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Lars Waldorf Version of record first published: 30 Apr 2009.

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Revisiting *Hotel Rwanda***:** genocide ideology, reconciliation, and rescuers

LARS WALDORF

This article examines the tensions between the Rwandan government's discourse on reconciliation and its fight against negationism. It shows how the government's campaign against negationism has taken shape—from the law against "divisionism" in 2001 to recent accusations of "genocide ideology." The article also explores the treatment of Hutu rescuers at the national level. It raises concerns that the broad definition and application of genocide ideology may have a negative impact on reconciliation in Rwanda.

[N]ational reconciliation does not mean forcing people to subscribe to an ideology or to obey a new form of authority unquestioningly. As for reconciliation, it is as if Rwandans have been handed over from one administration to another without ever acquiring the right to think for themselves.... We can criticize the way in which the official policy of reconciliation is conducted, but we must remember that it takes two to achieve reconciliation, and many people on the other side are not playing by the rules either. I am not only referring to Hutu extremists in exile who are proud of their crimes. I am thinking of those inside the country who have not always succeeded in shaking off the terrible propaganda which led them to murder.¹

Introduction

The *Hôtel des Mille Collines* is a surreal place. A few years ago, a Rwandan human rights activist was sipping his Primus beer by the pool when he suddenly told me, "I remember drinking the water out of there." It was the first and last time he mentioned his own experience of the genocide. Without such irruptions of memory, one is hard-pressed to reconcile this edifice to the expat lifestyle with the setting for *Hotel Rwanda* (2004). For there is no monument bearing witness to the remarkable fact that no one died here in 1994. In a country obsessed with remembering the genocide, whose verdant hills are pockmarked with stark memorials to the dead, the few places where people were saved appear all but forgotten.

I finally had a chance to stay as a guest at the *Mille Collines* in June 2008 when I attended a conference marking the government's accomplishments in the justice

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sector. The small shop in the lobby was selling Hotel Rwanda or the Tutsi Genocide as Seen by Hollywood,² an angry screed against Paul Rusesabagina, the man made famous by *Hotel Rwanda* for saving the *Mille Collines*' 1,268 refugees. The book not only casts doubt on Rusesabagina's heroism, it also charges him with "genocide ideology." One of the book's authors is the public relations adviser to President Paul Kagame. Kagame himself has repeatedly criticized Rusesabagina as a false hero.³ During the conference, Rwanda's Minister of Justice, Tharcisse Karugarama, reacted sharply to criticism from Alison Des Forges, a senior adviser for Human Rights Watch, saying that she was becoming "a spokesperson for genocide ideology"-even though she had warned of a possible genocide in early 1993, helped mobilize policymakers and publics against the genocide in 1994, and later, as an expert witness, helped convict many génocidaires at the International Criminal Tribunal for Rwanda (ICTR) and in Belgian and Swiss courts.⁴ So, how did Rwanda's most famous rescuer and the ICTR prosecutor's star witness come to be tarred as exponents of "genocide ideology?"⁵ Is Rusesabagina right when he asserted that "[i]n Rwanda, each and every Hutu who doesn't necessarily agree with the government is ... qualified as a revisionist, a negationist?"⁶ And what does all this say about Rwanda's progress toward reconciliation?

As we approach the fifteenth commemoration of the 1994 genocide, in which three-quarters of the minority Tutsi population were slaughtered, this article reflects on Rwanda's use of genocide denial laws to protect survivors, combat hatred and lay the groundwork for reconciliation. Rwanda certainly needs laws protecting the country from both genocide denial (negationism) and "genocide ideology." Every April, the designated month of mourning and commemoration, there are vivid reminders that unrepentant génocidaires still live among the survivors. In April 2008, someone threw a grenade at the country's main genocide memorial and museum, killing one of the guards. The previous April, a radio talk show caller expressed the need to "finish the job." At the same time, negationist propaganda is preached by génocidaires across the border in eastern Congo or on trial at the ICTR, as well as by some Rwandan exile groups in Europe. The Rwandan government and genocide survivors have reason to fear that negationists-or "assassins of memory" (in Pierre Vidal-Naquet's evocative phrase)⁸—are preparing the ground for future anti-Tutsi violence. Yet, the accusations against Rusesabagina and Des Forges raise worrisome questions about whether the laws and policies in place against genocide ideology go too far.

This article examines the tensions between the government's discourse on reconciliation and its fight against negationism. It opens with a quick overview of the 1994 genocide, the government's discourse on reconciliation, and the main types of negationism. It then shows how the government's campaign against genocide ideology has taken shape—from the law against "divisionism" in 2001 to recent accusations of "genocide ideology." The article next explores the treatment of Hutu rescuers, with particular emphasis on recent accusations against two high-profile rescuers. Finally, the article concludes that the broad definition of genocide ideology and its use against Hutu rescuers does not augur well for reconciliation in Rwanda.

Background: genocide, reconciliation, and negationism

The 1994 Rwandan genocide was remarkable for its speed, intimate violence, and widespread participation: an estimated 200,000 killers massacred at least half a million Tutsi in a mere 100 days.⁹ Immediately after the genocide, the victorious Rwandan Patriotic Front (RPF) created a "Government of National Unity" that grouped together all the non-extremist political parties (which were nonetheless dominated by the RPF).¹⁰ Yet, reconciliation only moved to the forefront of government policy in 1999 after the RPF largely defeated an insurgency in northwest Rwanda led by former *génocidaires*, the cooptation of Tutsi survivor organizations that had opposed reconciliation efforts and the justice system's failure to cope with the lengthy detention of 120,000 genocide suspects.¹¹ As a UN Special Rapporteur noted in 2000, "after five years of refusing to talk of reconciliation must be a national goal in its own right."¹²

In 1999, the government established the National Unity and Reconciliation Commission (NURC) as envisaged by the 1993 Arusha Peace Accords between the RPF and President Juvenal Habyarimana's regime.¹³ The NURC has been running solidarity camps (*ingando*) since 1999 which all university-bound students are required to attend. The camps also have been used to reeducate demobilized soldiers, former insurgents, and released *génocidaires* before their reintegration into society.¹⁴ The length and substance of *ingando* trainings vary depending on the targeted population, but all participants are taught Rwandan history, civic education, and national unity and reconciliation. In addition to promoting reconciliation, the NURC is also charged with "denouncing and fighting against acts, writings and utterances which are intended to promote any kind of discrimination, intolerance or xenophobia."¹⁵ A week before the 2003 presidential elections, the NURC's executive secretary denounced former Prime Minister Faustin Twagiramungu, President Kagame's main challenger, for "spreading negative and divisive ideologies geared at planting seeds of ethnic hatred amongst Rwandans."¹⁶

In its reconciliation policies, the government seeks to (re)create the non-ethnic, harmonious society that supposedly existed before colonialism and Catholicism practiced divide and rule on Rwanda.¹⁷ As President Paul Kagame has declared, "[w]e are inculcating a new outlook that is Rwandan, and not ethnic."¹⁸ To accomplish this goal, the government has criminalized use of the terms "Hutu" and "Tutsi" in most public discourse through a 2001 law punishing "divisionism."¹⁹ The 2003 Constitution reinforced this by committing the government to the "eradication of ethnic, regional and other divisions and promotion of national unity."²⁰ So far, this has not succeeded in eliminating ethnic discourse; it has merely driven it behind closed doors. On a recent visit to Kigali, a Rwandan acquaintance quietly told me how one of the luxury hotels was excluding Hutu from its swimming pool. Whether this is actually true or not, the striking thing is that Rwandans still talk about ethnicity—and, more worryingly, about ethnic grievances.

There has always been an inherent tension between the government's forwardlooking reconciliation narrative, which seeks to erase ethnicity, and its backwardlooking genocide narrative, which inevitably emphasizes ethnicity. As Nigel Eltringham observed several years ago, the government risked replacing the old ethnic labels (Hutu/Tutsi) with new, but equally divisive, labels (génocidaire/ victim).²¹ The tension between the reconciliation and genocide narratives came to the fore when the government launched its community courts (gacaca) for genocide suspects in 2002. In one neighbourhood in Kigali, a government official reassured people that it was acceptable to talk about ethnicity in the context of gacaca: "Here, we must not have fear to say that the ethnicity that was targeted during the genocide is that of the Tutsi." By contrast, the then Prosecutor General of Nyabisindu, a charismatic Tutsi survivor, told a crowd in the Butare stadium: "Don't say I'm a survivor and show yourself before everybody. I don't want ethnicity. No Tutsi, no Hutu, no Twa. We are all Rwandans."22 Obviously, it is difficult to talk about a genocide targeting the Tutsi minority without mentioning ethnicity. Nonetheless, the government made serious efforts to avoid ethnic labelling in its discourse on genocide. For example, President Kagame elided ethnicity in his speech at the 2006 genocide commemoration ceremony: "the citizens of the country" were mobilized "into killing their fellow Rwandans."23

Since 2008, however, the government has reemphasized ethnicity in describing the 1994 genocide. A constitutional amendment added new ethnicized language to that portion of the preamble that stresses reconciliation: "Emphasizing the necessity to strengthen and promote national unity and reconciliation which were seriously shaken by the 1994 tutsi genocide and its consequences" (original emphasis).²⁴ References to the genocide throughout the 2003 Constitution were modified in a similar fashion.²⁵ At a 2008 conference on the "Tutsi Genocide and Reconstruction of Knowledge" in Kigali, a government official, who was moderating a panel discussion, gently chided an audience member for using the term "Rwandan genocide" and reminded him that the new term was "Tutsi genocide."26 The President's special adviser on public relations also used this new terminology in the subtitle of his book on "Hotel Rwanda": "The Tutsi Genocide as Seen by Hollywood."²⁷ One long-time Rwanda observer worried that the term "Tutsi genocide" winds up "making ethnicity paramount" again.²⁸ Furthermore, the government's emphasis on collective Tutsi victimization implicitly imposes collective guilt on Hutu, and consequently complicates the search for reconciliation.29

