

## **Terror and Impunity in Rwanda**

Rony Brauman, Stephen Smith, Claudine Vidal

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Le *Centre de réflexion sur l'action et les savoirs humanitaires* (CRASH) a été créé par Médecins sans frontières en 1999. Sa vocation : stimuler la réflexion critique sur les pratiques de l'association afin d'en améliorer l'action.

Le Crash réalise des études et analyses portant sur l'action de MSF dans son environnement immédiat. Elaborées à partir des cadres et de l'expérience de l'association, ces textes ne représentent pas la « ligne du parti » MSF, pas plus qu'ils ne cherchent à défendre une conception du « vrai humanitaire ». Leur ambition est au contraire de contribuer au débat sur les enjeux, contraintes, limites – et par conséquent dilemmes – de l'action humanitaire. Les critiques, remarques et suggestions sont plus que bienvenues, elles sont attendues.

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The Crash carries out in-depth studies and analyses of MSF's activities. This work is based on the framework and experience of the association. In no way, however, do these texts lay down the 'MSF party line', nor do they seek to defend the idea of 'true humanitarianism'. On the contrary, the objective is to contribute to debate on the challenges, constraints and limits –as well as the subsequent dilemmas- of humanitarian action. Any criticisms, remarks or suggestions are most welcome.

# Terror and Impunity in Rwanda

Rony Brauman, Stephen Smith, Claudine Vidal

On April 17, 2000, General Paul Kagame<sup>1</sup> became Rwanda's head of State - voted into office by a non-elected Parliament and Government dominated by the Rwandan Patriotic Front (RPF). Six years after the genocide that left hundreds of thousands of Tutsis dead, a de facto reality has thus gained a semblance of legality. Kagame, the "strongman" (formerly Vice-President and Minister of Defense), has risen to the country's highest office, replacing Pasteur Bizimungu, a Hutu RPF member who resigned for "personal reasons." This was not just a changing of the guard, nor indeed was it an "alternating of power" between the two ethnic groups, even though General Kagame is the country's first Tutsi minority president since independence. Nor was this a case of "historical" or personal revenge. The apotheosis of Paul Kagame certainly belongs to a local context in which ethnicity is exploited for the purpose of revenge, and amid massacres committed between Hutus and Tutsis in Rwanda and in neighboring Burundi. Nonetheless, it is of universal political significance. In the aftermath of the genocide that the international community was unable to prevent, a man responsible for crimes against humanity has become the head of the Rwandan State, in the name of the victims he claims to represent. Under the politically motivated leadership of General Kagame, the RPF engaged in the organized slaughter of Hutus - after, during, and even before the genocide of the Tutsis. In post-genocide Rwanda, the violation of human rights has been established as a system of government, in place of a policy of reconciliation. In Congo-Kinshasa, the RPF not only used military force to break up camps of exiled Hutus (whose mere existence posed a threat), it also persecuted civilians over a distance of two thousand kilometers across the Equatorial Forest. Nearly 200,000 of those civilians perished, victims of exhaustion, disease, or the "special units" dispatched by the Kigali regime to pursue them. In reference to this indiscriminate hunting down of men, women and children, a report by a United Nations commission of inquiry concluded, on June 29, 1998, that "crimes against humanity" had taken place. Furthermore, the report explicitly cited the Rwandan Patriotic Army (APR), whose commander-in-chief was Paul Kagame<sup>2</sup>. Less than two years later, the international community, always so quick to advocate the "duty to remember," and the need to combat impunity, recognized Kagame's accession to the leadership of the Rwandan State. The goal of this article is to describe how in Rwanda, crimes against humanity have become a fact of life.

## The Failure of Reconciliation

The war that broke out in Rwanda in October 1990 was the most destructive in modern African history. It was a civil war *par excellence*. Even though foreign powers did become involved, the confrontation between Tutsi exiles and partisans of the regime headed by President Habyarimana had nothing whatsoever to do with armed conflict between states. It was a total catastrophe, involving the extermination of Tutsis from the interior, the systematic liquidation of Hutus opposing the organizers of the genocide, the massacre of civilians by Tutsi guerillas, the flight to Zaire, Tanzania and Burundi by part of the Hutu population; and the destruction, plundering and devastation of the public infrastructure. At the beginning of 1994, the country's population was seven-and-a-half million. The number of victims claimed by the war and the genocide has been

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<sup>1</sup>. An organization born out of the Tutsi diaspora, the RPF began its war against the regime of President Habyarimana on October 1, 1990, launching its assaults from neighboring Uganda. Led by Paul Kagame, the RPF seized power in Kigali in July 1994. Its victory put an end to the genocide of the Tutsis.

