

# GENOCIDE IN RWANDA: PREDICTABLE? PREVENTABLE?

A. Walter Dorn, Ph.D. 7 April 2008



# "Want of care does us more damage than want of knowledge."

- Thomas Fuller (1654-1734)

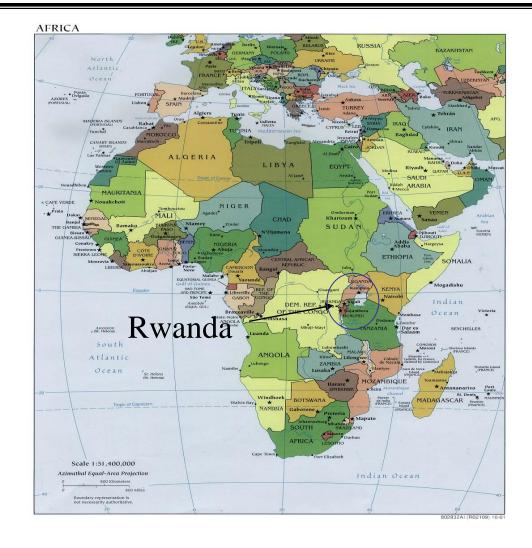
## **OUTLINE**

- I. Introduction
- II. Mission mandate
- III. Early warning
- IV. Preventive action
- V. Lessons learned?

# I. INTRODUCTION: THE STORY OF RWANDA & UNAMIR

### **GREAT LAKES REGION**







# Geography

• **Area:** 26,300 sq km

#### Bordering countries:

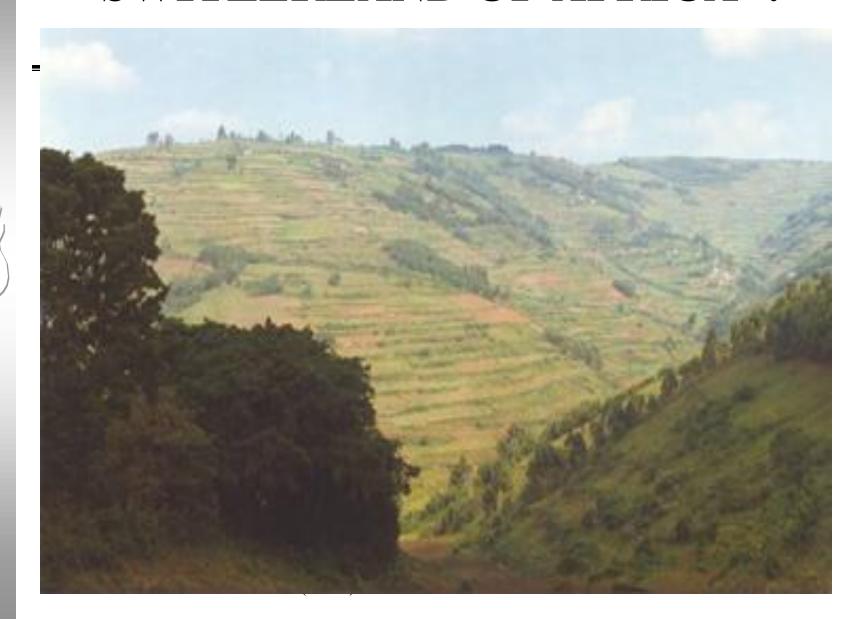
- Burundi
- Democratic Republic of the Congo (217 km)
- Uganda
- Tanzania
- Water: Landlocked, Lake Kivu, several rivers

#### • Population:

- 7.3 million (July 2001 est.)
- Most densely country in Africa
- Predominantly rural 90% agricultural
- **Below poverty line:** 70% (2000 est.)



