

Dutch University Slanders Genocide Hero

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Wolfgang Blam saved lives during the genocide in Rwanda, while the rest of the world looked the other way. This hero is now depicted as a charlatan by students of VU University in Amsterdam.

Twenty-five years ago, the 'Innocence'-project was launched in New York, set up to help the victims of miscarriages of justice in America. Since then, hundreds of wrongly convicted people have been released. This success led to similar initiatives in other countries. An example from the Netherlands is the student project 'Reasonable Doubt' at the Vrije Universiteit (VU University) in Amsterdam.

The most recent project of 'Reasonable Doubt' is the case of Joseph Mpambara. Mpambara is serving a life sentence in the Netherlands for his part in the genocide against the Tutsi in Rwanda by Hutu-extremists, and for terrorising a German-Rwandan family during the same period. The results of the research were published in the book *A Rwandese House of Cards* (in Dutch : *Een Rwandees Kaartenhuis*).

“Vampires”

Unlike the 'Innocence'-Project, 'Reasonable Doubt' does not search for new evidence to prove the innocence of

the convicted person. In this case the students are mainly limited to analyzing the judicial files, as provided by the former defence lawyer of Mpambara. The students received additional information from a handful of other lawyers of genocide suspects, and from Mpambara himself. The postscript of the book was written by one of the advisers : Mpambara's current lawyer.

This guidance from interested parties reveals a major weakness of the book. The VU-students criticize the manner in which the criminal investigations were carried out by the Dutch authorities, but they forget to contact those responsible. The only government official who is listed as a source tells me by phone that the information he provided is largely ignored in the book.

No independent genocide experts or victim associations were contacted either. The logical consequence is that many questions remain unanswered, forcing the students to speculate. A risky approach. "It's a useful book with a lot to learn from, but hardly scientific," says Martin Witteveen, an examining judge who has interrogated dozens of witnesses in Rwanda. "Much of its content is open to question. It's more like a plea that was never made."

Whether this plea is sincere remains to be seen, however, as seve-

ral of the advisers of the project are controversial. One of the lawyers has infuriated Africa-experts by referring to Tutsi-witnesses as “vampires” and to the International Criminal Tribunal for Rwanda (ICTR) as “the International Hutu Meat Mill.”

A few years ago another one disturbed an international art project about the genocide. And a third source was heavily criticized by Genocide Watch last summer for denying the genocide.

So, in addition to the vested interests of the consulted lawyers, these sources display some dubious sentiments that will not have contributed to the objectivity of their information either. No compassion

It is unclear why the VU-students accepted the Mpambara case. The book states that Mpambara has always denied his role in the genocide against the Tutsi minority in Rwanda, but he also claims that he had not been aware of ethnically motivated killings, only of skirmishes with rebels in his area. The District Court in The Hague regarded this “cynical denial” of the genocide as a blatant lie and contempt for reality.

There is a lot to be said for this harsh judgment, because the genocide couldn't have been clearer in Mpambara's home region. His village is situated on the border of two Communes (local councils), Gishyita and Rwamatamu, where 26 percent and 20 percent of the total population, respectively, were killed. The war with the rebels, the Rwandan Patriotic Front (RPF), never reached this part of the country and cannot possibly serve as an explanation for the violence.

According to witness statements at the ICTR, Mpambara's family provided shelter to soldiers and militia members during the genocide. Mpam-

bara himself has been identified in several ICTR cases as one of the perpetrators, and as one of the leaders of a meeting where attacks on Tutsis were planned. Although the book suggests otherwise, those statements date back to years before the Netherlands had started their criminal investigation against him.

A Rwandan House of Cards ignores all these aspects. The apologetic attitude towards Mpambara is even more remarkable if we consider that the students have read the verdict of 2009, which states “[...] that the defendant had remarked in the courtroom that the court should not only ask whether Hutus killed the Tutsis but also 'what the Tutsi had done to deserve death.'" The judges concluded that Mpambara's statements can only be understood as a continued adherence to the anti-Tutsi ideology. Two years later, the Court of Appeal confirmed this by noting that Mpambara had not withdrawn his extremist remarks and still did not show any compassion towards the victims.

Slandered heroes

The witnesses who have testified against Mpambara cannot count on the same leniency in the book *The VU-students* target the witnesses from Rwanda, but also a German doctor who is given the pseudonym “Bauer”. In reality, this witness is Dr Wolfgang Blam, who was working for the German Development Organisation (DED) in Rwanda when the genocide began. According to the Court of Appeal in The Hague, it has been legally proven that Dr Blam and his Rwandan wife Jacqueline Mukandanga were held captive by Mpambara – and

terrorised by him – on 27 April 1994. But the VU-students do not trust the story. They even suspect the German doctor of having falsified a letter used as documentary evidence. A handwriting analysis has refuted this suggestion, but the motive Blam might have had for framing Mpambara, the book does not tell.