<sup>2</sup>. See the contribution by Marc Le Pape, below: "Exporting massacres, from Rwanda to Congo-Zaire."

estimated at one million, and the number of refugees living in neighboring countries at two million. Although figures such as these serve to illustrate the extent of the tragedy, they tell nothing of the relentless mourning, the hatred, and the anguish that have overwhelmed Rwandan society.

Now that the atrocities of the 1990s have sealed the partition of Hutus and Tutsis in blood, what can be done to ensure that this partition does not simply end in a struggle to the death? Having taken Kigali, on July 4, 1994, and so won the war, how are the former exiles to reconstruct a country and a society so profoundly traumatized and devastated?

The Government was established on July 19, 1994, setting itself a limited term of five years. In January 1995, the new Rwandan authorities presented potential sponsors with a program of national reconciliation, rehabilitation and socio-economic recovery. What of this program, five years later? On February 8, 1999, the authorities declared that they would in fact be maintaining the state of emergency and would be extending the transition period by four years. In doing so, they cited the potential threat to Rwandan security posed by Hutu revanchist forces based outside the country's borders. Supported from within, the Hutus were just waiting for the opportunity to finish off the genocide, the authorities said. One part of the program had therefore failed: that which sought to secure "national reconciliation."

There certainly is an armed Hutu revolt, entrenched in the Congo and launching deadly raids in border regions to the north and northwest. However, the revolt alone cannot explain the failure of the reconciliation plan. More indicative of this failure, and in a different way, is the climate of fear and oppression that has constantly beset daily life in Rwanda over the past five years. This climate is due as much to the abuses committed by the authorities and the military, the disappearances and the murders, the illegal arrests, and the corruption rife in all sectors of the State, as it is to the terrorist attacks.

And yet, in 1990 the RPF was proclaiming a program designed to lay the foundations for a democracy. Such foundations had never before existed in Rwanda - especially the plan to establish equality among the different ethnic groups. Indeed, in contrast to a Hutu-dominated regime that had, since independence, used the weapons of ethnic and political majorities to exclude Rwandan Tutsis from political life, the regime controlled by the RPF based its legitimacy on a national recovery plan that rejected ethnic prejudice. However, this apparently radical transformation of the discourse for the foundation of a democracy in fact repressed ethnic prejudice only when it targeted Tutsis. In reality, in all areas of society (especially in the political and administrative arena, and in the case of more modern economic and social activities), the Rwandan Hutus live constantly with the threat of being deprived of their rights, arrested or murdered. No attempt is made to bring those responsible for these abuses or killings to justice.

### **The conventions of silence**

The present Rwandan Government has remained true to its military origins. To the detriment of other forms of action, it resorts to the use of weapons to demonstrate and reinforce its superiority - especially (but not exclusively) with regard to Rwandans. Hiding behind the pretext of a struggle against the "perpetrators of genocide," this policy even goes as far as the perpetuation of premeditated slaughters. This was the case in the former Zaire, in 1996 and 1997, where the pretext of setting up a security zone served to justify the implementation of a policy of terror against Hutu exiles, and helped establish a "friendly regime" in Kinshasa. This regime, led by Laurent-Désiré Kabila, in fact betrayed its patrons -foreigners, sponsors and troops alike. Like the Uganda of Yoweri Museveni, the Rwanda of General Kagame then engaged in a predatory occupation of the neighboring country.

The true nature of the regime installed by the RPF is no longer a secret to anyone, despite its efforts at systematic disinformation. Just like its predecessor, this regime is intolerant of any political groups or institutions that have not been stripped of all autonomy and brought entirely under its control. Some Rwandans, who are not prepared to indulge killers of every stripe and the policies that tolerate or encourage them, have exposed and denounced its practices. Foreign observers - notably Amnesty International and Human Rights Watch - have described them. And yet, realistic descriptions of modern Rwanda cannot break the conventions of silence imposed by that nebulous phenomenon the "international community" (international institutions, foreign diplomatic staff and, more surprisingly, the media and non-governmental organizations), most of which dance to Kigali's tune. Any transgression of these tacit rules elicits a violent response from sectarian quarters (not only those in Rwanda) for whom criticism of the RPF is tantamount to a denial of the genocide. This may be an old formula, but it has lost not of its power to intimidate.

