 above, the requirement for further deployments in the scale and composition recommended by the Secretary-General in his report (S/26488);

9. Invites the Secretary-General to consider ways of reducing the total maximum strength of UNAMIR, in particular through phased deployment without thereby affecting the capacity of UNAMIR to carry out its mandate, and requests the Secretary-General in planning and executing the phased deployment of UNAMIR to seek economies and to report regularly on what is achieved in this regard;

10. Welcomes the intention of the Secretary-General to appoint a Special Representative who would lead UNAMIR in the field and exercise authority over all its elements;

11. Urges the parties to implement the Arusha Peace Agreement in good faith;

12. Also requests the Secretary-General to conclude expeditiously an agreement on the status of the operation, and all personnel engaged in the operation in Rwanda, to come into force as near as possible to the outset of the operation and no later than thirty days after the adoption of this resolution;

13. Demands that the parties take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

14. Urges Member States, United Nations agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda;

15. Decides to remain actively seized of the matter.

--

ANNEX II- REQUEST PROTECTION FOR INFORMANT

50-9 3

1/2

23252

BP TBT

CNR 12

10016678

OUTGOING: CODE CABLE

DATE: 11 JANUARY 1994

HIR 87

TO: BARIL\DPKO\UNATIONS NEW YORK	FROM: DALLAYRE UNAMIR\KIGALI
FAX NO: MOST IMMEDIATE-CODE CABLE-212-963-9852 INMARSAT:	FAX NO: 011-250-84273
SUBJECT: REQUEST FOR PROTECTION FOR INFORMANT	
ATTN: MGEN BARIL	ROOM NO. 2052
TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS ONE: 2	

1. FORCE COMMANDER PUT IN CONTACT WITH INFORMANT BY VERY VERY IMPORTANT GOVERNMENT POLITICIAN. INFORMANT IS A TOP LEVEL TRAINER IN THE CADRE OF INTERHAMWE-ARMED MILITIA OF MRND.
2. HE INFORMED US HE WAS IN CHARGE OF LAST SATURDAYS DEMONSTRATIONS WHICH AIMS WERE TO TARGET DEPUTIES OF OPPOSITION PARTIES COMING TO CEREMONIES AND BELGIAN SOLDIERS. THEY HOPED TO PROVOKE THE RPF BN TO ENGAGE (BEING FIRED UPON) THE DEMONSTRATORS AND PROVOKE A CIVIL WAR. DEPUTIES WERE TO BE ASSASSINATED UPON ENTRY OR EXIT FROM PARLIAMENT. BELGIAN TROOPS WERE TO BE PROVOKED AND IF BELGIANS SOLDIERS RESORTED TO FORCE A NUMBER OF THEM WERE TO BE KILLED AND THUS GUARANTEE BELGIAN WITHDRAWAL FROM RWANDA.
3. INFORMANT CONFIRMED 48 RGF PARA CDO AND A FEW MEMBERS OF THE GENDARMERIE PARTICIPATED IN DEMONSTRATIONS IN PLAIN CLOTHES. ALSO AT LEAST ONE MINISTER OF THE MRND AND THE SOUS-PREFECT OF KIGALI WERE IN THE DEMONSTRATION. RGF AND INTERHAMWE PROVIDED RADIO COMMUNICATIONS.
4. INFORMANT IS A FORMER SECURITY MEMBER OF THE PRESIDENT. HE ALSO STATED HE IS PAID RF150,000 PER MONTH BY THE MRND PARTY TO TRAIN INTERHAMWE. DIRECT LINK IS TO CHIEF OF STAFF RGF AND PRESIDENT OF THE MRND FOR FINANCIAL AND MATERIAL SUPPORT.
5. INTERHAMWE HAS TRAINED 1700 MEN IN RGF MILITARY CAMPS OUTSIDE THE CAPITAL. THE 1700 ARE SCATTERED IN GROUPS OF 40 THROUGHOUT KIGALI. SINCE UNAMIR DEPLOYED HE HAS TRAINED 300 PERSONNEL IN THREE WEEK TRAINING SESSIONS AT RGF CAMPS. TRAINING

WM002285

2/2  
L0016679

FOCUS WAS DISCIPLINE, WEAPONS, EXPLOSIVES, CLOSE COMBAT AND TACTICS.