### "SWITZERLAND OF AFRICA"?



# **HISTORY**

<u>1894</u>	Rwanda becomes a German colony; Tutsi (cattle-owners) given privilege over Hutus (farmers); Tutsi monarchy recognized
<u>1919</u>	Rwanda placed under Belgian trusteeship by League of Nations and later by UN
<u>1959</u>	Hutu "social revolution" for majority rule; Violent encounters; Over 100,000 Tuts refugees
<u>1961</u>	Sept Legislative elections held under UN supervision; large majority in referendum for abolishion of monarchy
<u>1962</u>	July 1 - Rwanda gains independence from Belgium; continued ethnic fighting
<u>1963</u>	In massacres, between 10,000 and 14,000 Tutsis are killed
<u>1973</u>	July - Major General Juvénal Habyarimana seizes power in a coup d'état; outlaws political parties (until 1992); establishes ethnic quota systems and, in 1974, the Movement revolutionnaire national pour le development (MRND)
<u>1987</u>	Dec - Rwandese Patriotic Front (RPF) formed at a Congress in Kampala

### RECENT HISTORY

<u>1990</u>	Oct. 1 - RPF launches a major attack ("invasion") from neighboring Uganda
<u>1992</u>	July 12 - Cease-fire agreement (amended) signed
<u>1993</u>	<ul> <li>Jan. 20-26 - Massacre of over 300 Tutsis in North Western Rwanda (Gisenyi)</li> <li>Feb. 8 - RPF military offensive violates ceasefire</li> <li>Mar International Commission of Inquiry releases report on HR violations</li> <li>June 22 - UNOMUR established (SC res. 846) to ensure ban on military</li> <li>assistance; becomes operational Sept. 30; integrated into by UNAMIR 20 Dec.</li> <li>Aug. 4 - Arusha Accords signed by Pres. of Rwanda and Chairman of RPF</li> <li>Oct. 5 - UNAMIR established (SC res. 872);</li> <li>Dec. 20 - RPF batallion escorted to Kigali</li> </ul>

Jan. 11 - Gen. Dallaire's "genocide fax" includes informants allegations

July 4 - RPF takes control of Kigali.

April 6 - Downing of President Habyarimana's plane and launch of genocide

July 18 - RPF reaches frontiers of Rwanda and unilaterally declares a ceasefire

1994

#### **UNAMIR**







# PREPARING FOR THE APOCALYPSE







Source: http://www.amnestyusa.org/country/rwanda/forsaken\_cries

### THE GENOCIDE

#### April 6

- Downing of President Habyariman's plane and launch of genocide
- Within 30-45 minutes of the crash, road blockades are erected in Kigali. Tutsis found crossing them are executed; hunt for Tutsis and moderate Hutus in Kigali begins
- Members of Presidential Guard set up roadblocks that prevent UNAMIR troops from reaching the airport to investigate the plane crash [HRW/A report, May 1994, p.3]
- Dallaire finds Col. Bagosora "in charge" at an evening meeting of the Cabinet

#### April 7

- Brutal murder of PM Agathe Uwilingiyimana, along with the 10 Belgian troops assigned to protect her, as well as the leaders of opposition parties, President of the Supreme Court and many HR activists
- During first week, Pres. Guard and militias systematically massacre over 20,000 Tutsis in and around Kigali

#### April 15

- Rwandan army distributes automatic and sem-automatic rifles and pistols to Interahamwe

# 6 APRIL 1994

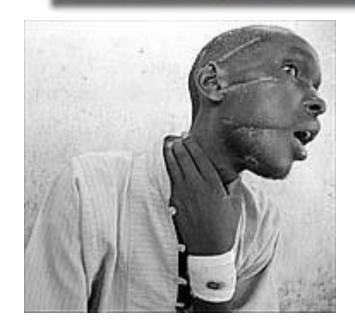




















#### April 6

FC Roméo Dallaire goes to meeting of the Cabinet of the Minister of Defence at Ecole Supèriere Militaire (ESM) in Kigali. Théoneste Bagosora was chairing. He dismisses proposal to consult with PM Uwiliingiyimana or to consult with her.