We must break through the taboos that prevent clear analysis of the policies of Rwanda's new leadership. If we fail to do so, then we can expect further disasters to occur in the future. Now, as before April 1994, silence represents approval, signifying both indifference to the fate of threatened populations and de facto complicity with political and military factions that pursue short-term goals of predation, whatever the cost in terms of death and destruction.

### **The Privatization of Power**

Within the space of a few years, a small group has managed to establish a political and military network within the RPF which controls the main positions of power and exploits every opportunity for corruption. This network has earned the nickname *akazu* (a term meaning "little house," used by Rwandans to describe the inner circle of people closest to the leader). The same term was once used to describe the entourage of President Habyarimana. Having monopolized effective power, it quickly began to pursue any policies that might serve its own purposes, regardless of the consequences. Just like its predecessor, the new *akazu* is busy plundering state assets and diverting international aid, as well as reaping profits from the privatization of public companies. Politicians, military leaders and businessmen linked to the *akazu* lead a life of luxury, investing in Rwandan operations that produce sizeable profits (such as the construction of villas to be rented out to international institutions), while salting away most of their gains abroad.

Under such circumstances, the struggle among the political elite to monopolize strategic positions takes place in secret, behind the closed doors of the powerful. Its effects, however, are plainly visible: promotions and dismissals, arrests, disappearances, and the flight abroad of businessmen and intellectuals who have denounced, or are in a position to denounce the system of corruption and those who profit from it. Resignations and departures (public or clandestine) of Hutu personalities who were part of the political and administrative apparatus, or who belonged to organizations of civil society, began very early and have never stopped. They are invariably presented by officials as admissions of incompetence, misappropriation of funds, a troubled past, or ethnic hatred. Over the past two years, there has also been a significant movement of Tutsi genocide survivors who are also in search of a country that will give them refuge. Whether businessmen, lawyers, physicians or intellectuals, these survivors refuse to be bought by the men of power and their allies. Moreover, members of the Tutsi diaspora who returned after 1994 and were close to the leadership have also had to flee back into exile. There are a number of prominent figures among these dissidents. There is journalist Jean-Pierre Mugabe, the editor-in-chief of the very pro-RPF *Le Tribun du peuple*, who, in a special edition of December 1998, had denounced "the Mafia that is eating away at the Rwandan State" and, threatened with death, sought refuge in the United States. He has recently implicated Paul Kagame in the deadly attack on the presidential jet, on April 6, 1994. This was the event that sparked the genocide. Then there is Joseph Sebarenzi, President of the transition National Assembly since 1997. After being voted

into a minority, he resigned in January this year and fled the country. He had obtained votes of no confidence against two Hutu ministers accused of embezzlement, and had attacked one of the most influential members of the RPF, reputed to be a central figure in the *akazu*.

### The Militarization of Society

The previous regime had divided society below the level of the commune into sectors, then into cells (150 families on average), and lastly into *nyumbakumi* (groups of around a dozen households). Mayors, commune councilors, and cell leaders - all of whom are appointed by the central authorities - were required to demonstrate their active loyalty to the single party. The new regime has preserved this pyramid system, locking the people into a hierarchy of intermediary authorities that exert close control over them, while themselves being dependent on even higher authorities, controlled by the regime. It is true that these cell and sector leaders were elected, in March 1999. However, these "elections" were notable for the fact that candidates were not allowed to conduct a public campaign or to present themselves as members of a party, and the fact that voters were required to line up in single file behind their chosen candidate. This intricate dividing up of public life, which ensures that it can be closely monitored, has been not only maintained, but also reinforced, through a paramilitary presence. Five officials of the "local defense force" have been trained and armed within each of Rwanda's around ten thousand cells. In theory, these officials are supposed to defend the people in case of attack. In reality, however, their job is to hunt down *interahamwe*<sup>3</sup> infiltrators and their accomplices. These "defenders" behave in a more or less tyrannical fashion. Armed, and legitimized by the authorities, they oppress a wretched rural population forced to pay a tribute to their "protectors."

The relationship between the communal authorities and those under their control has also been militarized. It is based on an army model, with corporal punishment being a regular feature of discipline. Whenever the military, the communal police, or members of the "local defense force" consider that the people are not being sufficiently obedient, they beat them, fine them, or imprison them under all sorts of pretexts, and in a wholly arbitrary fashion. There are some police chiefs who oppose this sort of conduct, and there are some mayors who try to ensure that it does not become the rule in their communes. However, these exceptions aside, civilian authority is exercised, at a local level, in a brutal and coercive manner. Many communal officials are former APR members.