The terminology gets even more complicated out on Rwanda's hills. With no word for genocide in Kinyarwanda, the RPF has promoted three successive neologisms: first, *itsembabwoko* [extermination of an ethnicity], then *itsembabwoko n'itsembatsemba* [extermination of an ethnicity (i.e. Tutsi) and extermination to the nth degree (i.e. Hutu opponents of the genocide)], *jenoside* [genocide] and, most recently, *jenoside yakorewe Abatutsi* [genocide against the Tutsi]. The initial shift in terminology seemed to reflect an official repudiation of *ubwoko* [ethnicity] in keeping with the emphasis on unity and reconciliation.³⁰ But now the pendulum has swung back in the other direction to stress ethnicity thereby

exposing the emptiness of the reconciliation discourse. In practice, many ordinary Rwandans—even some Tutsi survivors—continue to use the familiar terms for war (*intambara*) and killings (*ubwicanyi*). This partly reflects the fact that many Rwandans view the genocide as the culmination of a four-year civil war, rather than as a three-month historical rupture.³¹ Yet, it may be that this also signifies resistance to the official genocide narrative—a (partially) "hidden transcript."³²

Negationism, "divisionism," and "genocide ideology" are separate and distinct phenomena that often become conflated in the Rwandan context. To disentangle these concepts and their manifestations, it is first necessary to understand the basic outlines of the RPF's genocide narrative. The RPF views the 1994 genocide as the culmination of a series of (smaller) genocides that began with the so-called "Social Revolution" of 1959, when Belgian colonialists and missionaries switched allegiance from the Tutsi minority to the Hutu majority and condoned anti-Tutsi violence. According to the RPF, the 1994 genocide resulted from a combination of "colonial divide and rule," "bad leadership," extremist political parties, a virulently anti-Tutsi ideology, the "hate media" that disseminated this ideology, and an uneducated peasantry steeped in habits of obedience.³³ This is then used to justify the need for tight restrictions on multi-party democracy, freedom of speech, and freedom of the press, as well as the re-education of the population through *ingando*.³⁴

The RPF generally views alternative historical interpretations as political challenges to its legitimacy which need to be condemned as negationism or even genocide ideology. At a 2003 conference in Kigali, the economic historian Philip Verwimp suggested that Rwandan schools teach historiography rather than "History." A government minister responded brusquely that "[t]here is one truth and we know it."35 Those who deviate from the RPF's genocide narrative often find themselves tarred as negationists. For example, a former head of IBUKA criticized Rusesabagina for not making clear that the genocide had been planned since the 1960s: "Rusesabagina's distortion of history proves his negation and sectarian stance because you cannot talk about the genocide while avoiding its main historical landmarks."36 Similarly, the authors of Hotel Rwanda attack Rusesabagina as a negationist partly because "[h]e fails to point out: the negative impact of the colonial heritage that preached and practised the policy of divide and rule that led to the rupture of Rwandan society [and] the fact that the genocide was planned long before 1994."³⁷ While Rusesabagina can certainly be criticized for revisionist tendencies, it seems a stretch to accuse him of genocide denial. For, he has repeatedly acknowledged the genocide of the Tutsi minority in 1994 whether in his speeches, his autobiography, or his broadsides.³⁸ As he recently explained in a London courtroom: "No reasonable human being can say there was no genocide. ... But this is not a reason why we should not talk about war crimes and crimes against humanity [committed by the RPF]."39

I do not want to suggest that government concerns about negationism are unfounded. Indeed, it thrives within certain Rwandan exile circles in Europe

and Congo and is then channelled to wider audiences using the Internet. When I lived in Rwanda from 2002 to 2004, I would receive unwanted Internet communiqués from an exile group calling itself the *Rassemblement pour le Retour des Refugies et la Democratie au Rwanda* (RDR), some of which were explicitly negationist.⁴⁰ In the Rwandan context, genocide denial takes several familiar manifestations: (1) asserting that war alone was responsible for the body count; (2) blaming the victim group; and (3) promoting moral equivalency.⁴¹

Like other twentieth century genocides, the Rwandan genocide happened in the context of a conventional war between the *Forces Armées Rwandaises* and the Rwandan Patriotic Front.⁴² This makes it easier for negationists to insist that what occurred in 1994 was simply war and self-defence, not genocide. Most of the high-ranking genocide suspects at the ICTR subscribe to some variation of this argument. According to this line of thinking, it was the RPF that shot down President Habyarimana's plane on April 6, 1994 and resumed the war, thus triggering the killings of Tutsi. They contend that there was no genocidal plan, but rather spontaneous public anger over the death of the nation's beloved leader. Not long ago, this theory received a boost from a French magistrate who charged President Kagame and his top military advisors with bringing down the plane.⁴³ In response, the Rwandan government accused the French judge of assisting genocide denial, expelled French diplomats and some ordinary French citizens, and issued a lengthy report accusing top French officials of complicity in the genocide.⁴⁴ Yet, the allegations against the RPF-the truth of which may never be known-do not absolve Hutu extremists from having used the plane crash as a pretext for launching a planned—though perhaps incompletely planned-extermination campaign.

Genocide denial often comes disguised as moral equivalency. Some claim that there are as many (or even more) Hutu victims of the RPF than Tutsi victims of the genocidal government. Ramsey Clark, the former US Attorney General, made this argument while defending a 76-year old Adventist pastor before the UN Tribunal: "There was not one general genocide in which only Hutus killed only Tutsis. ... Hundreds of thousands of Hutus were killed in Rwanda." André Sibomana, a Rwandan human rights activist, once described this as "a more furtive but equally dangerous" form of denial:

They are trying to outbid each other; they want the number of people killed by the RPF to be on a level with the people killed during the genocide, to restore a kind of equality. ... It's totally absurd. Deaths don't compensate for each other; they don't cancel each other out; they simply add up.⁴⁵

While the RPF did commit war crimes (and perhaps crimes against humanity) against Hutu civilians in Rwanda,⁴⁶ there is no moral equivalency because the scope and intent was very different from the genocide of Tutsi civilians in 1994.⁴⁷

Several factors in contemporary Rwanda may make the population more susceptible to negationist propaganda. First, Rwandan history has not been taught in primary and secondary schools since the genocide.⁴⁸ As a consequence, children mostly learn history from their parents, who were schooled under the

Habyarimana regime's anti-Tutsi ideology. Second, the imposition of collective guilt on Hutu and the lack of official accountability for RPF war crimes encourage talk of double-genocide and victor's justice.⁴⁹ Finally, as argued below, the government's campaign against what it terms "genocide ideology" has made it much harder to distinguish true negationism from unwanted political criticism.

To combat negationist propaganda, the government has adopted several legal instruments. The 2003 Constitution criminalizes "[r]evisionism, negationism and trivialization of genocide" although it does not define the terms.⁵⁰ The 2003 Law Punishing Genocide, is more precise, stating that "any person who will have publicly shown, by his or her words, writings, images, or by any other means, that he or she has negated the genocide committed, rudely minimized it or attempted to justify or approve its grounds, or any person who will have hidden or destroyed its evidence."⁵¹ Under that law, which can carry prison terms ranging from 10 to 20 years, Rwandan prosecutors charged 243 people with revisionism and negationism between mid-2007 and mid-2008. Roughly half were acquitted, with the remainder receiving prison sentences (including eight who were given life terms).⁵² In one case, a person was sentenced to 20 years for "gross minimization of the genocide" after having publicly testified about RPF war crimes in a community court (*gacaca*) genocide trial.⁵³

The 2003 Constitution also created a National Commission for the Fight Against Genocide which, like the National Unity and Reconciliation Commission, focuses on education, research and advocacy. The Commission's responsibilities include establishing a genocide research and documentation centre, commemorating the genocide, advocating for genocide survivors, and "organiz[ing] a permanent framework for the exchange of ideas on genocide, its consequences and the strategies for its prevention and eradication."⁵⁴ The Commission took the lead role in organizing a four-day conference on the "Tutsi Genocide and Reconstruction of Knowledge" in July 2008.

The Government's campaign against "divisionism" and "genocide ideology"

From 1995 until 2000, the RPF tightened its hold on power. One way it did so was through "accusatory practices": Hutu critics were branded "génocidaires," while Tutsi critics were denounced as "monarchists."⁵⁵ Denunciation also became part of everyday life on Rwanda's hills as neighbours settled local scores through genocide accusations (both true and false): "For a house, for a field or a tool, people are denounced without evidence, and awkward neighbours are arrested."⁵⁶ As a result, Rwanda's prisons were overflowing with 120,000 genocide suspects by 2000. Starting in 2001, the government's accusatory language changed and evolved: prominent Hutu critics have been successively charged with "division-ism," "negationism," and, most recently, "genocide ideology."⁵⁷ The reasons for this shift in accusatory practices are unclear, though the label "divisionism" seemed to reflect the government's increased discourse on "unity and reconciliation." Perhaps, it also had become somewhat embarrassing to charge long-serving, reintegrated Hutu members of government with genocide participation.⁵⁸

"Divisionism"

In late 2001, the government passed a law that punishes "divisionism" (sectarianism) and discrimination with prison sentences ranging from three months to five years. The law defines divisionism in a circular fashion as occurring "when the author makes use of any speech, written statement or action that causes conflict that causes an uprising that may degenerate into strife among people [sic]."59 Similarly, the 2003 Constitution adopted a vague prohibition on divisionism, stating that the "[p]ropagation of ethnic, regional, racial, or discrimination or any other form of division is punishable by law."60 Accusations of divisionism have been made against a range of perceived political opponents, both Hutu and Tutsi. For example, in advance of the 2003 national elections, a parliamentary commission charged the Mouvement Démocratique Républicain (MDR), the strongest of the opposition parties, with sowing ethnic divisions and recommended its dissolution: "government must prosecute and take measures against persons who continue to stir up ... the ideology of MDR PARMEHUTU which is based on discrimination and division, particularly those leaders of MDR who head these actions."⁶¹ The report also called on the National Unity and Reconciliation Commission to watch over the MDR and everyone named in the report so as to prevent discrimination and divisionism.