6. PRINCIPAL AIM OF INTERHAMWE IN THE PAST WAS TO PROTECT KIGALI FROM RPF. SINCE UNAMIR MANDATE HE HAS BEEN ORDERED TO REGISTER ALL TUTSI IN KIGALI. HE SUSPECTS IT IS FOR THEIR EXTERMINATION. EXAMPLE HE GAVE WAS THAT IN 20 MINUTES HIS PERSONNEL COULD KILL UP TO 1000 TUTSIS.

7. INFORMANT STATES HE DISAGREES WITH ANTI-TUTSI EXTERMINATION. HE SUPPORTS OPPOSITION TO RPF BUT CANNOT SUPPORT KILLING OF INNOCENT PERSONS. HE ALSO STATED THAT HE BELIEVES THE PRESIDENT DOES NOT HAVE FULL CONTROL OVER ALL ELEMENTS OF HIS OLD PARTY\FACTION.

8. INFORMANT IS PREPARED TO PROVIDE LOCATION OF MAJOR WEAPONS CACHE WITH AT LEAST 135 WEAPONS. HE ALREADY HAS DISTRIBUTED 110 WEAPONS INCLUDING 35 WITH AMMUNITION AND CAN GIVE US DETAILS OF THEIR LOCATION. TYPE OF WEAPONS ARE G3 AND AK47 PROVIDED BY RGF. HE WAS READY TO GO TO THE ARMS CACHE TONIGHT-IF WE GAVE HIM THE FOLLOWING GUARANTEE: HE REQUESTS THAT HE AND HIS FAMILY (HIS WIFE AND FOUR CHILDREN) BE PLACED UNDER OUR PROTECTION.

9. IT IS OUR INTENTION TO TAKE ACTION WITHIN THE NEXT 36 HOURS WITH A POSSIBLE H HR. OF WEDNESDAY AT DAWN (LOCAL). INFORMANT STATES THAT HOSTILITIES MAY COMMENCE AGAIN IF POLITICAL DEADLOCK ENDS. VIOLENCE COULD TAKE PLACE DAY OF THE CEREMONIES OR THE DAY AFTER. THEREFORE WEDNESDAY WILL GIVE GREATEST CHANCE OF SUCCESS AND ALSO BE MOST TIMELY TO PROVIDE SIGNIFICANT INPUT TO ON-GOING POLITICAL NEGOTIATIONS.

10. IT IS RECOMMENDED THE INFORMANT BE GRANTED PROTECTION AND EVACUATED OUT OF RWANDA. THIS HQ DOES NOT HAVE PREVIOUS UN EXPERIENCE IN SUCH MATTERS AND URGENTLY REQUESTS GUIDANCE. NO CONTACT HAS AS YET BEEN MADE TO ANY EMBASSY IN ORDER TO INQUIRE IF THEY ARE PREPARED TO PROTECT HIM FOR A PERIOD OF TIME BY GRANTING DIPLOMATIC IMMUNITY IN THEIR EMBASSY IN KIGALI BEFORE MOVING HIM AND HIS FAMILY OUT OF THE COUNTRY.

11. FORCE COMMANDER WILL BE MEETING WITH THE VERY VERY IMPORTANT POLITICAL PERSON TOMORROW MORNING IN ORDER TO ENSURE THAT THIS INDIVIDUAL IS CONSCIOUS OF ALL PARAMETERS OF HIS INVOLVEMENT. FORCE COMMANDER DOES HAVE CERTAIN RESERVATIONS ON THE SUDDENNESS OF THE CHANGE OF HEART OF THE INFORMANT TO COME CLEAN WITH THIS INFORMATION. RECCE OF ARMED CACHE AND DETAILED PLANNING OF RAID TO GO ON LATE TOMORROW. POSSIBILITY OF A TRAP NOT FULLY EXCLUDED, AS THIS MAY BE A SET-UP AGAINST THE VERY VERY IMPORTANT POLITICAL PERSON. FORCE COMMANDER TO INFORM SRSG FIRST THING IN MORNING TO ENSURE HIS SUPPORT.