#### April 12

Belgian Foreign Minister informs SG that the Belgian contingent will withdrawal from UNAMIR and recommends suspension of the mission

#### April 20

Special report of the SG on UNAMIR proposes three alternatives: Force expansion (including enforcement mandate to "coerce opposing forces into a cease-fire"), reduction, or withdrawal.

#### April 21

SC takes second option and authorizes a force reduction to 270 (res. 912)

## **CLOSING THE DOORS ...**







# UN ACTIONS (CONT'D)

#### May 17

SC adopts (res. 912) an expanded mandate for UNAMIR, including:

- Contribute to the security and protection of civilians and relief operations
- Creation of secure humanitarian areas, where feasible
- A mandatory embargo on delivery of arms and related material to Rwanda
- Investigatation of serious violations of international humanitarian law

#### June 22

SC adopts res. 929, invoking Chapter VII, authorizing a

- French government military intervention ("Operation Turquoise")
- "... to use all necessary means to achieve the humanitarian objectives" (of UNAMIR II)

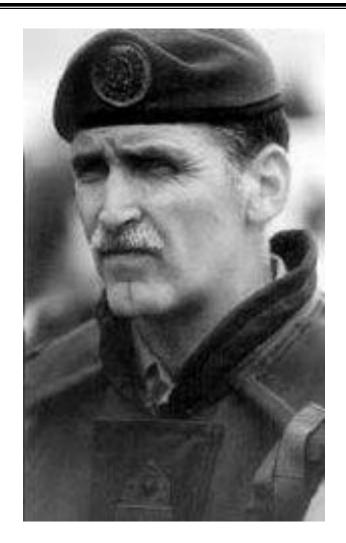
#### November 8

SC adopts resolution. 955 establishing an International Criminal Tribunal to prosecute those responsible for the genocide

### PREVENTION & MITIGATION

"I came to the United Nations from commanding a mechanized brigade group of 5,000 soldiers. If I had had that brigade group in Rwanda, there would be hundreds of thousands of lives spared today."

Major General Roméo Dallaire,
 UNAMIR Commander,
 September 7, 1994





- 1. Early warning and intelligence
  - Uncover the plots and identify the plotters
- 2. Preventive diplomacy/deployment
  - Expose and isolate the plotters
  - Remove weapons and means
  - Deploy troops for protection
- 3. Mandate and political will
  - Broaden interpretation of UNAMIR mandate
  - Increase good offices role of SRSG
  - Gain support from major powers



### **UN HQ STRUCTURE**



**Security Council** 



Secretary-General



Military Adviser



Under-SG for Peacekeeping



Assistant SG



### II. MANDATE OF UNAMIR

What activities were authorized by the Security Council?

Was the mandate sufficient?



# ORIGINAL SC MANDATE (5 October 1993)

- Contribute to **security** of Kigali
  - Within a "weapons secure area" to be established by the parties
- Assist with de-mining and humanitarian aid
- Monitor, report and investigate ...

Source: SC Res. 872 of 5 October 1993



# MANDATE FOR INVESTIGATION

- Monitor "security situation"
  - would include any serious threats to the peace
- Monitor cease-fire agreement
  - includes ban on the supply of war material and logistical supplies
  - Incl. demilitarization measures (cantonment, demarcation, DMZ)
- Report on activities of gendarmerie and police
  - would include any roles in genocide plots
- Investigate non-compliance related to armed forces integration
  - integration never began



- Arusha accords: UN force to ...
  - "Guarantee the overall security of the country"
  - "Verify maintenance of law and order"
  - "Participate in the guard of light weapons ..."



# UN CHARTER MANDATE FOR INVESTIGATION

- Article 34: "The Security Council may investigate any dispute, or any situation which might lead to international friction ...."
- Article 39: "The Security Council shall determine the existence of any threat to the peace ..."
- Article 99: "The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security."



 Article 11: "The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security."