The Commission's report named 46 individuals, including Dr Leonard Hitimana, an MDR parliamentarian well known for saving Tutsi during the genocide. The MDR quickly ceased to exist.⁶² A few months later during the election campaigns, an RPF government minister accused the Parti Liberal of divisionism for focusing on Tutsi genocide survivors. The survivors' organization, IBUKA ["Remember"], whose leadership was co-opted by the RPF in 2000, followed suit and criticized unnamed political parties for exploiting the survivors' sufferings for their own divisionist ends.⁶³ As the EU election observer mission warned in mid-2003, "[s]uch a campaign against divisionism can, however, become a witch hunt."⁶⁴ The Parliamentary Commission also accused the journalists of *Umuseso*, an independent weekly newspaper, with being "propagandists of division."⁶⁵ Around the same time, government officials publicly likened it to Kangura, the hate journal, whose editor was convicted of genocide by the ICTR.66 The charge seemed particularly far-fetched given that almost half the Umuseso journalists at the time were Tutsi (including one who had fought with the RPF). The most independent human rights NGO at the time, LIPRODHOR,67 was also accused of divisionism by the parliamentary commission and, in June 2003, the government's official newspaper, Imvaho, accused LIPRODHOR of sowing division in Cyangugu province (southwestern Rwanda). The article published minutes of a private meeting between LIPRODHOR and its international partners (naming, among others, CARE, Trócaire, and the Belgian Embassy) as evidence that the international community was supporting and financing divisionism.⁶⁸

"Genocide ideology"

Over the past few years, "genocide ideology" has become the dominant accusation, a catch-all phrase that seems to encompass negationism and divisionism. Unlike those other two charges, "genocide ideology" evokes a more immediate threat of a return to genocidal killings. Both the RPF's genocide narrative and its campaign against genocide ideology assume that anti-Tutsi ideology and propaganda drive genocidal violence. Yet, Scott Straus' research into ordinary perpetrator motivations and hate radio's reach challenges this assumption: he found that racist propaganda does not explain large-scale participation in the genocide. Instead, he attributes high participation to intra-Hutu enforcement and coercion.⁶⁹ If correct, then the government's emphasis on rooting out genocide ideology may be less effective in preventing future ethnic violence than it thinks.

The 2003 Rwandan Constitution requires the state to promote and enforce six fundamental principles, the first of which is "fighting the ideology of genocide and all its manifestations."⁷⁰ The 2003 Law Punishing Genocide, however, makes no mention of "genocide ideology." The government first deployed accusations of "genocide ideology" against political opponents in 2003. The 2003 Parliamentary Commission report made sporadic accusations of "genocide ideology" against the MDR and its leadership, though it focused on the ideology of divisionism. In a radio broadcast, Tito Rutaramera, a prominent RPF ideologue and then president of the Constitutional Commission, accused former Prime Minister Faustin Twagiramungu, who ran against President Kagame for the presidency, of always having allied himself with the ideology of killers—even though Twagiramungu was targeted during the genocide and had to be spirited out of the country by UN peacekeeping forces.⁷¹ During the same period, a member of the government's human rights commission accused LIPRODHOR and Umuseso of promoting genocide ideology.⁷² Even without a specific law in place, the government began reporting and prosecuting "genocide ideology" as a crime (using the 2002 law against divisionism). In 2005, one researcher found that local officials in two communities "almost arbitrarily branded" common crimes as "genocide ideology" if the victims were Tutsi genocide survivors.⁷³ Prosecutions for promoting "genocide ideology" appear to have increased over the past few years, with 1,304 cases brought between mid-2007 and mid-2008.74

In January 2004, the Rwandan Parliament established a commission to investigate the murder of three genocide survivors in Kaduha district (Gikongoro province).⁷⁵ Its official title was the "Ad Hoc Parliamentary Commission to Profoundly Analyse the Killings Perpetrated in Gikongoro Province, Genocide Ideology, and Those Who Propagate it Everywhere in Rwanda."⁷⁶ The Commission issued its report shortly after the tenth commemoration of the genocide in April 2004. That report not only accused the usual suspects (LIPRODHOR and *Umuseso*), it also charged the international community with "sowing division within the Rwandan population" through international NGOs "like ... Trócaire, CARE International, NPA [Norwegian People's Aid], etc."⁷⁷ The report also denounced the BBC, Voice of America and a multitude of Christian churches

as conduits of genocide ideology.⁷⁸ Rwanda's Roman Catholic bishops warned that the report "could serve as a pretext to spread rumours, pre-judge people, and to generate interminable hatred."⁷⁹ They further stated that "[n]o one has the right to attribute to another person, identified by name, a genocidal ideology without having certain and irrefutable proof."⁸⁰

The Rwandan government eventually endorsed the Commission's report and issued a communiqué exhorting national and international NGOs harbouring genocide ideology to engage in self-criticism and "house-cleaning."⁸¹ The communiqué also criticized international donors for supporting organizations implicated in genocide ideology.⁸² That prompted a response from the European Union, which expressed concern over "the liberal use of the terms 'ideology of genocide' and 'divisionism."⁸³ In turn, the Rwandan government reacted strongly to the EU Declaration, arguing that the Rwandan populace clearly understood the meaning of the Kinyarwandan terms that had been "approximately" translated as genocide ideology and divisionism.⁸⁴ President Kagame also stated:

I wish to say that genocide and divisionism are not Kinyarwanda words and I don't know what it means in their [the EU] context. I suggest that they explain it themselves. What we should be asked is whether what we are doing for the country is good or not, and we will be ready to explain this.⁸⁵

This exchange over the definition of "genocide ideology" may have prompted some government officials to consider drafting a law on genocide ideology something that only happened four years later.

Following the 2004 report, the Senate created a commission to look into genocide ideology's causes and cures. This commission released a 200-page report in 2006 which concluded that genocide ideology was "persisten[t]" but "not pervasive."⁸⁶ Early on, the report acknowledges the difficulty of providing "a systematic definition" of genocide ideology.⁸⁷ It then proceeds to define "genocide ideology" in very broad terms:

The ethnicist, anti-Tutsi, genocidal or pan-Hutu ideology takes the form of revisionism by denying genocide and its consequences, or by minimizing it. It takes a revisionist form by vaguely acknowledging genocide but, in the same breath, trying to justify it through counter accusations in order to cleanse the real culprits of any responsibility. In particular, the genocide ideology takes on the subtle form of a merciless war against any effort to rebuild consciousness of national citizenship and strives to encapsulate the Rwandan society for ever in the ethnicist deadlock. Finally, the genocide ideology takes the form of a political broadside, more often than not biased and unjust.⁸⁸

The Senate Commission provided numerous examples of "revisionism," which include saying that "Hutus [are] detained on the basis of some simple accusation" or that "[there are] unpunished RPF crimes."⁸⁹ It also listed examples of "political broadside[s]" that constitute genocide ideology: "totalitarian regime muzzling the opposition, the press, freedom of association and of speech; accusation of divisionism against political opponents and civil society associations; guilty conscience of the international community that does not condemn sufficiently

the post-genocide regime; appeals to suspend international assistance....⁹⁰ The Senate Report thus conflates genocide ideology with any ethnic discourse, political criticism, revisionism, and negationism. According to its definition, any mention of alleged RPF war crimes or human rights abuses would constitute "genocide ideology."

The Senate Commission made several specific recommendations for eliminating genocide ideology, although curiously it did not propose a new law that would criminalize such ideology. It advocated the "restoration of traditional values" including the sense of a unified Rwandan identity that existed before colonialism. The Commission also called for an educational curriculum on "peace, unity and the eradication of the ideology of genocide" and Rwanda's "correct history." It also recommended a clearer policy around the contested issue of genocide remembrance.⁹¹

In 2007, a fourth parliamentary commission issued a report uncovering alleged genocide ideology in 26 schools. This was a follow-up to the 2004 Commission, which had accused several principals, teachers and students of manifesting genocide ideology. A subsequent Ministry of Education communiqué in October 2004 had suspended 37 secondary school educators from their posts and 27 students from school without due process.⁹² In the wake of the 2007 report, educators were again fired from their posts and efforts taken to root out genocide ideology.⁹³

In July 2008, the government finally passed a law punishing acts and expressions of genocide ideology. The new law defines genocide ideology as "an aggregate of thoughts characterized by conduct, speeches, documents and other acts aiming at exterminating or inciting others to exterminate people bas[ed] on ethnic group, origin, nationality, region, color, physical appearance, sex, language, religion or political opinion."⁹⁴ This definition obviously departs from the 1948 Genocide Convention in two significant ways: by broadening the number of protected groups and by removing the need to prove special intent. Far more problematically, the law criminalizes a wide range of acts which are aimed at "dehumanizing" people.⁹⁵ The article entitled "Characteristics of the crime of genocide ideology" reads:

The crime of genocide ideology is characterized in any behaviour manifested by facts aimed at dehumanizing a person or a group of persons with the same characteristics in the following manner:

1. threatening, intimidating, degrading through defamatory speeches, documents or actions which aim at propounding wickedness or inciting hatred;

marginalising, laughing at one's misfortune, defaming, mocking, boasting, despising, degrading, creating confusion aiming at negating the genocide which occurred, stirring up ill feelings, taking revenge, altering testimony or evidence for the genocide which occurred;
killing, planning to kill or attempting to kill someone for purposes of furthering genocide ideology.⁹⁶

The provision, therefore, dangerously conflates criminal defamation (and a host of lesser offences) with incitement to genocide.