13. PEUX CE QUE VEUX: ALLONS-Y.

ANNEX III- CONTACTS WITH INFORMANT

CNR 06 P1/2

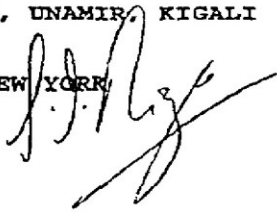
f

**ONLY**

OUTGOING CODE CABLE

10001702 MOST IMMEDIATE

TO: BOOH-BOOH/DALLAIRE, UNAMIR, KIGALI ONLY  
 FROM: ANNAN, UNATIONS, NEW YORK NO DISTRIBUTION  
 DATE: 11 January 1994  
 NUMBER: UNAMIR: 100  
 SUBJECT: Contacts with Informant



RECEIVED  
11 JAN 1994

1. We have carefully reviewed the situation in the light of your MIR-79. We cannot agree to the operation contemplated in paragraph 7 of your cable, as it clearly goes beyond the mandate entrusted to UNAMIR under resolution 872 (1993).

2. However, on the assumption that you are convinced that the information provided by the informant is absolutely reliable, we request you to undertake the initiatives described in the following paragraphs.

3. SRSB and FC should request urgent meeting with the President. At that meeting you should inform the President that you have received apparently reliable information concerning the activities of the Interhamwe militia which represent a clear threat to the peace process. You should inform him that these activities include the training and deployment of subversive groups in Kigali as well as the storage and distribution of weapons to these groups.

4. You should inform him that these activities constitute a clear violation of the provisions of the Arusha peace agreement and of the Kigali weapons-secure area. You should assume that he is not aware of these activities, but insist that he must immediately look into the situation, take the necessary action to

WM002253

ensure that these subversive activities are immediately discontinued and inform you within 48 hours of the measures taken in this regard, including the recovery of the arms which have been distributed.

L0001703

5. You should advise the President that, if any violence occurs in Kigali, you would have to immediately bring to the attention of the Security Council the information you have received on the activities of the militia, undertake investigations to determine who is responsible and make appropriate recommendations to the Security Council.

6. Before meeting with the President you should inform the Ambassadors of Belgium, France and the United States of your intentions and suggest to them that they may wish to consider making a similar démarche.

7. For security considerations, we leave it to your discretion to decide whether to inform the PM(D) of your plans before or after the meeting with the President. When you meet with the PM(D), you should explain to him the limits of your mandate. You should also assure him that, while the mandate of UNAMIR does not allow you to extend protection to the informant, his identity and your contacts with him will not be repeat not be revealed.

8. If you have major problems with the guidance provided above, you may consult us further. We wish to stress, however, that the overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions. Regards.

WM002254



**Security Council**

Distr.  
GENERAL

S/RES/955 (1994) \*

8 November 1994

---

RESOLUTION 955 (1994)

Adopted by the Security Council at its 3453rd meeting,  
on 8 November 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the reports of the Secretary-General pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994 (S/1994/879 and S/1994/906), and having taken note of the reports of the Special Rapporteur for Rwanda of the United Nations Commission on Human Rights (S/1994/1157, annex I and annex II),

Expressing appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the Secretary-General's letter of 1 October 1994 (S/1994/1125),

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,



Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

---

\* Reissued for technical reasons.

95-14097 (E)

Believing that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Stressing also the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides hereby, having received the request of the Government of Rwanda (S/1994/1115), to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and

31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

2. Decides that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 28 of the Statute, and requests States to keep the Secretary-General informed of such measures;

3. Considers that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the Statute;

4. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

5. Requests the Secretary-General to implement this resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal, including recommendations to the Council as to possible locations for the seat of the International Tribunal at the earliest time and to report periodically to the Council;

6. Decides that the seat of the International Tribunal shall be determined by the Council having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy, and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions; and decides that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

7. Decides to consider increasing the number of judges and Trial Chambers of the International Tribunal if it becomes necessary;

8. Decides to remain actively seized of the matter.

#### Annex

#### Statute of the International Tribunal for Rwanda

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of

International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

#### Article 1

##### Competence of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute.

#### Article 2

##### Genocide

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide; (e) Complicity in genocide.

### Article 3

#### Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation;
- (e) Imprisonment;
- (f) Torture;
- (g) Rape;
- (h) Persecutions on political, racial and religious grounds;
- (i) Other inhumane acts.