#### • Other mandates:

- treaties and conventions
- customary international law
- government requests
- "good offices"



- Contribute to the security of Kigali
  - a "weapons secure area"
- Providing protection for selected individuals
  - Standard UN force practice (e.g., Rwandese PM)
- "Good offices" role played by SRSG
- New mandate would be needed from SC for a forceful intervention



# THE UN'S MANDATE FOR INTERVENTION

#### • UN Charter

- Article 1: UN's purpose ("to take effective collective measures for the prevention ... of threats to the peace")
- Chapter VII (enforcement action against threats to the peace)
- Security Council Resolution 812 (1993) (12 March)
  - joint OAU/UN force to be entrusted with "the protection of the civilian population"

#### Genocide Convention

- Article I: "genocide is a crime under international law which they undertake to *prevent* and to punish."
- Rwanda: party since 1975



#### Article 17 of the ROE's:

"Ethnically motivated criminal acts may also be perpetrated during this mandate and will *morally and legally require that UNAMIR use all means available* to terminate the same. Examples: execution, attacks against displaced people or refugees, ethnic riots, attacks against demobilised soldiers, etc. When this happens, UNAMIR military personnel shall follow this directive's ROE'S, in support of UNCIVPOL and the local authorities, or in their absence, UNAMIR shall take the necessary action to prevent any crime against humanity." (emphasis added)

- ROE taken from Cambodian ROE
- Developed by Gen. Dallaire and Maj. Bearsdley, aide de camp

Source: Belgian Senate, "Parliamentary commission of inquiry regarding the events in Rwanda", 6 December 1997, section 4.13.





# UNAMIR'S KIGALI ACTIVITIES (30 March 1994)

- Provide security for:
  - RPF battalion
  - civilian officials encamped in "CND building"
  - senior government and opposition leaders
- Ensure respect for the Kigali weapons secure area
- Monitor the gendarmerie and assisting it in maintenance of security in the capital

Source: "Second Progress Report of the Secretary-General on UNAMIR for the period from 30 December 1993 to 30 March 1994", UN. Doc. S/1994/360 of 30 March 1994. Reproduced in the Blue book, p. 244



# "ADJUSTED" (REDUCED) MANDATE (21 APRIL '94)

- Act as an intermediary between the parties in an attempt to secure a cease-fire
- Assist in the resumption of humanitarian relief operations to the extent feasible
- Monitor and report on developments in Rwanda
- Force level to be reduced to 270

Source: SC Res. 912 of 21 April 1994.



# "EXPANDED" MANDATE (17 MAY '94)

- Contribute to the security and protection of civilians
  - including through secure humanitarian areas,
     where feasible

 Provide security and support for the distribution of relief supplies and humanitarian relief operations

Source: SC Res. 918 of 17 May 1994



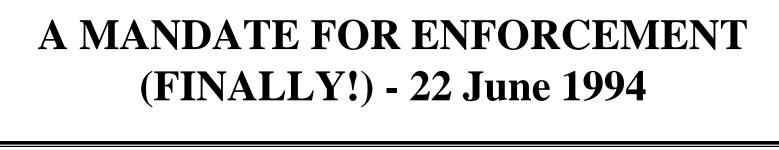
# OTHER ACTIONS (17 MAY '94)

#### The Council also

• Imposed a mandatory embargo on delivery of arms and related material to Rwanda

 Asked SG to investigate serious violations of international humanitarian law

Source: SC Res. 918 of 17 May 1994



#### ... BUT BY PROXY

- French government authorized to proceed with "Operation Turquoise"
  - Over 2,500 troops (French, Senegalese, and others)
- "... to use all necessary means to achieve the humanitarian objectives" (of UNAMIR II)

Source: SC Res. 929 of 22 June 1994



# III. EARLY WARNING

What warnings were given?
What further information would have been needed to uncover, and thus help prevent, the genocide?



### UN report 1961:

"The developments of these last eighteen months have brought about the racial dictatorship of one party. . . . An oppressive system has been replaced by another one. . . . It is quite possible that some day we will witness violent reactions on the part of the Tutsi."