Under this law, genocide ideology will be punished harshly with prison sentences ranging from 10 to 50 years.⁹⁷ Even children under the age of 12 could be held criminally responsible, although they would only receive a maximum sentence of one year in a rehabilitation centre.⁹⁸ A child's parent or teacher could also face prosecution (and a possible prison term of 15 to 25 years).⁹⁹ Furthermore, the state is able to prosecute political organizations and NGOs for genocide ideology, with convictions leading to dissolution, heavy fines, and possibly individual prosecutions.¹⁰⁰

It remains to be seen whether this law will encourage more accusations of genocide ideology. An earlier version of the law included a provision for punishing false accusations of genocide ideology. Under that proposal, those convicted of false accusations would have served half the sentence of those found guilty of genocide ideology. The Senate struck down the provision after deciding that false accusations could be adequately punished by prosecutions for perjury.¹⁰¹

Accusing Human Rights Watch of genocide ideology

The Rwandan government is fairly thin-skinned and seemingly never more so than when confronted by Alison Des Forges over human rights abuses. A long-time Rwanda scholar, Des Forges has worked for Human Rights Watch since 1993. Her magisterial study of the Rwandan genocide, *Leave None to Tell the Story*, earned her a MacArthur "genius" award. She has spent much of the past 12 years as an expert witness for the Office of the Prosecutor at the ICTR, helping to secure the conviction of many of those tried for the 1994 genocide. Yet, Des Forges has also been a persistent thorn in the government's side, particularly with her calls for prosecutions for RPF war crimes.

In March 2008, Human Rights Watch filed amicus briefs opposing the transfer of genocide suspects from the ICTR to Rwanda on the grounds that they would not receive a fair trial in Rwanda. As part of its argument, Human Rights Watch contended that potential defence witnesses might refuse to testify for fear of being accused of genocide ideology.¹⁰² The President of IBUKA reacted to Human Rights Watch's amicus brief with a letter to the ICTR President, in which the association "strongly condemn[ed]" Des Forges for having "taken the side of our executioners" and accused her of trivializing the genocide.¹⁰³ A few months later, at a June 2008 conference in Kigali, the Minister of Justice publicly accused Des Forges of becoming "a spokesperson for genocide ideology" after she had critiqued the justice sector.¹⁰⁴ That outburst seemed to substantiate Human Rights Watch's argument that the government uses sweeping accusations of genocide ideology to intimidate or silence its critics. If Des Forges could be labelled a proponent of genocide ideology, how much easier would it be to level the same accusation against any Rwandan who testifies in defence of genocide suspects?

As it turned out, three ICTR Trial Chambers ruled against the proposed transfers of ICTR suspects, relying, in part, on the possibility that accusations of "genocide ideology" would impede a fair trial. For example, in the case of Gaspard Kanyarukiga, the Trial Chamber held:

[T]he 2003 Genocide Law prohibits the negation of genocide. This in itself is legitimate and understandable in the Rwandan context. The Chamber recalls that many countries criminalise the denial of the Holocaust, while others prohibit hate speech in general. ... in several instances, the concept [of genocide ideology] has been given a wide interpretation. ... the Trial Chamber cannot exclude that some potential Defence witnesses in Rwanda may refrain from testifying because of fear of being accused of harbouring "genocidal ideology."¹⁰⁵

Ironically, then, the government's campaign against "genocide ideology" has made it more difficult for Rwanda to gain custody over prominent genocide suspects.

Reconciliation's revenge?

The treatment of Hutu rescuers

In explaining and judging mass violence, there is often a reductionist tendency to categorize individuals as perpetrators, victims, bystanders, or rescuers. Yet, the reality is far murkier: individuals often inhabit several categories (at the same time or successively)—what Primo Levi famously captured in his description of Auschwitz's "grey zone."¹⁰⁶ The Rwandan genocide often saw such moral shape-shifting: those like Jean-Paul Akayesu (the former mayor of Taba and the first person convicted of genocide by the ICTR) who began by saving Tutsi and then, under pressure, turned to killing; others like Omar Serushago and Georges Rutaganda (local *Interahamwe* leaders) who saved Tutsi family and friends while eagerly slaughtering Tutsi strangers;¹⁰⁷ or the old man I saw testify in southern Rwanda about how he had killed his Tutsi wife to save himself.

Such profound moral ambiguities make it difficult to identify and acknowledge Hutu rescuers and heroes in post-genocide Rwanda. How do you tell apart the truly righteous and the false rescuers? How do you distinguish those who saved whomever they could from those who saved only those who could pay?¹⁰⁸ At first, the Rwandan government elided the problem by only recognizing those Hutu who were killed for opposing the genocide. As Nigel Eltringham observed, "The phrase 'Hutu moderates' is only used *retrospectively*.... It is solely an epitaph and may imply that the only 'moderate' (or 'anti-genocide') Hutu are dead."¹⁰⁹ In the past few years, the government has been more willing to acknowledge living Hutu rescuers and genocide opponents.¹¹⁰ The 2006 Senate Commission Report recognized the difficulty of identifying Hutu rescuers, but still emphasized the need to do so:

No one would deny that some Hutus were killed due to their opposition to the politics of extremist parties or because they hid or tried to save some Tutsis. Some Hutus both killed and saved some Tutsis ... [this] cannot however result in the exclusion of non Tutsi victims of genocide.... the establishment of a database is under way to identify ... the people killed for having refused to kill innocent people or people who hid Tutsis.¹¹¹

This newfound willingness to celebrate Hutu rescuers is a positive step towards reconciliation. Yet, it has been undermined by attacks on the most high-profile rescuers.

Dr Leonard Hitimana

Dr Leonard Hitimana was a Hutu medical doctor who helped save people in Kibuye during the genocide. African Rights, an international human rights NGO with close links to the Rwandan government and IBUKA, praised Dr Hitimana in its 2002 tribute to heroes of the genocide: "his courage and professionalism were also tested during this period and proven to be exceptional."112 In his memoirs, Dr Blam, a German doctor married to a Tutsi woman who worked with Dr Hitimana, recalled how Dr Hitimana "begged me to attempt to recover some children who were still alive amongst the mountains of bodies at the [Nyamishaba secondary] school."¹¹³ Later, Dr Hitimana helped Dr Blam and his wife escape to Zaïre. He followed suit shortly afterwards "saving three others in the process."¹¹⁴ In subsequent years, Dr Hitimana testified as a prosecution witness at the ICTR, helping to convict Clement Kayishema, the former prefect of Kibuye province, and Obed Ruzindana, a Kibuye businessman, on genocide charges. He also collaborated with IBUKA's 2002 campaign to draw attention to the ICTR's alleged mistreatment of Rwandan prosecution witnesses. By 2003, Dr Hitimana was a respected member of the Rwandan Parliament and a leading figure in the MDR opposition party. The April 2003 Parliamentary Commission Report, which denounced the MDR, specifically named Dr Hitimana as being among "those who are at the head" of "the gang charged with the propa-ganda of the ideology MDR PARMEHUTU."¹¹⁵ The party chose Dr Hitimana to rebut the charges against the MDR in a parliamentary hearing. The night before that hearing, Dr Hitimana disappeared. After Human Rights Watch called attention to Dr Hitimana's disappearance, an op-ed in the pro-government New Times reminded readers that many genocide rescuers had also killedwithout however producing any evidence against Dr Hitimana.¹¹⁶ He remains missing to this day.¹¹⁷

Paul Rusesabagina

Following the popular success of the film *Hotel Rwanda*, the government and survivors' organizations have repeatedly denounced its central figure, Paul Rusesabagina, the Hutu hotel manager credited with helping save more than 1,200 people at the *Hôtel des Mille Collines*.¹¹⁸ The former head of IBUKA, criticized Rusesabagina for "hijacking heroism and trading with the genocide."¹¹⁹ In his speech commemorating the 13th anniversary of the genocide, President Kagame not only attacked Rusesabagina but also "foreigners" who honour Rusesabagina—an implicit swipe at US President George W. Bush who awarded the Presidential Medal of Freedom to Rusesabagina in 2005.

I wish to request foreigners who use Rwandans harbouring negative ideology to stop meddling in our history and cease trying to distort it. ... It is sad to see foreigners taking a self-seeking person like Rusesabagina, who did not save a single soul, and making him a hero of the genocide—and, of course, he has other greedy people who follow him.¹²⁰

This reference to Rusesabagina's "negative ideology" has since been expanded into full-blown accusations of negationism and genocide ideology, which are amplified by the largely state-controlled media. The government's attacks on Rusesabagina have grown ever more virulent as he has entered opposition politics. From exile in Brussels, Rusesabagina has denounced RPF war crimes, advocated the establishment of a South African-style Truth and Reconciliation Commission, and even called on the ICTR prosecutor to indict President Kagame for war crimes.¹²¹

In March 2008, the book denouncing Rusesabagina was launched at the *Mille Collines*. The Prime Minister used the occasion to deny that Rusesabagina saved anyone during the genocide. Drawing on interviews with 26 survivors from the *Milles Collines*,¹²² the authors argue that Rusesabagina did not save any of the hotel's refugees and that he charged them for accommodation (despite explicit instructions to the contrary from the hotel's owners in Brussels).¹²³ The authors are careful not to tar all Hutu with the same brush. At various points, they contrast Rusesabagina with "upright and heroic" Hutu rescuers.¹²⁴ They state that the director of *Hotel Rwanda* "could have found countless decent and upright Bahutu who did risk their lives to save Batutsi, some of whom even lost their lives in the process."