### Article 4

#### Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

- (a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) Collective punishments;
- (c) Taking of hostages;
- (d) Acts of terrorism;
- (e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) Pillage;
- (g) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court,

affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(h) Threats to commit any of the foregoing acts.

#### Article 5

##### Personal jurisdiction

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

#### Article 6

##### Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

#### Article 7

##### Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

Article 8

Concurrent jurisdiction

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda.

Article 9

Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

(a) The act for which he or she was tried was characterized as an ordinary crime; or

(b) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10

Organization of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(b) The Prosecutor; and (c) A Registry.

## Article 11

### Composition of the Chambers

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows: (a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

## Article 12

### Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same

nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

### Article 13

#### Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

### Article 14

#### Rules of procedure and evidence

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

### Article 15

#### The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.



2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

## Article 16

### The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

## Article 17

### Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime

or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

#### Article 18

##### Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

#### Article 19

##### Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

#### Article 20

##### Rights of the accused

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
- (b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
- (f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;
- (g) Not to be compelled to testify against himself or herself or to confess guilt.

#### Article 21

##### Protection of victims and witnesses

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

#### Article 22

##### Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.
2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

## Article 23

### Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.
2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.
3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

## Article 24

### Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:
  - (a) An error on a question of law invalidating the decision; or
  - (b) An error of fact which has occasioned a miscarriage of justice.
2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

## Article 25

### Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

## Article 26

### Enforcement of sentences

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment

shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

#### Article 27

##### Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

#### Article 28

##### Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

- (a) The identification and location of persons;
- (b) The taking of testimony and the production of evidence;
- (c) The service of documents;
- (d) The arrest or detention of persons;
- (e) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

#### Article 29

##### The status, privileges and immunities of the International Tribunal for Rwanda

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

2. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

3. Other persons, including the accused, required at the seat or meeting place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

#### Article 30

##### Expenses of the International Tribunal for Rwanda

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

#### Article 31

##### Working languages

The working languages of the International Tribunal shall be English and French.

#### Article 32

##### Annual report

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.



## BIBLIOGRAPHY

### UNITED NATIONS OFFICIAL DOCUMENTS

- Annan, United Nations. ‘Contacts with Informant to Booh-Booh/Dallaire-UNAMIR’, 11 January 1994.
- Dallaire, Robert. ‘Request for Protection for Informant’, 11 January 1994.
- General Assembly resolution 260 A (III). ‘Convention on the Prevention and Punishment of the Crime of Genocide’, 9 December 1948. [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf).
- Jacques Roger Booh Booh. ‘Daily Report’, 8 April 1994, 4.
- United Nations General Assembly. ‘Resolution Adopted on the Report of the Fourth Committee 1746 (XVI). The Future of Ruanda-Urundi’. Resolutions Adopted by The General Assembly From 7 to 28 June 1962. New York, n.d.
- United Nations General Assembly/Security Council. ‘General Assembly Forty-Eighth Session A/48/824 S/26915’, 23 December 1993.
- United Nations Human Rights Office of the High Commissioner. ‘Secretary-General to Commission on Human Rights: the Risk of Genocide Is Frighteningly Real’, 7 April 2004.
- United Nations Secretary General. ‘Secretary-General’s Remarks at “Memorial Conference on the Rwanda Genocide”, Organized by the Governments of Canada and Rwanda’. New York, 26 March 2004. <https://www.un.org/sg/en/content/sg/statement/2004-03-26/secretary-generals-remarks-memorial-conference-rwanda-genocide>.