Other forms of militarization have targeted those attending universities. Students admitted to university must first attend camps (*ingando*) where they receive military and civic education. The focus of the civic-education component is the "new" history of Rwanda. There are plans to extend this training to high-school students. There are also a number of mayors who organize similar training activities in the hillsides.

The war of occupation waged by the Kigali regime in the Democratic Republic of Congo since the summer of 1998 is compounded by the militarization of young people and the brutalization of relationships of authority. These young soldiers, who are needed by the war, risk their lives so far from Rwanda that neither they nor their families continue to believe in claims that their sacrifice is necessary for the security of their country. Forced enlistment of young men, dispatched to the Congolese front without their parents' being informed of their sons' fate, fuels anxiety among the

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<sup>3</sup>. This expression, meaning "those who stand together," was used to describe the militiamen of the former single party, and later, by extension, the organized bands of killers that operated during the genocide. Since then, the expression has been used in Rwanda in a broader sense, to denounce Hutus suspected of having participated in the genocide, or of continuing to support ethnic extremism.

people. And yet the price of blood is no longer enough to finance the war imposed by the authorities. In November 1999, the President of the transition National Assembly proposed to set up a system whereby citizens and companies would make a "voluntary contribution" to military expenditure. At the very same moment, the Prime Minister was asking the international community for help in the fight against famine in Rwanda.

### **The "Law of Suspects"**

There are an estimated 125,000 people currently in prison, presumed guilty of genocide, and waiting to hear their fate. The trials began in late December 1996. On April 24, 1997 twenty-two death-row prisoners were publicly executed in a Kigali stadium. The country's judicial policies, and the organization and functioning of the courts suffer from the same ills as the country's other institutions. The highest authorities are subject to the arbitrary justice of the RPF, while judges are threatened, dismissed, arrested, or murdered for expressing a desire for an independent judicial system. There is no greater control over corruption here than in any other area of society. In late January 2000 the Minister of Justice publicly acknowledged that the newly created anti-corruption commission would have a great deal of work to do, at all levels of the judicial system.

It is true that those responsible for the genocide have been arrested. However, it is also essential that also they be tried, and the Rwandan Government has rightly declared that their individual trials should take place before the courts. And yet innocent people have also been imprisoned, and in considerable numbers. An April 1995 report by Human Rights Watch (HRW) and the International Federation of Human Rights Leagues (FIDH) denounced the intrusion of the army into the judicial realm, and the fact that it was enough that a person be accused of having been involved in the genocide for him to be incarcerated. Denunciations by informers, functioning as "accusers on demand," made it possible to satisfy personal hatred, to satisfy a desire to eliminate a competitor, or to confiscate people's assets. At the time of the report, the Minister of Justice and the Kigali public prosecutor said they believed that twenty per cent of prisoners were being detained without charges. As an example of these arbitrary proceedings, the report cited the case of a young woman who was still in prison, even though she could prove that she had been out of the country during the whole genocide period.

The report also described the situation that prevailed a few months after the genocide. The weakness of the legal apparatus, the dilapidated state of the country, and the desire for "instant" revenge may explain the authorities' relative powerlessness to oppose these practices. The fact remains, however, that the number of denunciations has fallen so little since that time that they have become more than just a common way of illegally appropriating assets, functioning instead as a weapon of terror. Over the years since the genocide, the denunciations (although increasingly belated) have targeted storekeepers, civil servants, and politicians. The individuals concerned are threatened with the possibility of imminent arrest, so that the mere suspicion - whether expressed or latent - functions like the "law of suspects" used during the 1793 "reign of terror" in revolutionary France. In fact, the accusation of genocide (or the threat of accusation) has become part of the country's everyday political arsenal. Two prominent examples might suffice in this context. First, there is the Hutu Prime Minister Pierre-Célestin Rwigema, who replaced Faustin Twagiramungu in August 1997. Rwigema later resigned and fled abroad, after being accused of actively participating in the genocide by a group of deputies who themselves were Hutus, but who opposed him within their own party. For these deputies, this was the best way of getting rid of him. In March 1993 the national press revealed that legal proceedings had indeed been instituted by the Kigali public prosecutor. Nothing further happened. A year later, however - on February 28, 2000 - the Prime Minister was finally forced to resign, this time having been accused of corruption. Another example is that of Monsignor Augustin Misago, Bishop of Gikongoro. Accusations concerning his stance during the genocide had been made against him since 1994, even though

no legal proceedings had been opened against him. On April 14, 1999, when the authorities judged that the time had come to begin an open struggle against the Catholic Church (still influential in Rwanda), they ordered the Bishop arrested on the charge of genocide. The trial, which began on August 20 of the same year, is still in progress.