The authors also accuse Rusesabagina of having helped the *Interahamwe* militia target Tutsi. They do this through their interview with Valerie Bemeriki, who has been in Kigali Central Prison since 1999.¹²⁶ Bemeriki's vitriolic anti-Tutsi broadcasts on *Radio Télévision Libre des Milles Collines* (RTLM) helped earn RTLM the nickname "Radio Machete."¹²⁷ Not surprisingly, Bemeriki, who has yet to stand trial, gives a self-serving account in which she claims to have done more than Rusesabagina to save refugees at the *Mille Collines*.¹²⁸ Most damningly, she alleges that Rusesabagina "gave us the names we broadcast on RTLM"—which was to "put them on death row."¹²⁹

Rusesabagina's own story has been quite consistent over the years, from an interview he gave during the genocide to his 2008 courtroom testimony. African Rights interviewed Rusesabagina on June 19, 1994, the day after UNAMIR evacuated him from the *Mille Collines*. In that interview, Rusesabagina fully credited UNAMIR and well-connected refugees with helping him to protect those at the *Mille Collines*:

One morning, at 6:00 a.m. around 18 April, an officer from the ministry of defence telephoned my room from the reception. ... He said I must kick out all those who had sought refuge at the hotel. ... I said "Give me thirty minutes. I'm still in bed." Fortunately, I had access to a private line at the hotel which had not been cut off ... I started using my connections in the army. I asked all the prominent refugees to call every senior person in the army they knew. Thirty minutes later, some officers came to pick up the officer. Another time,

another officer from the ministry of defence, in intelligence, came. It was on 15 May. He said he came to tell me that they were planning to kill everybody that night. I sent urgent appeals by fax everywhere—to Belgium, France, etc. ... I rushed around like a madman asking people to put pressure on the government. Fortunately, our efforts paid off. ... the *Interahamwe* came to kill people at Mille Collines [on 17 June]. They came screaming: "We want the manager." My wife and children were hiding in the toilet. ... UNAMIR called their headquarters and the [Rwandan army] chief of staff [General Augustin Bizimungu]. The chief of staff came to the hotel personally with a lot of soldiers. He got them out of the hotel without any injuries and gave assurances of protection. But I could not feel secure. The militias took to coming in and asking for the manager. They told people they were looking for "that protector of the *Inyenzi* [the term for cockroaches which was applied to the RPF and, by extension, all Tutsi]."¹³⁰

Because a respected human rights NGO did this interview three weeks before the RPF defeated the genocidal regime, it can be assumed to be more reliable and less self-serving than the later accounts in the film and the autobiography.¹³¹

Over the years, Rusesabagina's story has been corroborated by others. Lieutenant-General Romeo Dallaire recounted how when the *Interahamwe* militia broke into the *Mille Collines* on one occasion, UN peacekeepers managed to negotiate their withdrawal "aided by the hotel manager's deft and generous gift of many bottles from the hotel wine cellar."¹³² African Rights wrote that "Many of the refugees evacuated from the *Mille Collines* paid warm tribute to [Rusesabagina's] efforts to protect and help them."¹³³ African Rights paired Rusesabagina's account with that of François-Xavier Nsanzuwera, the Deputy Attorney General who was targeted for assassination because of his prosecution of human rights abuses by the Habyarimana regime and its extremist allies. Nsanzuwera told African Rights:

One time, the Rwandese manager of the hotel told me that a certain Lt. Apollinaire Hakizimana, charged with intelligence at the ministry of defence, had visited him and ordered him to chuck everybody out of the hotel.... The frantic manager called everywhere and asked some of us to call up our contacts in the military. ... [eventually] army headquarters called the manager to say that they had never given any such order.¹³⁴

Nsanzuwera left Rwanda in 1995. He later worked with the International Federation of Human Rights before joining the ICTR's Office of the Prosecutor.

A prominent Tutsi survivor has attributed her survival directly to Rusesabagina. Odette Nyiramilimo, who later became a government minister and senator, told Philip Gourevitch, *The New Yorker* journalist, how Rusesabagina arranged to have her and her children brought to the hotel.¹³⁵ In 2006, Senator Nyiramilimo sent a letter to the US Congress stating:

I want to inform you that the only people Rusesabagina availed rooms to in the hotel were a few of Kigali's well-to-do who could afford to pay him. ... I personally paid for my stay at the hotel.... I never witnessed any act of charity on the part of Paul Rusesabagina, out of the circle of his personal friends or neighbours.¹³⁶

More recently, she told an American journalist: "Many people want me to say Paul is not a hero, so I say, 'Okay, he's not a hero.' But he helped me. Because of him, I'm here."¹³⁷

The Rwandan government finally had a chance to publicly cross-examine Rusesabagina—in a magistrate's court in the centre of London on April 3, 2008. He had been called as an expert witness for one of the four Rwandan genocide suspects facing extradition from the UK. He testified that the accused could not possibly receive a fair trial if they were returned to Rwanda. Rusesabagina did himself and the defendants no favours with his sweeping, polemical criticisms of the Rwandan government: "Before it was Hutu Power and afterwards it became a Tutsi Power, but the game is [still] killing."¹³⁸ He also accused the RPF of shooting down Habyarimana's plane. On cross-examination, the British prosecutor easily demonstrated Rusesabagina's lack of qualifications to be an expert witness on Rwanda's judicial system.¹³⁹ Rather than leave it at that, the prosecutor (working on behalf of the Rwandan government) then spent several hours attempting to demolish Rusesabagina's book.¹⁴⁰

In cross-examining Rusesabagina, the British prosecutor also made much of his relationship with Georges Rutaganda, the vice-president of the *Interahamwe*, and General Augustin Bizimungu, the former army chief of staff. Rusesabagina acknowledged that he was "even friends" with Rutaganda who supplied the *Mille Collines* during the genocide. But he emphasized, "[o]ur political views were completely different. I was even invited by ICTR [defense lawyers] to go and testify for him but since I did not agree with him I didn't go to testify."¹⁴¹ Asked about his relationship with Bizimungu, he responded: "He was not a friend but an acquaintance. … I would ask favours of a lot of people." He described how on one occasion Bizimungu helped him prevent the *Interahamwe* from massacring refugees at the *Mille Collines*.¹⁴² Rusesabagina continued, "[b]ut at the time I saw him, he was a good man. He saved our lives that day. The side I know of him is a good man. I can't say he's a bad man."¹⁴³

This strategy might well have backfired: rather than calling Rusesabagina's heroism into question, it could just as easily have shown the Rwandan government demonizing Hutu rescuers and its political opponents. In his decision, the magistrate handed the Rwandan government a public relations victory:

He is very clearly a strong opponent of the present regime, even going so far as to suggest that it was responsible for the genocide, and making other wild and exaggerated claims.... It has been suggested that the cross-examination was aimed at a character assassination. In reality what it did was ... show that the evidence was ... that of a man with a background strongly allied to the extremist Hutu faction.¹⁴⁴

Not surprisingly, this aspect of the decision generated considerable headlines in the Rwandan media.

The ordinary viewer of *Hotel Rwanda* would find this all quite puzzling. And there is a strange irony that the film which did more to draw overdue attention to the Rwandan genocide is now charged with propagating negationism:

the producers of the film Hotel Rwanda are guilty of more than just lying. They could argue in their defence that their profession consists precisely of taking liberties with the truth. But negationism is another thing entirely. In advanced democratic countries it is a crime punishable by the courts.¹⁴⁵

The whole Rusesabagina affair strikes a jarring and depressing note about Rwanda's progress toward reconciliation—one that even Stephen Kinzer, the *New York Times* journalist who recently penned an effusive paean to President Kagame, could not help but notice.¹⁴⁶

Conclusion

No one would dispute the urgent need for strict laws to counter hate speech, genocide denial, and genocide ideology in a country still recovering from genocide and still dealing with unrepentant *génocidaires* in its midst and on its borders. Yet, as this article has demonstrated, Rwanda's laws are too broadly drafted and thus open to political manipulation. The laws lump together the separate, though related, phenomena of hate speech, revisionism, negationism, and genocide ideology. They also conflate these things with any challenges to the government's master narratives on the genocide and reconciliation. In this way, any criticism of government policy is interpreted as an attack on its platform of "unity and reconciliation" and hence an expression of divisionism and/or genocide ideology.

The government's campaign against genocide ideology has had several negative consequences. First, it has inadvertently trivialized the genocide. Calling human rights critics exponents of genocide ideology makes it that much more difficult to distinguish and combat the true negationist propaganda being spewed by extremist groups in the Congo and Europe. Second, it has reinforced Rwanda's current culture of accusatory practices. Denunciation of genocide ideology at both the national and local levels engenders fear and mistrust among the population. It also reinscribes ethnic divisions and imposes collective guilt because accusations of genocide ideology are only levelled against Hutu. As one government official quietly remarked after the release of the 2004 Parliamentary Commission report, "it is counterproductive to reconciliation to name only Hutu in the report."¹⁴⁷ Third, it has created another form of denial: denial of the evident fact that Hutu saved Tutsi. Accusations of genocide ideology against the country's most well-known Hutu rescuers further reinforce the notion that Hutu are collectively guilty for the genocide. This has dangerous implications for long-term reconciliation in Rwanda. Finally, the campaign against "genocide ideology" has made it more difficult for Rwanda to gain custody over prominent genocide suspects currently at the ICTR. It is certainly a sad irony that Rwanda's genocide denial laws are making it less likely that

some *génocidaires* will be tried in the very country where they committed their crimes—especially because such trials could provide an instructive lesson on the punishment of what is truly genocide ideology.