- United Nations Secretary-General António Guterres. ‘Remarks on the 25th Anniversary of the Genocide against the Tutsi in Rwanda’, 12 April 2019. <https://www.un.org/sg/en/content/sg/speeches/2019-04-12/remarks-25th-anniversary-of-rwanda-genocide>.
- United Nations Secretary-General Kofi Annan. ‘Address by Kofi Annan to the Commission on Human Rights’, 7 April 2004. <https://www.un.org/sg/en/content/sg/speeches/2004-04-07/address-kofi-annan-commission-human-rights>.
- United Nations Security Council. ‘Repertoire of the Practice of the Security Council-Chapter VIII. Consideration of Questions under the Responsibility of the Security Council for the Maintenance of International Peace and Security’, n.d.
- United Nations Security Council. ‘RESOLUTION 812 (S/RES/812)’, 12 March 1993.
- United Nations Security Council. ‘RESOLUTION 846 (S/RES/846)’, 22 June 1993.
- United Nations Security Council. ‘RESOLUTION 872 (S/RES/872)’, 5 October 1993.
- United Nations Security Council. ‘RESOLUTION 909 (S/RES/909)’, 5 April 1994.
- United Nations Security Council. ‘RESOLUTION 918 (S/RES/918)’, 17 May 1994.
- United Nations Security Council. ‘RESOLUTION 929 (S/RES/929)’, 22 June 1994.
- United Nations Security Council, ‘RESOLUTION 955 (S/RES/955)’, 8 November 1994.
- United Nations Security Council. ‘Second Progress Report of The Secretary-General on The United Nations Assistance Mission for Rwanda (S/1994/360)’, 30 March 1994.

- United Nations Trusteeship Council. ‘Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Ruanda-Urundi (T/1346)’. New York, 1958.
- United Nations. ‘United Nations Charter, Chapter I: Purposes and Principles’, n.d. <https://www.un.org/en/about-us/un-charter/chapter-1>.
- United Nations. ‘United Nations Peacekeeping Missions Military Reconnaissance Unit Manual’, April 2015.
- United Nations. ‘What Is Peacekeeping’, n.d. <https://peacekeeping.un.org/en/what-is-peacekeeping>.

## BOOKS/ BOOKS SECTIONS

- ‘Accountability for Mass Atrocity: Challenges, Choices and Goals of Transitional Justice in Post-Genocide Rwanda’. In *Transitional Justice in Rwanda*, 0 ed., 97–122. Routledge, 2013. <https://doi.org/10.4324/9780203075159-11>.
- ‘Accountability, Justice and the Role of the International Criminal Tribunal for Rwanda’. In *Transitional Justice in Rwanda*, 0 ed., 123–71. Routledge, 2013. <https://doi.org/10.4324/9780203075159-12>.
- Ansoms, An. ‘Rwanda’s Post Genocide Economic Reconstruction The Mismatch between Elite Ambitions and Rural Realities’. In *Remaking Rwanda: State Building and Human Rights after Mass Violence*. University of Wisconsin Press, 2011.
- Geheran, Michael, and David Frey. ‘Leadership in War and Genocide: Roméo Dallaire in Rwanda’. In *Historians on Leadership and Strategy*, edited by Martin Gutmann, 15–39. Cham: Springer International Publishing, 2020. [https://doi.org/10.1007/978-3-030-26090-3\\_2](https://doi.org/10.1007/978-3-030-26090-3_2).

- Grünfeld, Fred, and Anke Huijboom. *The Failure to Prevent Genocide in Rwanda: The Role of Bystanders*. Brill | Nijhoff, 2007. <https://doi.org/10.1163/ej.9789004157811.i-299>.
- Kabanda, Marcel. 'Kangura: The Triumph of Propaganda Refined'. In *Media and the Rwanda Genocide*, A. Thompson, International Development Research Centre, 2007. <http://ebookcentral.proquest.com/lib/ucsn-ebooks/detail.action?docID=289467>.
- Kiwuwa, David. *Ethnic Politics and Democratic Transition in Rwanda*. 0 ed. Routledge, 2012. <https://doi.org/10.4324/9780203119877>.
- Klappe, Ben. 'Chapter 6 Rules of Engagement'. In *International Military Missions and International Law*, Vol. 13. Brill | Nijhoff, 2011. [https://doi.org/10.1163/9789004215900\\_007](https://doi.org/10.1163/9789004215900_007).
- Kuperman, Alan J. 'Chapter\_Eight\_Contending\_Claims'. In *The Limits of Humanitarian Intervention Genocide*, 162. Brookings Institution Press, 2004.
- Melvern, Linda. 'Chapter 37 United Nations Observer Mission Uganda–Rwanda (UNOMUR) and United Nations Assistance Mission for Rwanda I (UNAMIR I)'. In *The Oxford Handbook of United Nations Peacekeeping Operations*, Oxford University Press., 2014.
- Peskin, Victor. 'Part III Rwanda: Virtual Trials, International Justice, and The Politics of Shame-The Struggle to Create the International Criminal Tribunal for Rwanda'. In *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation*. Cambridge University Press, 2008.
- Rawson, David P. *Prelude to Genocide: Arusha, Rwanda, and the Failure of Diplomacy*. Studies in Conflict, Justice, and Social Change 65th. Athens, Ohio: Ohio University Press, 2018.