Source: UN Trusteeship Commission Report (March 1961) as quoted in Prunier, Gerard, "The Rwanda Crisis: History of Genocide", Columbia University Press, New York, 1995.

# EARLY WARNING SIGNALS

- Rwandan military officers Dec. '93
- Informer ("Jean-Pierre") Jan. '94
- Past massacres and assassinations Jan. '93, etc.
- Public media (RTLM) 1993-94
- Political manouevers by extremists 1993-94
- Weapons stockpiling continuous
- Militia activities and training since 1992
- Foreign court cases Canada 1993/94



Fax of 11 Jan 1994 (the "Genocide fax"): informer reports on

- compiling lists of Tutsi "which he believes is for their extermination"
- training *Interahamwe* to kill 1,000 people in 20 minutes
- contingency plan to kill Belgian peace-keepers and thus "ensure" their removal
- arms caches widely distributed



#### UN ADMISSION OF EARLY EVIDENCE

#### UNAMIR "took note of"

- inflammatory broadcasts by Radio Mille
   Collines
- suspicious movements by armed groups,
   apparently including the *Interahamwe*
- evidence that arms were being brought into country

Source: Report of the SG on the Situation in Rwanda, reporting on the political mission he sent to Rwanda to move the warring factions ...., S/1994/640 of 31 May 1994. Blue Book, p. 290.

# RTLM: MOUTHPIECE OF THE **APOCALYPSE**



Source: www.amnestyusa.org



# CORROBORATION NEEDED — REQUIRING "INTELLIGENCE"

- Existence and structure of "Network Zero"
- Training and activities of the militias
  - *Interahamwe* ("those who stand together")
  - Training manuals, suspicious movements
- Documentation (e.g., memos, lists of Tutsis)
- Whistle-blower confidentiality, protection, debriefing and asylum



# "Ignorance is Horror": Consequences of the Intelligence Failure

- Belgian unit unsuspecting and unprepared
  - for murder of PM under its custody
  - for its own elimination
- UNAMIR unprepared for genocide
  - "deaf and blind" in the field
- FC Daillaire seeks out wrong officials
  - fooled by Col. Théoneste Bagosora
- UN objectives (April and early May) are foolish
  - securing a cease-fire made sole objective, ignores genocide prevention



• Prior to April 1994: extinction of mountain gorillas only





# IV. PREVENTIVE ACTION

What measures could—and should the UN have taken to prevent or mitigate the genocide?



- Need to increase intell. capacity of the force
  - "deaf and blind in the field" Dallaire

#### UNDERSTAND THE PLOTS

- Elaborate on plans to kill peacekeepers
- Uncover any plots to remove the President
- Their means of genocide (e.g., weapons and structures)



# "INTELLLIGENCE" SOURCES

- Informants
- Casual meetings with locals (officials and citizens)
  - Officers in the Interahamwe
- Speeches
  - Leon Mugesara in 1992 exhorted Hutus to kill Tutsis and deliver their bodies into the river
  - Radio broadcasts (RTLM)
  - Leaflets
  - Judge seriousness of the propaganda\
- Observation of arms (e.g., marketplace, airport shipments, checkpoints, traveling vehicles)
- Look for weak points



# 1. PEOPLE: UNDERSTAND THE PLOTTERS

- Their power base
  - Is it strong? Any weaknesses?
  - Who might oppose them?
  - What official/unofficial roles in government and the party?
- Their relationships
  - To the President, Cabinet
  - To the army, police, Interahamwe
  - To other political parties
  - To other nations
  - To international bodies
- Their motivations
  - Power? Genuine ethnic hatred? Personal vendettas?