Acknowledgement

This article is dedicated to Alison Des Forges whose tireless and fearless pursuit of even-handed justice—for Rwanda's *génocidaires*, war criminals, and wrongly accused—got her banned from Rwanda for the last six months of her life.

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Notes and References

- 1 André Sibomana, *Hope for Rwanda: Conversations with Laure Guilbert and Herve Deguine* (London: Pluto Press, 1999), p 139.
- 2 Alfred Ndahiro and Privat Rutazibwa, *Hotel Rwanda or the Tutsi Genocide as Seen by Hollywood* (Paris: L'Harmattan, 2008).
- 3 Just before the genocide commemoration in April 2006, President Kagame stated that Rusesabagina should "not climb on the falsehood of being a hero because [it is] totally false whether it is being said by Americans, Europeans or anybody else." Muhereza Kyamutetera, "Kagame Lambasts Hotel Rwanda Movie Hero," *The Monitor*, Uganda, April 3, 2006.
- 4 On Des Forges' role in 1993 and 1994, see Samantha Power, "A Problem from Hell": America and the Age of Genocide (New York: Basic Books, 2002), pp 330–331, 337–338, 365, 509.
- 5 I do not mean to suggest that Des Forges (a human rights activist) and Rusesabagina (a political opponent) are similar in any way, except insofar as they are tarred with the same brush.
- 6 Author's notes from extradition hearing in *The Government of the Republic of Rwanda v. Vincent Bajinya, et al.* (City of Westminster Magistrates' Court), April 3, 2008.
- 7 See, e.g. International Crisis Group, *The Congo: Solving the FDLR Problem Once and For All* (Brussels: International Crisis Group, 2005), available at: http://www.crisisgroup.org/home/index.cfm?id=3426& 1=1; Tom Ndahiro, "Ten Years of Organized Genocide Laundering" (unpublished manuscript 2004).
- 8 Pierre Vidal-Naquet, Les assassins de la mémoire (Paris: La Découverte, 1987). For an interesting comparison of the work of memory in France and Rwanda, see Rene Lemarchand, "Genocide, memory and ethnic reconciliation in Rwanda," *Cardozo Journal of Conflict Resolution* (forthcoming 2009).
- 9 The two best books on the Rwandan genocide are Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda*, 2nd edn. (New York: Human Rights Watch, 2004) and Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006). The estimates of victims and killers are taken from these books, respectively. Des Forges at pp 15–16; Straus at pp 51, 115–118. The Rwandan government estimates are much higher: more than one million victims and anywhere from 800,000 to 3,000,000 perpetrators. At a July 2008 genocide conference in Kigali, Senator Antoine Mugesera, the former head of IBUKA ("Remember"), the main survivors' organization, insisted that there were two million perpetrators. Remarks of Senator Antoine Mugesera, International Conference on the Tutsi Genocide and Reconstruction of Knowledge, Kigali, July 25, 2008 (author's notes).
- 10 Reconciliation has been a mainstay of RPF thinking since the movement was founded among Tutsi refugees in Uganda in 1987: "Consolidating national unity and reconciliation" was the first point of the RPF's 1987 Eight Point Plan. See Eugenia Zorbas, "Reconciliation in Post-Genocide Rwanda: Discourse and Practice," PhD thesis, London School of Economics, 2007, p 75.
- 11 Tutsi survivor organizations opposed the reintegration of soldiers and politicians who had served under the genocidal regime. For example, in 1999, IBUKA opposed the RPF's appointment of a parliamentarian accused of genocide participation. The RPF then attacked IBUKA for slander and arrested several survivors.

Heidi Rombouts, "Victim Organisations and the Politics of Reparation: A Case Study on Rwanda", PhD thesis, University of Antwerp, 2004, p 303. In 2000, the RPF installed Antoine Mugesera, one of its central committee members, as the president of IBUKA. See International Crisis Group, *Rwanda at the End of the Transition: A Necessary Political Liberalization* (Brussels: International Crisis Group 2002), p 13, available at: www.icg.org//library/documents/reports_archive/A400817_13112002.pdf.

- 12 UN Commission on Human Rights, Report on the Situation of Human Rights in Rwanda, 180, U.N. Doc. E/ CN.4/2000/41, February 25, 2000 (prepared by Michel Moussali).
- 13 "Art 24 ... A. Commission for National Unity and National Reconciliation ... shall be responsible for: 1. Preparing a national debate on national unity and national reconciliation. 2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation." Protocol of Agreement on Power-Sharing within the Framework of a Broad-Based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, 30 October 1992.
- 14 See Chi Mgbako, "*Ingando*' Solidarity Camps: reconciliation and political indoctrination in post-genocide Rwanda," *Harvard Human Rights Journal* Vol 18, 2005, pp 201–224; Penal Reform International, *From Camp to the Hill: The Reintegration of Released Prisoners* (London: Penal Reform International, 2004), pp 16–41, 90–103, 110–111.
- 15 Government of Rwanda, Constitution of the Republic of Rwanda (June 4, 2003), Art 178(6).
- 16 "Polls threaten to renew ethnic divide, says gov't," IRIN News Agency, August 19, 2003.
- 17 Hutu and Tutsi are not easily classifiable as separate ethnicities as both groups speak the same language, share the same culture, practice the same religion, live together, and often intermarry. There is a contentious debate over whether ethnic differences existed in pre-colonial Rwanda. See generally Nigel Eltringham, Accounting for Horror: Post-Genocide Debates in Rwanda (London: Pluto Press, 2004), pp 12–27; Johan Pottier, Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century (Cambridge: Cambridge University Press, 2002), pp 110–23; Catharine Newbury, The Cohesion of Oppression: Clientship and Ethnicity in Rwanda 1860–1960 (New York: Columbia University Press, 1988).
- 18 Paul Kagame, "Speech by His Excellency President Paul Kagame at the University of Washington," April 22, 2004, available at: http://www.gov.rw/government/president/speeches/2004/17_04_04_us_ speech.html.
- 19 As discussed below, the government makes an exception to this when it comes to talking about the genocide. 20 2003 Constitution, Art 9(2).
- 21 Eltringham, Accounting for Horror, at pp 72-99.
- 22 Butare Stadium Presentation, September 27, 2002 (author's field notes). The indigenous Twa forest people account for less than 0.5% of Rwanda's population.
- 23 Paul Kagame, "Address by His Excellency Paul Kagame, President of the Republic of Rwanda, at the Twelfth Commemoration of the Rwandan Genocide," April 7, 2006, available at: http://www.gov.rw/ government/president/speeches/2006/07_04_06_genocide.html.
- 24 Government of Rwanda, Constitution of the Republic of Rwanda (August 13, 2008).
- 25 2008 Constitution, Art 51, 179.
- 26 International Conference on the Tutsi Genocide and Reconstruction of Knowledge, Kigali, July 23, 2008 (author's notes).
- 27 Ndahiro & Rutazibwa, Hotel Rwanda.
- 28 Interview with author, Kigali, Rwanda, July 2008.
- 29 See Eltringham, Accounting for Horror, pp 75–76; Pottier, *Re-Imagining Rwanda*, p 150. It goes without saying that Tutsi formed the overwhelming majority of genocide victims. The issue here is about the politics of emphasizing that fact.
- 30 Noel Twagiramungu, "Naming the unspeakable: how do Rwandans understand and call their genocide?," unpublished draft manuscript, 2006.
- 31 Scott Straus convincingly argues that the civil war made it much easier for Hutu extremists to seize power and opt for genocide, Straus, *The Order of Genocide*, pp 46–49. This does not diminish the culpability of those extremists, as Straus is quick to note.
- 32 James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1992).
- 33 A thorough presentation of the RPF's historical narrative can be found in Rwandan Senate, "Genocide Ideology and Strategies for its Eradication" (Kigali: Rwandan Senate, 2006), pp 13–58 (copy on file with author). For a critical reading of earlier versions of the RPF's narratives, see Eltringham, Accounting for Horror.
- 34 The government's restrictions on freedom of the press are described in Lars Waldorf, "Censorship and Propaganda in Post-Genocide Rwanda," in: Allan Thompson, ed., *The Media and the Rwanda Genocide* (London: Pluto Press, 2007), pp 404–416.