## ARTICLES

- Akhavan, Payam. 'The International Criminal Tribunal for Rwanda: The Politics and Pragmatics of Punishment'. *American Journal of International Law* 90, no. 3 (July 1996): 501–10. <https://doi.org/10.2307/2204076>.
- Alluri, Rina M. 'A History of Conflict: The Rwandan Civil War and Genocide'. *The Role of Tourism in Post-Conflict Peacebuilding in Rwanda*. Swisspeace, 2009. <http://www.jstor.com/stable/resrep11112.8>.
- Barria, Lilian A., and Steven D. Roper. 'How Effective Are International Criminal Tribunals? An Analysis of the ICTY and the ICTR'. *The International Journal of Human Rights* 9, no. 3 (September 2005): 349–68. <https://doi.org/10.1080/13642980500170782>.
- Berdal, Mats. 'The United Nations, Peacebuilding, and the Genocide in Rwanda'. *Global Governance: A Review of Multilateralism and International Organizations* 11, no. 1 (3 August 2005): 115–30. <https://doi.org/10.1163/19426720-01101009>.
- Brune, Molly. 'Political Survival as a Motive in Decision-Making: The UNHCR and the Rwandan Refugee Crisis', n.d., 100.
- Buckley-Zistel, Susanne. 'Nation, Narration, Unification? The Politics of History Teaching after the Rwandan Genocide', *Journal of Genocide Research* 11, no. 1 (2009), 24.
- Burkhalter, Holly J. 'The Question of Genocide: The Clinton Administration and Rwanda'. *World Policy Journal*, Duke University Press, Vol. 11, no. 4 (Winter /1995 1994): 12.
- Burnet, J. E. 'Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda'. *African Affairs* 107, no. 428 (2 May 2008): 361–86. <https://doi.org/10.1093/afraf/adn024>.
- Faggart, Crystal. 'U.N. Peacekeeping After Rwanda: Lessons Learned or Mistakes Forgotten?' *Penn State International Law Review* 27, no. 2 (2008). <http://elibrary.law.psu.edu/psilr/vol27/iss2/11>.

- Haskell, Leslie, and Lars Waldorf. 'The Impunity Gap of the International Criminal Tribunal for Rwanda: Causes and Consequences' *Hastings International and Comparative Law Review*, no. 1 (Winter 2011): 39.
- Hintjens, Helen M. 'Explaining the 1994 Genocide in Rwanda'. *The Journal of Modern African Studies* 37, no. 2 (June 1999): 241–86. <https://doi.org/10.1017/S0022278X99003018>.
- Hodgkin, Marian. 'Reconciliation in Rwanda: Education, History and The State'. *Journal of International Affairs*, *Journal of International Affairs Editorial Board*, 60, no. 1 (Fall/Winter 2006): 199–210.
- Human Rights Watch Africa. 'Genocide in Rwanda April-May 1994' 6, no. 4 (May 1994): 2–15.
- Human Rights Watch. 'The Rwandan Genocide: How It Was Prepared', no. 1 (April 2006).
- Kabeera, Benon, and Vishanthie Sewpaul. 'Genocide and Its Aftermath: The Case of Rwanda'. *International Social Work* 51, no. 3 (May 2008): 324–36. <https://doi.org/10.1177/0020872807088079>.
- Kabunduguru, Mathias. 'Peacekeeping and the UN: Lessons from Rwanda', Asia Pacific Press, 1999. <http://ncdsnet.anu.edu.au>.
- Keith, Kirsten MF. 'Justice at the International Criminal Tribunal for Rwanda: Are Criticisms Just?', 2009, 25.
- Kolodziej, Edward A. 'The Great Powers and Genocide: Lessons from Rwanda'. *Pacifica Review: Peace, Security & Global Change* 12, no. 2 (June 2000): 121–45. <https://doi.org/10.1080/713604460>.
- Mafeza, Faustin. 'The Role of Education in Combating Genocide Ideology in Post-Genocide Rwanda'. *International Journal of Education and Research* 1, no. 10 (October 2013).
- Melvern, Linda. 'The Security Council: Behind the Scenes'. *International Affairs* 77, no. 1 (January 2001): 101–11. <https://doi.org/10.1111/1468-2346.00180>.