### **Exploiting the genocide**

The new regime has had to refute suggestions that the systematic massacre of the Tutsis in 1994 was not in fact the culmination of a plan conceived by a group that had monopolized the controls of the State, but rather the consequence of a popular reaction, motivated by self-defense, within the context of the civil war. This struggle against a form of negation of the genocide and its propagandists was, and remains necessary. However, even as they have conducted this fight, the leaders of the new regime have also exploited the genocide as a way to support all their actions.

First, there is the political exploitation in evidence during negotiations with sponsors. Even if the sponsors do not offer unconditional support for the policies of the Kigali regime, even if they manifest a desire to control the use of the funds, and even if they demand that the veil of silence about abuses of human rights be lifted, their official statements are strongly reminiscent of the abdication of the "international community" at the time of the genocide, casting open suspicion on anyone refusing to obey the regime, on the grounds that such individuals seek to help the "perpetrators of genocide." Thus, the fact that the great powers abandoned the victims of the genocide in 1994 obliges those same powers, today, to support the terrible acts of violence committed inside and outside Rwanda by the new leaders. It is as if the massacres of the past could justify the massacres of the present.

Second, there is the economic exploitation. In this context, the diverting of external aid has enriched dignitaries whose luxurious homes are popularly referred to as "genocide villas." Curiously, moreover, it was not until 1998 that these authorities - usually so adept at the art of seducing sponsors, promoting institutions, and organizing symposiums supposed to prepare "reconciliation" - created a fund for survivors who lost everything and now mostly live in terribly poverty. This was not, it seems, a priority matter.

The genocide is thus allowed to serve the interests of a ruling minority that seeks to survive at any price. There is a third sort of exploitation, however, which has far greater potential consequences because it threatens the future of civil peace. It consists of criminalizing the Hutu ethnic group as whole. The authorities may well proclaim a desire to eradicate ethnic prejudice (there are a number of measures directed towards this goal, including a ban on referring to ethnic origin in national identification cards). Nonetheless, the fact remains that ethnic prejudice contaminates public life more than ever, with leaders doing nothing to oppose it. On the contrary, senior personalities are content to make public statements that essentially globalize the guilt of Rwandan Hutus. Thus, on March 3, 1999, addressing a group of NGO representatives at the *Université Libre de Bruxelles*, Rwanda's ambassador to Belgium declared that there were two million people who were guilty of genocide – a number equivalent to the country's entire adult male population. Furthermore, during this same year, the recently appointed Minister of Justice stated that if all the peasants that were guilty of crimes of genocide were to be arrested, there would no longer be any men left to work in the hillsides.

In reality, ethnic prejudice remains very much alive at the heart of official policy statements, constantly reiterated at the highest levels. All Hutus are suspect, because the ethnic group to which they belong was guilty of genocide. It is this same way of thinking that permits only Tutsis to be regarded as victims. It annihilates and passes over in silence the fact that a very large number of Hutus were also killed, along with their families, on the orders of those leading the genocide, because they were known to oppose the policy of slaughter. In some parts of the country, Hutus of

all levels of society were put to death because they were considered allies of the Tutsis. And yet the official history of the genocide takes into account neither the Hutu victims of the “perpetrators of genocide” nor the Hutu survivors of the genocide. There were also Hutus who risked their own lives to save Tutsis. However, statements made by the authorities do not give these “just ones” their rightful place, and look with suspicion upon any attempt to recall this truth, defining such attempts as “revisionist,” even though it is a truth that offers hope for a brighter future.

During the war, the army of the RPF engaged in massacres of civilian populations – massacres that did not end in July 1994. In April 1995, for example, in Kibeho, despite the presence of foreign witnesses, UN peacekeeping troops and a team from *Médecins sans frontières* (MSF), soldiers of the APR fired upon the unarmed population of a camp of displaced Hutus. The death toll was very high: several thousand civilians, three quarters of whom were women and children. Similarly, in 1996/1997, in the former Zaire, other large-scale massacres, already referred to, were given the same summary justification: the victims had all been “perpetrators of genocide.” From that point onward, any denunciation of such massacres (as systematic as they are premeditated) has been stigmatized as complicity with the authors of the genocide, or with its apologists.