- 35 Conference on Rwandan history, Kigali, Rwanda, November 2003 (author's notes). This exchange underscored Mark Osiel's observation that the official rewriting of history "highlights, unwittingly, the rulers' self-perception that their legitimacy hangs precariously on public acceptance of a particular historical interpretation." He further noted, "This interpretation is often conspicuously inconsistent with others recently foisted upon the public with equal vehemence." Mark Osiel, *Mass Atrocity, Collective Memory and the Law* (Brunswick, NJ: Transaction, 1997), p 213.
- 36 This is quoted approvingly in Ndahiro & Rutazibwa, Hotel Rwanda, p 21.
- 37 Ibid, pp 79-80.
- 38 See, e.g., Paul Rusesabagina, "Exposing the Pact Between President Paul Kagame, Some Genocide Suspects, Some Genocide Survivors, and Two Supposed Humanitarian Groups against Paul Rusesabagina, An Ordinary Man: A Response to Hotel Rwanda or the Tutsi Genocide as Seen by Hollywood by Alfred Ndahiro and Privat Rutazibwa," unpublished manuscript, April 6, 2008, p 7.
- 39 Author's notes of extradition hearing, April 3, 2008.
- 40 This article does not focus on the sources and content of negationist propaganda as others have already written about that in some detail. See, e.g., Ndahiro, "Ten Years of Organized Genocide Laundering."
- 41 For an exhaustive analysis of different manifestations of denial, see Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity Press, 2001).
- 42 As Christopher Browning observed, "War is the most conducive environment in which governments can adopt 'atrocity by policy' and encounter few difficulties in implementing it." Christopher R. Browning, Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland (Harmondsworth: Penguin, 1992), p 162.
- 43 The families of the two French pilots killed along with President Habyarimana filed a case in the French courts. After a lengthy investigation, the anti-terrorist judge Jean-Louis Bruguière issued arrest warrants in late 2006. "Délivrance de mandats d'arrêt internationaux," November 17, 2006, available at: http://www.medias.lemonde.fr/mmpub/edt/doc/20061127/838957_rwanda-rapport-bruguiere.pdf. In his 2007 speech commemorating the genocide, President Kagame angrily challenged the arrest warrants: "What could have been in that plane that was worth a million lives, and gives the French the right to judge us? … Moreover these accused [the RPF] happen to be the very people who put a stop to the 1994 genocide." Paul Kagame, "Remarks by His Excellency Paul Kagame, President of the Republic of Rwanda at the 13th Commemoration of the Genocide of 1994," April 7, 2007, available at: http://www.gov.rw/government/president/speeches/2007/07_04_07_murambi_genocide_.html. To counter the French judge's findings, President Kagame established a Rwandan commission to investigate the plane crash.
- 44 Commission Nationale independante chargee de rassembler les preuves montrant l'implication de l'etat Francais dans le genocide perpetre au Rwanda en 1994, Rapport (Kigali: Commission Nationale, November 15, 2007), available at: http://www.gov.rw/government/Rapport%20France_Genocide/RAPPORT%20 COMPLET%20Version%20definitive%2015-11-07.pdf.
- 45 Sibomana, Hope for Rwanda, p 117.
- 46 Human Rights Watch estimated that RPF soldiers killed between 25,000 to 45,000 Hutu civilians in 1994. Des Forges, *Leave None to Tell*, pp 701–728. RPF soldiers also killed thousands of Hutu civilians after 1994: during the closing of the Rwandan refugee camps in 1995 and the Congolese refugee camps in 1997, the anti-insurgency campaign in northwest Rwanda in 1997 and 1998, and the wars in the eastern Democratic Republic of Congo. See, e.g., Pottier, *Re-Imaging Rwanda*, p 161; African Rights, *Rwanda: The Insurgency in the Northwest* (London: African Rights, 1998); Gerard Prunier *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1999), pp 358–363.
- 47 For a detailed critique of the double-genocide thesis based on empirical fieldwork, see Phillip Verwimp, "Testing the Double-Genocide Thesis for Central and Southern Rwanda," *Journal of Conflict Resolution* Vol 47, No 4, 2003, pp 423–442, at p 441.
- 48 See Sarah Warshauer Freedman et al., "Confronting the Past in Rwandan Schools," in: Eric Stover and Harvey Weinstein, eds., My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity (New York: Cambridge University Press, 2004), pp 248–266.
- 49 This is not to suggest the government should treat genocide and war crimes in like fashion. Yet, the government has made little effort to prosecute RPF war crimes while, at the same time, rejecting non-prosecutorial mechanisms (such as a truth commission).
- 50 Constitution, Art 13.
- 51 Law No. 33 bis/2003 of 6/9/2003 Repressing the Crime of Genocide, Crimes Against Humanity and War Crimes, Art 4.
- 52 Human Rights Watch, *Law and Reality: Progress in Judicial Reform in Rwanda* (New York: Human Rights Watch, 2008), p 38.

⁵³ Ibid.

- 54 Constitution, Art 179.
- 55 See Filip Reyntjens, "Rwanda, Ten Years On: From Genocide to Dictatorship," *African Affairs* Vol 103, No 411, 2004, pp 177–210.
- 56 Sibomana, *Hope for Rwanda*, p 107. Des Forges noted that "[b]ecause the overburdened judicial system has failed to discover and punish false accusations, increasing numbers of people have brought false charges for their own interests." Des Forges, *Leave None to Tell*, p 754. The phrase "accusatory practices" is borrowed from Sheila Fitzpatrick and Robert Gellately, *Accusatory Practices: Denunciation in Modern European History*, 1789–1989 (Chicago: University of Chicago Press, 1997).
- 57 For example, Pasteur Bizimungu, who served as President from 1995 to 2000, was first accused of divisionism and then convicted of incitement against the state after he tried to establish an opposition political party. For more details, see Lars Waldorf, "A Justice 'Trickle-Down': Rwanda's Former President on Trial," in: Ellen Lutz, ed., *Trying Heads of State* (New York: Cambridge University Press, 2009). Accusations against other Hutu critics are examined in Reyntjens, *Rwanda, Ten Years On*; Human Rights Watch, *Preparing for Elections: Tightening Control in the Name of Unity* (New York: Human Rights Watch, 2003); International Crisis Group, *Rwanda at the End of the Transition*.
- 58 Celestin Rwigema, who served as Prime Minister from 1995 to 2000, fled to the United States in 2000, whereupon the Rwandan government accused him of genocide and unsuccessfully sought his extradition.
- 59 Law No. 47/2001 of 18/12/2001 Instituting Punishment for Offences of Discrimination and Sectarianism, Art 3. The law took effect in February 2002.
- 60 Constitution, Art 33 (June 4, 2003).
- 61 Republique Rwandaise, Assembleé Nationale, Rapport de la Commission Parlementaire de controle mise en place le 27 decembre 2002 pour enqueter sur les problemes du MDR (Kigali: National Assembly, April 2003), p 34 (hereafter MDR Report) (unofficial French translation of Kinyarwanda report on file with author). MDR-PARMEHUTU (Mouvement Démocratique Rwandais-Parti du Mouvement et de l'Emancipation Hutu) was the pro-Hutu political party formed by President Grégoire Kayibanda and which lasted until his overthrow in 1973.
- 62 For more details, see Human Right Watch, Preparing for Elections, pp 4-8.
- 63 Radio Rwanda, September 19, 2003 (evening broadcast).
- 64 Mission d'Observation Electorale de l'Union Européenne, "Referendum Constitutionnel, 26 mai 2003, Rapport final," p 5. The EU mission stated, "The accusations of separatism and divisionism, grave accusations within the Rwandan context, had a tendency to be utilized as an argument to limit political opponent's freedom of speech during the electoral campaigns." Ibid, p 10.
- 65 MDR Report, p 28.
- 66 Author's notes, London, June 30, 2003; Coexistence Network meeting, Kigali, May 30, 2003.
- 67 Ligue rwandaise pour la promotion et la défense des droits de l'Homme, Rwandan League for the Promotion and Defence of Human Rights.
- 68 Frank Ndamage, "LIPRODHOR sème la confusion," *Imvaho*, June 1–8, 2003. See also Willy Rukundo, "Est-il vrai que 'le virus qui a tué la vache est toujours vivant dans le cadavre de cette vache," *Imvaho*, June 9–15, 2003, p 23.
- 69 Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006); Scott Straus, "What is the Relationship between Hate Radio and Violence? Rethinking Rwanda's 'Radio Machete," *Politics & Society* Vol 35, No 4, 2007, pp 609–637.
- 70 2003 Constitution, Art 9(1).
- 71 BBC, April 19, 2003 (morning broadcast).
- 72 Author's notes from Coexistence Network meeting, Kigali, May 30, 2003.
- 73 Zorbas, "Reconciliation," p 104. In one case, a fight with a young male genocide survivor turned out to have been caused by an argument over a woman.
- 74 Human Rights Watch, "Law and Reality," p 38.
- 75 For more details on those killings, see Penal Reform International, *Gacaca Report* VI (London: Penal Reform International May 2004), p 50.
- 76 Rapport de la Commission Parlementaire ad hoc, crée en date du 20 janvier 2004 par le Parlement, Chambre des Députes pour analyser en profondeur les tueries perpétrées dans la province de Gikongoro, idéologie génocidaire et ceux qui la propagent partout au Rwanda, accepted by the Parliament, June 28, 2004 (hereafter 2004 Report) (unofficial French translation of official Kinyarwanda report on file with the author).
- 77 Id at pp 150.
- 78 Id at p. 133, 140.
- 79 "Réaction au rapport parlementaire de juin 2004," *Dialogue* No 235, July-August 2004, p 130. The Bishops also criticized the Report's claim that most priests were Hutu as reinforcing discriminatory and divisionist ideas.