The remarkable story of doctor Blam is well known from publications by historians and human rights organisations. He was employed at the hospital of Kibuye, a town in western Rwanda, when the genocide started in early April 1994. A few days later, when all the foreigners were evacuated, Blam stayed behind together with his wife and child, because he was already hiding ten people by then.

Together with his colleague Dr. Leonard Hitimana, Blam defied the extremist militias for weeks. The doctors collected injured victims in the streets, concealed entire families and supplied threatened refugees with the most basic necessities. After a massacre in a school, Blam managed to save a couple of children who had been left for dead in a huge pile of dismembered corpses.

But despite their brave resistance, the doctors were powerless when they were forced to stand by when the militias finally captured and slaughtered people they had saved before. Three weeks later virtually all Tutsis in Kibuye were dead. When the personal threat to the family became untenable, they tried to flee. Guarded by a gendarme, they set out in the hospital ambulance towards the border with Congo.

They did not get very far. The ambulance was stopped at a roadblock in Mugonero, the village of Mpambara, who, according to Blam, acted as the

leader of the local militia. Blam suspected it was a trap, set for them by the prefect of Kibuye. Although the latter had issued a travel permission to get to the border, they recognized a militiaman from Kibuye at the roadblock. The man disappeared shortly after their arrest.

The couple and their two months old baby were taken to the store of Mpambara's father, where Jacqueline was subjected to death threats and insults for several hours. The brave gendarme prevented worse. Hours of negotiations followed, until Mpambara sent the driver of the ambulance with a letter to Charles Sikubwabo, the Mayor of Gishyita, asking him to come and decide on the fate of Jacqueline.

Unexpectedly, the reply of Sikubwabo saved her life. "Send them back to Kibuye because we do not know if they are officially married," the Mayor wrote on the back of the letter. "We shall carefully examine the matter of this woman. We can check the records. Be careful not to damage the relationship with Germany."

The "wrong" Mayor

The VU-students are very sceptical about this story. They are especially puzzled by the correspondence between Mpambara and Sikubwabo, the Mayor of Gishyita. Mpambara's store was not located in Gishyita, but just across the Communal border in Rwamatamu. In the minds of the students, this meant that the letter had been addressed the wrong mayor, a mistake that Mpambara – or any other Rwandan citizen – would not have made.

The mystery of the "wrong" Mayor is nevertheless easily solved. Jacqueline was registered in Gishyita, not in

Rwamatamu. The outcome of the negotiations with Mpambara depended on whether Jacqueline and her child should be considered as ordinary Tutsis, or as members of a German family. Only the Mayor of her native Commune was in a position to decide on this matter.

Shortly after the incident in Mugonero, Dr Hitimana – Blam’s colleague – paid Sikubwabo a visit to arrange a marriage certificate for the couple, which supports this interpretation. Incidentally, Sikubwabo, a former soldier and a powerful militia leader, did not restrict his activities during the genocide to the boundaries of his Commune.

The misunderstandings about the Mugonero-incident are not yet finished. The students conclude the story with this critical remark : “An interview with Léonard [Hitimana] might have produced clues about the identity of Pierre [the driver] and the gendarme and their place of residence. It is unknown why Léonard was never questioned.”

There is an obvious answer to this problem as well. Doctor Hitimana has been missing since 2003. The circumstances of his disappearance have never been cleared up, but may very well have a political background as he was a member of parliament at the time. The Dutch police investigators did not arrive in Rwanda until 2006. This, of course, ruled out the possibility of questioning Hitimana.

False statements

The misunderstandings about Dr Blam are typical for the gaps in the students’ research, although the information is not that difficult to find.

Blam’s story was first published in November 1994, shortly after the genocide, and includes a reference to the disputed letter. Leonard Hitimana was interviewed by African Rights for their book *Tribute to Courage*. The travel document issued by the prefect can be found in the judicial archives of the ICTR. And the disappearance of Dr Hitimana has been widely reported by Amnesty International and Rwanda critics.

Although the students and their professor, Peter van Koppen, do not respond to my questions, one of the supervisors, Annelies Vredeveltdt, explains that they usually do not consult any publications besides the case file. But, as the examples below will demonstrate, this is not true for the Mpambara case. Additional material was used for other aspects of the case.