On April 7, 1999, the annual commemoration of the genocide took place in Kibeho. This was the place where thousands of Tutsis were put to death in 1994, but also where the massacre of displaced Hutus was carried out. And yet, not a word was spoken about the fate of the Hutus. The President of the Republic even revealed an “idea” for the country’s leaders to reflect upon. Since the acts of genocide had been committed “in the name of the Hutus,” and even if not all of them had participated, ought not the Hutus to ask collective forgiveness for a crime committed in their name?

In November 1999, *Ibuka*<sup>4</sup> ended its count of genocide victims in the Kibuye Prefecture. It had been decided not to distinguish between Tutsi and Hutu victims, and *Ibuka*’s President had announced this decision in the following terms: “Between April and July 1994, genocide was carried out in Rwanda. A number of people, from the Batutsi ethnic group in particular, and all those who might be identified with them, whether by alliance, friendship, or even by their physiognomy, in unfamiliar environments, met a terrible death [...]” It was not a question of identification. Although Hutus had indeed been killed because their physical appearance had marked them out as Tutsis to their assassins, they had lost their lives because, as friends or allies of Tutsis, they had tried to protect them for moral or political reasons. They had acted as human beings, not as “quasi-Tutsis” opposed to their fellow Hutus.

The ethnic prejudice inherent in the policies of the new regime thus goes beyond the practice of seizing the best jobs for the Tutsi minority, and beyond the various abuses committed against Hutus. It goes as far as denying Tutsis the right to express mourning and grief in public, and as far as forbidding them from stating that there were Hutus who refused to further their own political ends regardless of the consequences. Whereas group burials of Tutsi victims have been taking place for many years, such ceremonies remain forbidden to Hutus. Such symbolic violence is laden with potential consequences.

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<sup>4</sup> The group *Ibuka* (“Remember”) is the best-known and most influential organization of Rwandan Tutsi genocide survivors.

## The Results Ethic

Armed with this power of intimidation, deriving from its status as the representative of genocide victims, the Kigali regime reduces to silence all those with whom it has to deal, by disqualifying all criticism in advance. Most diplomats and journalists, international agencies and NGOs, individuals and institutions of goodwill allow themselves to become caught in this trap, thereby helping to reinforce official Rwandan policy. The specific position adopted by the humanitarian actors involved is interesting, because they are the very last people one might expect to find as the traveling companions of criminals. In order to understand how an approach founded on a refusal to remain indifferent before an act of horror can be placed at the service of a tyranny, we must look at the justifications and the moral platitudes offered by the various actors allowing themselves to become caught up in this process.

Humanitarian NGOs had not discerned any more clearly than the rest of the “international community” the increasing violence and genocidal madness of the Habyarimana regime. Reports produced by the FIDH before the genocide had sparked very little interest among humanitarian NGOs. And yet, many of these agencies are convinced that the mere fact that they take action gives them an immediate, concrete understanding of the “realities on the ground.” To judge from the disparity between the public discourse and the reality of a humanitarian movement struck by collective blindness in the face of the situation in Rwanda before 1994, it appears that this self-delusion has been around for quite some time. It would be futile, however, to try to find an explanation for this blindness in acts of complicity, too shameful to mention, with the Government of the time. It is not the hidden alliances that explain this blindness, but rather agencies’ obsessive determination to fulfil their missions. There are many examples of situations over which NGOs have thrown a veil that enables them to ignore any disruption that might threaten their activities. In this respect, the technical efficiency and determination that one expects from humanitarian agencies naturally take the place of ethics, and exempt agencies from having to look beyond the borders of their operations in an attempt to understand their true meaning and consequences. One might describe this situation as a sort of “Bridge on the River Kwai” syndrome.

This “results ethic” also prevailed, with a few notable exceptions, in the refugee camps of Kivu, in Zaire, following the mass exodus of July 1994. Hidden in this multitude, the agents of the deposed Rwandan regime swiftly reconstructed the administrative and police apparatus with which to control the refugee population. They also reconstructed a section of their military forces, with the self-interested complicity of the soldiers of Mobutu. Blackmail, physical violence, and murder were commonplace in these camps, which were run by criminals, and were notably developed and run with resources provided by the international organizations.