### • <u>Identify</u>

- source of funding and supplies
- links to MRND, Interahamwe, Presidential Guard, chain of command

#### Action

- Expose any diversion of funds
- Insist on decrease in inflamatory speeches and broadcasts
- Provide alternative news to RTLM, e.g., UN radio station (contact with population)
- Close down RTLM



#### REMOVE THE INSTRUMENTS OF GENOCIDE:

# <u>Intelligence</u>

- -Identify locations of arms caches
- -How well guarded? Under whose control?
- -Who is supplying them? Who is to use them?

### **Action**

- -Cut-off at the sources; impose mandatory arms embargo; expose sanctions busters (e.g., France)
- -Conduct raids



# PREVENTIVE ACTIONS AFTER APRIL 6

- UNDERSTAND that the deaths were not from a civil war but from a well planned and supported genocide campaign
- Strengthen UNAMIR's capacity and mandate
  - Self-protection (APCs, etc.)
  - Protect civilians
- Create safe areas
  - soccer stadium in Kigali, churches, towns, regions
- Prevent gangs from going to country-side
- In the face of aggression, take self-protection, including the protection of those under your guard (cite the strong RoE, but which were not interpretted strongly), action against Pres. Guard
- Spread information to population
- Warning to Tutsis of approaching Interahamwe



# V. ANALYSING FAILURE & LESSONS LEARNED

Why did the international community fail to act to prevent the genocide?

What lessons were learned?



- Somalia fiasco (1993) and subsequent paralysis
  - PDD 25 (signed 3 May 1994) applies "increasingly rigorous standards of review for U.S. support and participaton" in UN peace-keeping
  - Peace-keepers "keeping the last peace"
- Chapter VII dimension
  - US doctrine of overwhelming force
  - Risk of casualties to US/UN forces & Rwandans
- Lack of viable goal and exit strategy
- Lack of planning time



- participation that "advances U.S. interests"
- existence of "a threat to or breach of international peace and security"
- clear objectives and an understanding of where the mission fits on the spectrum between traditional peacekeeping and peace enforcement.
- "a ceasefire should be in place and the consent of the parties obtained before the force is deployed" (for traditional Chapter VI operations)
- the means to accomplish the mission are available, including the forces, financing and mandate appropriate to the mission
- the political, economic and humanitarian consequences of inaction ... are considered unacceptable.
- duration is tied to clear objectives



# PDD-25 (SUPPLEMENTARY)

- Peace operations should not be open-ended commitments but instead linked to concrete political solutions; otherwise, they normally should not be undertaken.
- existence of "a threat to or breach of international peace and security", including "international aggression, urgent humanitarian disaster coupled with violence; Sudden interruption of established democracy or gross violation of human rights coupled with violence, or threat of violence."
- The U.S. cannot be the world's policeman.

Source: "Clinton Administration Policy on Reforming Multilateral Peace Operations (PDD 25)", U.S. Department of State Publication Number 10161, released by the Bureau of International Organization Affairs May 1994.



# THE "GENOCIDE" WORD

- Avoidance of word (for fear of mandatory intervention)
- Not used in SG's reports until 31 May 1994:

"On the basis of the evidence that has emerged, there can be little doubt that it constitutes gencoide, since there have been large scale killings of communities and families belonging to a particular ethnic group." [Report of the SG on the Situation in Rwanda, reporting on the political mission he sent to Rwanda to move the warring factions ...., S/1994/640 of 31 May 1994. Blue Book, p. 290. ]

• Not used in a SC resolution until 8 June 1994:

"Noting with the gravest concern the reports indicating that acts of genocide have occurred in Rwanda and recalling in this context that genocide constitutes a crime punishable under international law ..."



# Only vague, indirect reference to genocide in report of the HCHR:

"I reminded them [RPF and Rwandan government leaders] of their obligations, as enshorined in the international human rights instruments to which Rwanda is a part [footnote to several treaties, incl. Genocide convention]

His Kigali Broadcast of 12 May 1994: "It is essential that the leaders and the perpetrators of those atrocities know that their responsibility is inescapable and that they will have to answer personally for their acts. One does not fight for the unity of the country fanning hatred. One cannot fight fort he good of the people through extermination." [Annexed to report]

Source: Report of the United Nation Commissioner for Human Rights on his misison to Rwanda of 11-12 May 1994, E/CN/S-3/3 of 19 May 1994.