- 80 Id at 133.
- 81 Ministry of Information, "Statement by Cabinet, Meeting in its Session of 17 September 2004, on the Report of the Chamber of Deputies about the Gikongoro Killings and Genocide Ideology in Rwanda," September 18, 2004, Para 4.
- 82 Ibid, Para. 5.
- 83 European Union, "Declaration by the Presidency on behalf of the European Union on the Statement of the Rwandan Government to the Parliamentary Report on Genocidal Ideology," October 6, 2004.
- 84 Ministry of Foreign Affairs, "Note Verbale," October 13, 2004, Paras 3 and 4. 85 "Genocide ideology' not Kinyarwanda—Kagame," *The New Times*, October 25–26, 2004, p 1.
- 86 Rwandan Senate, "Genocide Ideology and Strategies for its Eradication," (2006) (copy on file with the author), p 187.
- 87 Ibid, p 16.
- 88 Ibid, p 17.
- 89 Ibid, p 17, fns 5 & 6.
- 90 Ibid, p 17, fn 8.
- 91 Ibid, p 188.
- 92 "Communiqué de l'Etat No. 045/12.00/2004," published in Imvaho, No 1569, October 4-10, 2004. Following the communiqué, the police arrested several teachers and students.
- 93 Human Rights Watch, "Law and Reality," p 39.
- 94 Law No. 18/2008 of 23/07/2008 Relating to the Punishment of the Crime of Genocide Ideology, Art 2.
- 95 Ibid, Art 3.
- 96 Ibid, Art 3. Some misspellings are corrected here.
- 97 Ibid, Articles 4 and 8.
- 98 Ibid, Art 9. It seems questionable whether young children can form the intent to destroy a group.
- 99 Ibid, Art 11.
- 100 Ibid, Art 7.
- 101 "Senate strikes clause out of genocide ideology bill," The New Times, June 13, 2008.
- 102 Brief of Human Rights Watch as Amicus Curiae in Opposition to Rule 11 bis Transfer, Prosecutor v. Yussuf Munyakazi, Case No. ICTR-1997-36-I, March 17, 2008, Paras 30-40.
- 103 IBUKA, Letter to The Honourable Justice Dennis Byron, President, International Criminal Tribunal for Rwanda re The Reaction of Genocide Survivors to the Defence of Genocide Suspects by Mrs Alison Des Forges and Human Rights Watch, April 23, 2008, p 1. IBUKA dismissed her role as a prosecution expert in ICTR trials, claiming that "[t]o give herself credibility, [she] accuses certain criminals in order to be able to defend others." Ibid. It also incorrectly claimed that Des Forges had served as an expert witness for the defence. Ibid, p 2.
- 104 Author's notes from Judicial Sector conference. The 2006 Senate Commission made the accusation more obliquely: "the ideology of genocide and the sets of ideas that generated it are not only maintained by some Rwandans but that they are also propagated by foreigners, political organisations and international NGOs, particularly through the media and those claiming to be specialists on Rwanda and the Great Lakes Region."
- 105 Decision on Prosecutor's Request for Referral to the Republic of Rwanda, Prosecutor v. Gaspard Kanyarukiga, Case No. ICTR-2002-78-R11bis, June 6, 2008, Paras 71 and 72.
- 106 Primo Levi, The Drowned and the Saved (New York: Vintage Books, 1988).
- 107 The account of Georges Rutaganda saving Odette Nyiramilimo can be found in Philip Gourevitch, We Wish to Inform You that Tomorrow We Will Be Killed With Our Families (New York: Farrar, Strauss & Giroux, 1998), p 130.
- 108 One génocidaire told Jean Hatzfeld about how "[s]ome farmers even hid Tutsis they knew for a certain price. After the Tutsis had coughed up all their savings, the farmers abandoned them to the arms of death " Jean Hatzfeld, Machete Season: The Killers in Rwanda Speak (London: Serpent's Tail, 2005), p 84.
- 109 Eltringham, Accounting for Horror, pp 75–76.
- 110 Compare Kagame, "Twelfth Commemoration" with Claudine Vidal, "Les commémorations du génocide au Rwanda," Les Temps Modernes Vol 613, 2001, pp. 1-46. See also Claudine Vidal, "La commémoration du génocide au Rwanda: Violence symbolique, mémorialisation forcée et histoire officielle," Cahiers d'Etudes Africaines Vol 64, No 175, 2004, pp 261-277.
- 111 Rwandan Senate, "Genocide Ideology," p 132.
- 112 African Rights, Tribute to Courage (Kigali: African Rights, August 2002), p 76.
- 113 Ibid, p 80.
- 114 Ibid, p 88.
- 115 MDR Report, p 22.

- 116 Human Right Watch, Preparing for Elections, pp 8-9.
- 117 The Rwandan government was slow to investigate Dr Hitimana's disappearance—as well as that of Colonel Augustin Cyiza, the former Supreme Court Vice-President, and five others in the same period. In response to pressure from The Netherlands, the Rwandan government finally conducted a cursory investigation into the disappearances. In a July 2004 report, it claimed that Dr Hitimana "is suspected to be living in neighbouring countries" and noted that his case was "similar to" that of another parliamentarian who fled to Uganda in late March 2003—even though that person surfaced immediately in Uganda and subsequently gained asylum in Europe. Front Line Defenders, *Front Line Rwanda: Disappearances, Arrests, Threats, Intimidation and Cooption of Human Rights Defenders, 2001–2004* (Dublin: Front Line Defenders 2005), p 14.
- 118 Rusesabagina's mother was Tutsi and his wife is Tutsi.
- 119 Quoted in Ndahiro and Rutazibwa, Hotel Rwanda, p 15.
- 120 "Remarks by His Excellency Paul Kagame, President of the Republic Of Rwanda at the 13th Commemoration of Genocide of 1994," Murambi, April 7, 2007, available at: http://www.gov.rw/government/ president/speeches/2007/07_04_07_murambi_genocide_.html.
- 121 Rusesabagina, "Exposing the Pact."
- 122 The authors occasionally showed their bias in questioning survivors. For example, they asked at one point: "Did Paul Rusesabagina do anything which might have caused your death?," Ndahiro and Rutazibwa, *Hotel Rwanda*, p 52.
- 123 Ibid, pp 30–39.
- 124 Ndahiro and Rutazibwa, Hotel Rwanda, p 10. See also ibid, p 16.
- 125 Ibid, pp 22-23.
- 126 The book even features a full-page colour photo of Bemeriki, whereas the photos of survivor witnesses are arranged three or four to a page.
- 127 For more details on RTLM, see Allan Thompson, ed., *The Rwandan Media and Genocide* (London: Pluto Press, 2005).
- 128 Ndahiro and Rutazibwa, Hotel Rwanda, p 64.
- 129 Ibid, p 66.
- 130 Rakiya Omar, Death, Despair and Defiance, rev. edn (London: African Rights, 1995), pp 719–720. This account was subsequently corroborated by Human Rights Watch, based largely on a 1998 interview with Rusesabagina, see Des Forges, Leave None to Tell, pp 633–634. Human Rights Watch also recounts how Rusesabagina's interview with a Belgian newspaper on April 15, 1994 spurred the genocidal regime to protect the hotel with policemen, see ibid, p 633.
- 131 See Paul Rusesabagina and Tom Zoellner, An Ordinary Man: An Autobiography (2006).
- 132 Romeo Dallaire (with Brent Beardsley), *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (London: Arrow Books, 2004), p 360. This contradicts the new book's assertion "One of the most disturbing lies conveyed by the film is the one showing the hotel manager finally succeeding in saving the refugees thanks to his forces of persuasion, a few bottles of wine and cognac, and a little money." Ndahiro and Rutazibwa, *Hotel Rwanda*, p 39.
- 133 Omar, Death, Despair, p 719.
- 134 Ibid, p 721. As Nsanzuwera made clear, the army's decision rested on more than good connections with Rusesabagina: "Many military officers who were married to Tutsis had evacuated their in-laws to the hotel and therefore had personal reasons to be concerned." Ibid.
- 135 Gourevitch, We Wish to Inform, pp 129-130.
- 136 Quoted in Ndahiro and Rutazibwa, *Hotel Rwanda*, pp 71–72. Interestingly, there is no direct testimony from her in the book.
- 137 Stephen Kinzer, A Thousand Hills: Rwanda's Rebirth and the Man Who Dreamed It (London: John Wiley & Sons, 2008), p 246.
- 138 The government's campaign to portray Rusesabagina as a negationist and proponent of genocide ideology appears to have pushed him into making more and more strident political pronouncements that teeter dangerously close to a pernicious brand of revisionism.
- 139 Author's notes of extradition hearing, April 3, 2008. Indeed, the magistrate rightly ruled that Rusesabagina could not be considered an expert witness. *The Government of the Republic of Rwanda v. Vincent Bajinya, et al., Decision* (City of Westminster Magistrates' Court, June 6, 2008), Paras 398 and 340.
- 140 At one point, the prosecutor and Rusesabagina entered into this exchange:
 - **Prosecutor:** Had you saved them?

Rusesabagina: I helped them. I saved their lives. In the Mille Collines, people's lives were saved. **Prosecutor:** Were they saved by you? **Rusesabagina:** Saved by God.

Prosecutor: But helped by you?

Rusesabagina: If I was not inviting those people [e.g. General Bizimungu] ... My hotel was attacked many times ...

Prosecutor: They were saved by whose actions?

Rusesabagina: They were helped by human beings. General Bizimungu, General Ndindiliyimana, and also I played my small role.

Prosecutor: So when you wrote you saved people, you didn't mean you alone? [...]

Prosecutor: [Asks whether the Mille Collines refugees weren't saved by the UN]

Rusesabagina: This is not true. This is the version of the Rwandan government. There were four UN soldiers accommodated in the hotel... During the 1995 Kibeho massacres when [the RPF] killed thousands of innocent displaced people, the UN soldiers were there. Why didn't they save them? And those four saved the Mille Collines?

Author's notes of extradition hearing, April 3, 2008. Similarly, Rusesabagina told the American journalist, Stephen Kinzer, "I never claimed to have saved anyone. I helped people to survive, and all together, we managed." Kinzer, *A Thousand Hills*, p 247.

141 Author's notes of extradition hearing, April 3, 2008.

142 Ibid.

143 Ibid. On another occasion, Rusesabagina spoke of Bizimungu in similar terms: "General Bizimungu ... helped me to protect the people in my hotel, although other people may see him otherwise." Quoted in Ndahiro and Rutazibwa, *Hotel Rwanda*, p 85. In his memoirs, General Dallaire also confirmed that Bizimungu helped prevent a massacre at the *Mille Collines* on one occasion. See Dallaire, *Shake Hands*, p 360. Of course, as Dallaire recognized, this does not make Bizimungu less culpable for genocidal killings that happened elsewhere under his command.

144 Rwanda v. Vincent Bajinya, et al., Para 429.

145 Ndahiro and Rutazibwa, Hotel Rwanda, p 39.

Notes on contributor

Lars Waldorf is Director and Lecturer, Centre for International Human Rights, Institute of Commonwealth Studies, University of London. The author is currently writing a book on *gacaca* with generous support from the United States Institute of Peace. Email: Lars.Waldorf@sas.ac.uk.

¹⁴⁶ Kinzer, A Thousand Hills, pp 244-248.

¹⁴⁷ Front Line Defenders, Human Rights Defenders, p 20.