Aware of the perversity of this situation, some NGOs did try hard to respond, calling upon the United Nations Security Council to dispatch a police force to separate the refugees from the criminals. Boutros Boutros-Ghali, then Secretary General of the UN, supported this request and passed it on to the Security Council, which formally approved it, but then did nothing further. The humanitarian routine then took over. The UN High Commissioner for Refugees gave the whole affair its moral and legal authority, giving all exiles refugee status. After their short-lived rebellion, the NGOs duly returned to work.<sup>5</sup> All that mattered from then on were the functioning of the nutrition centers and the health clinics, the provision of supplies to the warehouses, and other classic components of the “humanitarian crisis” operation. The UNHCR and the NGOs thus actively helped to preserve this mixture of refugees/killers, by lending their support to the “victim” strategy employed by members of Hutu Power expelled from Rwanda (in other words, by preserving the fiction of the victim/aid-worker duality so prized by the TV news broadcasts). As

<sup>5</sup>. With the exception of *Médecins Sans Frontières*, which decided to leave the camps in November 1994.

soon as these people were all gathered together under one flag, the transition from “all victims” to “all guilty” was a swift one. That transition was confirmed with the November 1996 attack on the refugee camps by the army of the RPF. The numerous military operations that had been launched from the refugee camps against Rwanda, and the undeniable presence in the camps of thousands of criminals, were enough to make this collective punishment appear as an act of legitimate defense which, when all was said and done, was acceptable. We have already describe the ensuing massacres.

### **The “Duty to Remember”**

Because of their persistent refusal to examine their own positions, the humanitarian agencies (both private and public) that had proven so compliant to the will of the *Hutu Power* extremists, conformed in just the same way to the will of the Kigali regime. The moral determinants of their action remained identical. Only their discourse changed. The imperious duty to provide aid, whatever contradictions may be involved, was now joined by the cult of Memory, in its various forms. Many NGOs, reproducing a posture highly fashionable in Europe, mechanically assumed responsibility for this “Duty to Remember,” as if to make up for their moral weakness and make a little profit on the side at the same time. We might recall how humanitarianism and Memory were combined, during the final twenty years of the last century, into a sort of “protocol of compassion” (a striking substitute for political morality). The sufferings of the past, endlessly revisited in a morbid process of collective reassessment, provide a smokescreen for the political actions that were responsible for today’s violence. Only the victims remain - occasionally thrust on to the front pages by the vagaries of the world political agenda or the latest media infatuation, only to be quickly supplanted just as brutally by the next big news item.

Celebrations, commemorations, and memorials assiduously observed (and even led) by the NGOs active in Rwanda provide a sort of moral absolution, both for those agencies and for those claiming to speak on behalf of the victims of the past (in other words, the RPF). This strategy, appropriated by the authorities at the expense of the massacre survivors, has become a ritual of communion that brings together Government, humanitarian organizations and diplomats in a liturgy that is increasingly devoid of meaning. And yet, even if it has no meaning, its function is far from insignificant. It serves to make the innocence of the victims of the genocide reflect upon the Rwandan Government, allowing a tyrannous regime to don a cloak of virtue. The crimes of the Kigali regime are certainly not so easily excused by the various officiating priests of these ritual gatherings, but they are diluted into the ocean of past crimes. As a result, they either disappear altogether or are cast into the convenient catch-all that is the “legitimate defense” argument. Morality - which the NGOs are so quick to claim for themselves, as a kind of new citizenship, of which they are the privileged champions - is thus gradually reduced to a litany of empty slogans about justice and reconciliation.

## Reports and Investigations concerning the Role of the RPF

The policy of terror conducted in Rwanda by the RPF was denounced as early as 1994. However, with very few exceptions, an agreement of some sort was reached (based on cynicism or idealism, depending on those concerned) not to condemn those who had put an end to the genocide and who must be facing a very difficult situation<sup>6</sup>.

In 1994, reports by the UN Commission on Human Rights and by international NGOs such as Human Rights Watch (HRW), the International Federation of Human Rights Leagues (FIDH), and Amnesty International described abuses and massacres carried out by the Rwandan Patriotic Army (APR), the military wing of the Rwandan Patriotic Front (RPF), which had become the new national army. Amnesty International described massacres of unarmed civilian populations perpetrated by the APR between April and August 1994<sup>7</sup>. On September 15, 1994, Human Rights Watch/Africa published a report on various massacres carried out by the RPF over the same period<sup>8</sup>. In a document of November 11, 1994, the Special Rapporteur of the United Nations Commission on Human Rights, René Dégni Ségui, denounced the grave offences against human rights committed with full impunity by members of the APR, and by the country's administrative and judicial systems. Those offences included arbitrary arrests carried out under cover of accusations of genocide, the creation of groups of informers, summary executions (of both individuals and entire families), abductions, and disappearances<sup>9</sup>.