• SC Presidential statement of 30 April (S/PRST/1994/21):

"The Security Council condemns all these breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population and recalls that persons who instigate or participate in such acts are individually responsible. In this context, the Security Council recalls that the killings of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law."



- "The international community ... did not act quickly enough after the killings began."
- "We did not immediately call these crimes by their rightful name: genocide."

Source: "Text of Clinton's Rwandan address", NYT, March 25, 1998.

# THE US PRESIDENT PROMISES

- "Let us challenge ourselves to build a world in which no branch of humanity ... is again threatened with destruction ... to strengthen our ability to prevent, and, if necessary, to stop genocide."
- "I am directing my administration to improve, with the international community, our system for identifying and spotlighting nations in danger ..."
- "We must have the ability to act ...."
- "The United States will work to see that [a permanent international criminal court] is created."



# US PRESIDENT'S REMARKS (SUPPLEMENTARY)

- "We can and must do everything in our power to help you build a future without fear, and full of hope."
- Let us work together as a community of civilized nations to strengthen our ability to prevent, and, if necessary, to stop genocide."
- "We must as an international community have the ability to act when genocide threatens."

Source: "Text of Clinton's Rwandan address", NYT, March 25, 1998.



# Kofi Annan on the Somalia and Rwanda Failures

"The consequences of the retreat from **Somalia** and the reluctance to again commit international resources and political capital soon became evident as the international community agonized over how to respond to the tragedy that began to unfold in Rwanda. Hundreds of thousands of lives were lost in the course of the genocide that was perpetrated in full view of the international community. That experience highlighted the crucial importance of swift intervention in a conflict and, above all, of political will to act in the face of a catastrophe. The horrifying suffering of the Rwandan people sends the clear and unmistakable message that the international community must never again tolerate such inaction."

<u>Source:</u> Report of the Secretary-General, "The Causes of Conflict and promotion of Durable Peace and Sustainable Development in Africa", UN Doc. A/52/871-S/1998/318 of 13 April 1998, para. 32.



### UN LESSONS LEARNED REPORT

• Early warning: no mention of 11 January 1994 fax

No analysis of prevention

Citation: www.un.org/Depts/dpko/lessons/UNAMIR.pdf



# **UNANSWERED QUESTIONS**

- Was there an intelligence unit in UNAMIR? Did the Belgian contingent have one?
- What is role and structure of the gendarmerie (and links to PG and militias)?
- What happened to the informer after 11 Jan.?
- What government intelligence?
  - Belgium
  - US
  - France
  - Canada
  - Vatican (the information-gathering power of the confession booth)

# AFTERMATH: MAKING UP FOR PREVIOUS MISTAKES?



### Commission of Experts on Rwanda

 to "determine individual responsibility for serious breaches" of HR and humanitarian law (created 1 July 1994 by SC res. 935; dissolved on 30 November 1994; report S/1994/1405 of 9 December 1994)

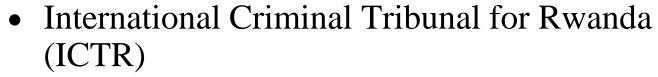
### High Commissioner for Human Rights

- Human Rights Field Operation in Rwanda (HRFOR) to monitor ongoing HR violations (report of 2 April 1996)
- International Commission of Inquiry
  - investigate arms embargo violations (after May 1994)

#### NGOs

African Rights ("Rwanda: Death, Despair and Defiance")