- Michael Barnett, the George Washington University. ‘The United Nations Security Council and Rwanda’, 1 June 2014, 2–14.
- Newbury, David. ‘Returning Refugees: Four Historical Patterns of “Coming Home” to Rwanda’. *Comparative Studies in Society and History* 47, no. 2 (April 2005): 252–85. <https://doi.org/10.1017/S0010417505000137>.
- Nikuze, Donatien. ‘The Genocide against the Tutsi in Rwanda: Origins, Causes, Implementation, Consequences, and the Post-Genocide Era’ 3, no. 5 (2014): 1086–98.
- Piiparinen, Touko. ‘Beyond the Mystery of the Rwanda “Black Box”: Political Will and Early Warning’. *International Peacekeeping* 13, no. 3 (September 2006): 334–49. <https://doi.org/10.1080/13533310600824033>.
- Plaut, Martin. ‘Rwanda — Looking beyond the Slaughter’. *Royal Institute of International Affairs The World Today*, Aug.-Sep., 1994, Vol. 50, No. 8/9 (September 1994): 149–53.
- Van Brabant, Koenraad. ‘Security and Protection in Peacekeeping: A Critical Reading of the Belgian Inquiry into Events in Rwanda in 1994’. *International Peacekeeping* 6, no. 1 (March 1999): 143–53. <https://doi.org/10.1080/13533319908413761>.
- Van Hoyweghen, S. ‘The Urgency of Land and Agrarian Reform in Rwanda’. *African Affairs* 98, no. 392 (1 July 1999): 353–72. <https://doi.org/10.1093/oxfordjournals.afraf.a008044>.
- Van Schaack, Beth. ‘Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson’. *Am. Univ. J. of Gender, Social Policy, & The Law*, January 2009.
- Willard, Emily and University of Washington. ‘New Documents Shed Light: Why Did Peacekeepers Withdraw during Rwanda’s 1994 Genocide?’ *Genocide Studies and Prevention* 12, no. 3 (December 2018): 143–62. <https://doi.org/10.5038/1911-9933.12.3.1611>.

- Yanagizawa-Drott, David. ‘Propaganda and Conflict: Evidence from the Rwandan Genocide\*’. *The Quarterly Journal of Economics* 129, no. 4 (1 November 2014): 1947–94. <https://doi.org/10.1093/qje/qju020>.

## RADIO BROADCAST

- ‘Radio Télévision Libre Des Mille Collines (RTL M)’. 0004 RTL M/4 12/4/94, 22 April 1994.

## REPORTS AND OTHER DOCUMENTS

- ‘Procédure opérationnelle pour l’établissement de la zone de consignation d’armes de Kigali’, n.d., 27.
- Anonymous. ‘“Genocidal Slaughter” Claims as Many as 1 Million’. *UN Chronicle*, Social Science Premium Collection, December 1994.
- Beltrami, Fulvio. ‘The Bahutu Manifesto 1957 – The Emergence of the Hutu Power in Rwanda’. *Africa Report*, n.d. <https://fulviobeltramiafrica.wordpress.com/>.
- Harsch, Ernest. ‘The World Reflects on Rwanda Genocide-Annan Urges Action to Prevent Future Tragedies’, April 2004. <https://www.un.org/africarenewal/magazine/april-2004/world-reflects-rwanda-genocide-0#:~:text=The%20UN%20action%20plan%2C%20which%20is%20inspired%20by,Ingvar%20Carlsson%2C%20will%20involve%20the%20whole%20UN%20system.>
- Haspelslagh, Sophie. ‘Safe Havens in Rwanda: Operation Turquoise’, n.d.
- International Peace Academy (IPA). ‘10 Years After Genocide in Rwanda: Building Consensus for the Responsibility to Protect’. New York, 26 March 2004.

- Kumar, Krishna, and David Tardif. 'Rebuilding Postwar Rwanda The Role of the International Community', July 1966, 77.
- R. A. Dallaire, and B. Poulin. 'UNAMIR: Mission to Rwanda', Spring 1995, 13–17.