Another very important report on the genocide, published in 1999 par HRW and the FIDH, again described the slaughters and abuses carried out by the RPF between April and July 1994<sup>10</sup>. In addition to the investigations conducted by these organizations, this report also refers to the investigations of UNHCR envoy Robert Gersony, who in 1994 reported the systematic atrocities carried out against the Hutu population by the RPF. This data was not made public by the Secretary-General of the UN.

The year 1995 was marked by the massacre at the Kibeho camp. This was a camp for displaced Rwandans where, from April 20 to 24, the army murdered thousands of unarmed civilians<sup>11</sup>. On January 29, 1996, the Special Rapporteur of the UN Human Commission on Human Rights, René Dégni Ségui, again described abuses, summary executions, and disappearances affecting all sectors of society<sup>12</sup>.

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<sup>6</sup>. Only some of the reports and inquiries produced by humanitarian organizations are cited here. Many other documents have been, and continue to be made accessible to the public, detailing the abuses and massacres perpetrated by the RPF. The argument "we couldn't know..." is thus simply inadmissible.

<sup>7</sup>. *Rwanda. L'armée patriotique rwandaise responsable d'homicides et d'enlèvements (April-August 1994)*, AI Index: AFR 47/16/94.

<sup>8</sup>. Human Rights Watch: *The Aftermath of Genocide in Rwanda: Absence of Prosecution, Continued Killings*. September 1994.

<sup>9</sup>. United Nations, Economic and Social Council — E/CN.4/1995/70, November 11, [[1994]] (E/CN.4/1995/7-28 June 1994). The contents of this report, incriminating the army and the Government, were reexamined and developed following a new inquiry by the Rapporteur in Rwanda: E/CN.4/1996/7-28 June 1995. We should recall that it was René Dégni Ségui, appointed by the UN Commission on Human Rights, who produced the June 1994 rapport that defined the massacres perpetrated against the Tutsis as genocide.

<sup>10</sup>. Human Rights Watch, the International Federation of Human Rights Leagues, *Aucun témoin ne doit survivre. Le génocide au Rwanda*, Paris, Karthala, 1999.

<sup>11</sup>. HRW/FIDH, report of April 25, 1995; *Médecins sans frontières*, report on events in Kibeho.

<sup>12</sup>. United Nations, Economic and Social Council — E/CN.4/1996/68- January 29, 1996.

The period 1996-1997 brought the dismantling of the Rwandan Hutu refugee camps in Congo/Zaire, which was followed by the systematic massacre of those who were fleeing the advance of the Rwandan forces inside Congo. The Secretary-General of the United Nations, in his letter of June 29, 1998 to the President of the Security Council, stressed that the massacres committed by the Rwandan Patriotic Army in 1996-1997 constituted crimes against humanity<sup>13</sup>.

Rwanda's internal situation continued to be the object of denunciations. Amnesty international published, in addition to its annual reports, several specific reports describing waves of terror, the arbitrary arrests, and the corruption in the judiciary<sup>14</sup>. In 1998, a report by the FIDH, reproduced by the UN Commission on Human Rights, denounced the murders and disappearances, and observed that the very precarious situation of Tutsi survivors was being largely ignored, while the scramble for money and the pace of corruption were becoming "frenetic"<sup>15</sup>.

In April 2000, Human Rights Watch and Amnesty international both published long reports describing very grave violations of human rights, attributable to the Government and the army, in all areas<sup>16</sup>.

In a document of May 31, 2000, Amnesty International denounced the mass slaughters of civilians and the rapes perpetrated in Kivu, in eastern Congo, by Rwandan, Burundian, and Ugandan troops<sup>17</sup>.

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<sup>13</sup>. United Nations, Security Council, S/1998/581, June 29, 1998.

<sup>14</sup>. These reports are too numerous to be cited here. Suffice it to mention the report of September 25, 1997, which estimated the number of civilians killed between January and September 1997 at 6,000 (AFR 47/08/98), and that of June 23, 1998, which noted the resurgence of "disappearances" (AFR 47/26/98).

<sup>15</sup>. United Nations, Economic and Social Council —E/CN.4/1998/NGO/79-January 20, 1998.

<sup>16</sup>. Human Rights Watch, *"Security" Used to Cover Abuses Against Tutsi and Hutu. Killings, Torture by Rwandan Soldiers*, April 27, 2000, Vol. 12, 1(A); Amnesty international, Rwanda. *The Troubled Course of Justice*, April 26, 2000, AFR 47/10/00.

<sup>17</sup>. Amnesty International, *Congo (DRC). Massive Violations Kill Human Decency*, AFR 62/011/2000.