# **JUSTICE SERVED?**

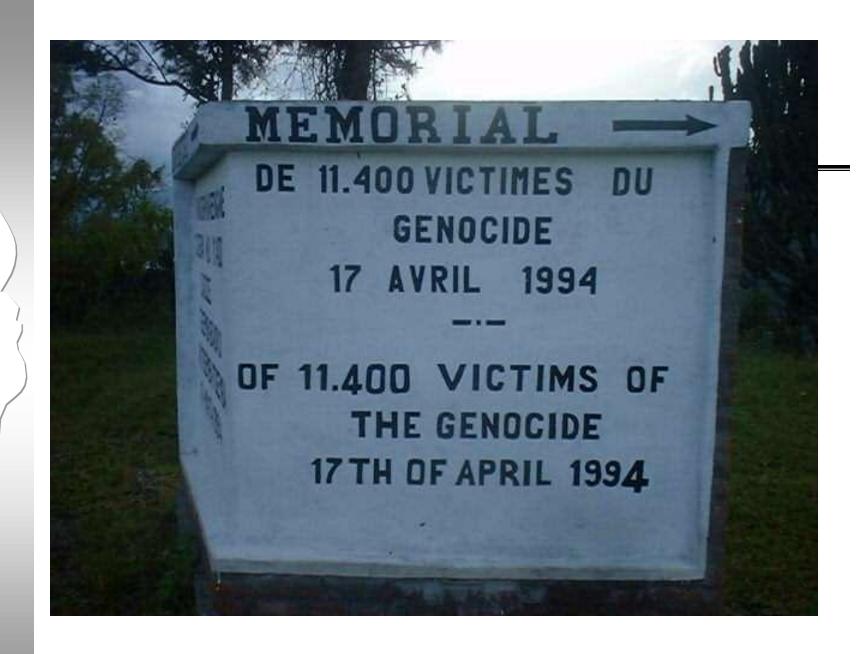




- indictments; apprehended; two early verdicts:
  - Jean Kambanda (former PM, head of "interim government" formed on 8 April 1994) pleaded guilty, cooperating with ICTR, received life imprisonment (subject to change)
  - Jean-Paul Akayesu (former mayor of Taba) pleaded not guilty, found guilty
- Rwandan Government Trials
  - 80,000-130,000 suspects in jail awaiting trial
  - over 20 executions

# "Kingpin" Bagosora





Genocide Memorial, Kibuye, Rwanda (13Apr01) Peter Birch 2000-01



- Standby-forces arrangements
  - SHIRBRIG
  - Rapidly Deployable Military Headquarters (RDMHQ)
- Early Warning Systems
  - Department of Public Affairs
  - Humanitarian Early Warning System (HEWS)
  - Framework for Coordination
  - Information and Research Unit



#### • Increase sharing of information

- Member States (esp. major powers) should be mandated to provide information/intelligence on genocide plots
- Designate a responsible UN unit for early warning
- Provide for mandatory investigations when evidence is convincing
- Create procedures to accept and encourage submissions by NGOs and informants (e.g.,develop a mechanism to provide asylum)

### • Strengthen UN forces

- Provide stronger mandates
- Increase capacity (e.g., equipment & technology)
- Create a permanent UN peacekeeping force



- "The magnitude of the human calamity that has engulfed Rwanda might be unimaginable but for its having transpired."
  - Report of the SG on the Situation in Rwanda,
     S/1994/640 of 31 May 1994. Blue Book, p. 290.
- "History has shown us that you cannot allow the mass extermination of a people and just sit by and watch it happen."
  - US President Bill Clinton, 1992 [on the need to protect Muslims in Bosnia]



# LEARNING THE LESSONS? TIMOR? KOSOVO?



- African Rights, RESISTING GENOCIDE: BISESERO, APRIL-JUNE 1994 (London: African Rights, 1998).
- Donor Study:
  - Early Warning and Conflict Management (Book2):
  - http://www.um.dk/danida/evalueringsrapporter/1997\_rwanda/book2.asp
  - Synthesis (Book 5):
  - http://www.um.dk/danida/evalueringsrapporter/1997\_rwanda/book5.asp
- Amnesty International,
   http://www.amnestyusa.org/country/rwanda/forsaken\_cries/