

# Personal Reflections 20 Years after the Rwanda Genocide

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17.04.2014**Horrific scenes of Rwanda's genocide, etched in my sub-consciousness, to me seem ever present, but my students naturally see 1994 as a past event quickly receding into history.**[Go back to the previous page](#)

Twenty years ago, on 6 April 1994, a surface-to-air missile blasted a Dassault Falcon 50 executive jet carrying Rwandan President Juvénal Habyarimana and Burundian President Cyprien Ntaryamira, and several of their ministers and staff, out of the evening sky as it approached Kigali Airport from peace negotiations in Arusha, Tanzania. No one survived. Who shot down the jet, a personal gift of French President Mitterrand to Habyarimana, and assassinated the two central African presidents, is not only an unsolved mystery, but one actively obscured by false rumour, accusation and counter-accusation, and the nebula of conspiracy theories spun ever since. In contrast, it did not take very long to find out who was responsible for launching a campaign to wipe out Rwanda's entire Tutsi minority.

Only a few days before his assassination, President Habyarimana had announced his intention to implement the 1993 Arusha Accords which prescribed genuine respect for human rights and the rule of law, accommodation of Tutsis in public institutions, repatriation and resettlement of refugees and internally displaced persons, and integration of the Tutsi-dominated rebel Rwandan Patriotic Front into the Rwandan armed forces. This proved too much for champions of Hutu racial supremacy who began earnestly plotting an end to Habyarimana's regime which they thought was surrendering Rwanda to Tutsi interests. Within an hour of the downing of the aircraft, *interahamwe* and *impuzamugambi* Hutu militia sprang into action erecting roadblocks, stopping cars and public buses, checking identification cards to isolate Tutsis from the rest, and summarily executing Tutsi men, women and children on the spot. A full-scale, pre-meditated, meticulously planned and organized genocidal campaign was under way that over the next three months, took the lives of thousands of politically moderate Hutus as well. All the while, Radio Mille Collines incited thousands of ordinary people to join in the mass murder of neighbours and compatriots. By the end of June, they wiped out somewhere between 500,000 and one million civilians throughout the country. Apart from the valiant efforts of UN peacekeepers on the scene, the world community largely watched the cataclysm unfold with concerned detachment but did nothing to intervene. The extermination campaign stopped only when Paul Kagame's Rwandan Patriotic Front took military control over the country in late June 1994.

How did I get involved in this tragedy? Quite by chance, in late August, I was doing research in Geneva for a book I was writing on international criminal law. UN staff informed the High Commissioner for Human Rights, Mr. Ayala Lasso, of my book on individual responsibility in international law for serious human rights violations, the subject of my doctorate, and he called me to his Palais des Nations office. He pressed me to assist the Commission of Experts on Rwanda – a temporary body the Security Council formed on 1 July to investigate, analyze and report on “grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide”. My task was to journey through Rwanda by road and helicopter with the Commission, investigate massacre sites with the assistance of a Spanish forensic team, interview witnesses, collect and analyze information, and prepare the Commission's reports on facts and responsibilities relating to the genocide and associated violations committed during the civil war, as well as recommend what should be done to address the violations. The Commission's preliminary report (S/1994/1125 of 4 October 1994) recounts the major political and military events leading up to the genocide and states unambiguously that: “Overwhelming evidence indicates that the extermination of Tutsi by Hutu had been planned months in advance of its actual execution. The mass exterminations of Tutsis were carried out primarily by Hutu elements in a concerted, planned, systematic and methodical way and were motivated out of ethnic hatred. These mass exterminations were clearly ‘committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such’ within the meaning of article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948” (para. 44) and that while “While the massacres perpetrated by RPF were less systematic than those of the Rwandese armed forces and Hutu militia, certain crimes against humanity are alleged to have been carried out by RPF” (paragraph 79). The Commission of Experts recommended that the Security Council should set up an international criminal tribunal to prosecute the perpetrators, which the Security Council immediately implemented by way of a UN Charter Chapter VII resolution binding on all UN member States. After doing nothing meaningful at all to protect hundreds of thousands of innocent civilians from being slaughtered, it was the least the international community could do through the UN.


Looking back, I am heartened to see the enormous strides taken over the last 20 years to fight impunity for genocide, war crimes and crimes against humanity, through the International Criminal Tribunal for former Yugoslavia, the International Criminal Tribunal for Rwanda, Special Courts for Sierra Leone, Lebanon, Cambodia and Timor Leste, and above all, the International Criminal Court. Over the last two decades, the setting up of truth and national reconciliation commissions and other mechanisms designed to help societies recover from debilitating conflict, have augmented transitional justice efforts around the globe. Twenty years ago, it seemed that Nuremberg and Tokyo would soon fade from public consciousness, but instead the international community's efforts in combatting impunity have reinvigorated international criminal law, international human rights law and international humanitarian law to protect humanity from its own evils. But 20 years after the Rwandan genocide, the world remains a dangerous place. International criminal trials are enormously expensive and procedurally complex and protracted, perhaps unnecessarily so. The ICC has a long way to go before it becomes universal or genuinely effective. Security Council permanent members China, Russia and the United States, seem content to wallow in an almost incomprehensible self-righteous and hypocritical cynicism: they use their privileged Council permanent membership to refer situations to the ICC while conveniently neglecting to become ICC State parties themselves, thereby remaining beyond the reach of ICC jurisdiction. The Governments of India, Pakistan, Libya, Ethiopia, Turkey, Indonesia, Malaysia, Israel, Iraq and Saudi Arabia, and many others, have not even signed the Rome Statute of the ICC, yet seem to expect they should be regarded as civilized countries. And despite all the progress, the world is plagued by brutal terrorist movements who masquerade as the religiously pious, States systematically abuse their own power to trample human dignity at home and abroad, the Security Council deadlocks and dithers while hundreds of thousands of civilians fall prey to authoritarian rule and violent conflict in Syria and elsewhere, and the major Powers show wanton disregard of international law in Iraq and the Crimea. Violence in Nigeria to Mali to Syria to the Central African Republic to the Democratic Republic of Congo, and many other places, makes everyone less secure.


Yet, the immense suffering of past and present victims cannot be ignored without compromising our own human dignity. Hopefully, over the next 20 years, international law will be further strengthened, not undermined, international peace and security frameworks can work better to prevent not just react to aggression, and transitional justice will grow further to facilitate paths towards peace from painful conflict, by enhancing national judicial capacity, securing rule of law and good governance, and ensuring full protection of all human rights for all.

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