For example, the book devotes ample attention to the case of Jacques Mungwarere in Canada of 2013. Like Mpambara, Mungwarere was accused of participating in the massacre of 3,000 people in a hospital complex near Mugonero. Based on information from Canada, the VU- students believe that most of the witnesses who testified in both cases are unreliable.

Their assumption is based on three anonymous witnesses who stated during the trial in Canada that they had invented incriminating facts about Mungwarere. Other witnesses had done the same, so they claim. However, the reason behind their sudden repentance has not been investigated, even though one of them had to relocate out of fear for Mungwarere’s relatives. Moreover, two of the three witnesses claim to have told the truth about Mpambara.

According to Martin Witteveen,

the possible influence of the unreliable witnesses on the Mpambara case is very limited. More than a hundred statements have been collected in eight different countries. “Many witnesses have pointed him out,” says Witteveen. “The evidence did not depend on the disputed witnesses.”

Academic literature

Other arguments presented by the students to challenge the reliability of the witnesses are made with reference to the academic literature. This presents a well-known dilemma. For every point to prove there is a scientific study out there that can be used to support it. If necessary, information from research papers can be manipulated to suit a purpose. A Rwandese House of Cards contains some illustrative examples.

One of the cited studies is about recognition. According to the book, the study has determined the maximum distance at which one can still accurately recognize somebody else : fifteen meters. This implies that eyewitnesses who identified Mpambara from a greater distance can't be trusted.

However, the quoted study focuses on something else : the ability to distinguish between people who look very similar. In the experiment, the portrait pictures of celebrities such as Bill Clinton and Bruce Willis were put next to pictures of lookalikes. Without a lookalike next to it, the distance was not fifteen, but more than sixty meters.

More recent research further shows that physical characteristics and movement play a greater role in recognition than the face. People were still recognized when their faces had been made invisible. According to the scientists,

there is a logical explanation. Being able to tell a friend from an enemy from a safe distance is clearly an evolutionary advantage.

The book also cites a study about the influence of stress on memory. Genocide victims have been traumatised so their memories about the perpetrators would be less reliable, the VU-students argue. But again the selected study is not particularly relevant to the Mpambara case. It was designed to investigate how well victims identify an unknown perpetrator. But in the Mpambara case most eyewitnesses had known him for a long time. They did not need to remember a 'new' face.

Ironically, the students appear to have forgotten the influence of stress on memory formation when they examine contradictions in the testimonies. These mainly concern trivial details, such as the colour of a car, the point where someone got in or out, which clothes the perpetrator wore, etc.

However, details that were not relevant to the victims when the crimes were committed are understandably not as well remembered as a perpetrator or the weapons involved. A lack of inconsistencies in the statements would in fact have been more suspicious, especially if one considers the time that has passed.

One-sided plea

A Rwandese House of Cards shows how difficult it is to establish facts that took place many years ago, in a faraway country with a different culture. This poses many challenges, not only to the judges, but to the VU-students as well. Regrettably, the latter do not seem to have taken this into account.

The students try their best and do

in fact present some valid points of criticism. Examples are the lack of opportunity for the judges to address witnesses directly (there was no video link with witnesses abroad), and a lack of clarity about a list of witnesses who mentioned Mpambara during a general investigation in 1999 (referred to in the book as the Cyangugu file). Calling these shortcomings miscarriages of justice seems rather excessive.

But the one-sided orientation of the students, and their lack of basic knowledge about the genocide, backfires each time when the facts are unclear and their imagination gets the better of them. These flaws translate into conclusions that are hardly substantiated in the text. The VU- students conclude, for example, that the Dutch authorities have been deceived by a ploy of the Rwandan government. The Rwandan police supplied the witnesses, the students argue, and may have influenced their statements. A possible motive is not included.

In another part of the book we read that Mpambara was not under investigation in Rwanda when the Netherlands submitted a request for judicial cooperation. As an individual, he was not of any political significance either. Furthermore, the judgement of the District Court states that eight witnesses were initially traced on request and interrogated by the Rwandan police, but the other witnesses

were traced by the Dutch investigators.

Martin Witteveen is not impressed by the conclusions of the students. "There have never been signs of influence," he firmly states. "It does not seem likely. Besides, there is no evidence to back it up. There is only the suggestion that influence may have taken place, but that's as far as it goes." Even in the frequently cited trial in Canada the judge found no credible evidence for the alleged influence of the Rwandan government. According to the verdict, there was in fact more evidence to the contrary.

Such nuances are, although relevant, not mentioned anywhere in the book. That's a shame, because the affiliation with VU University suggests a certain level of scientific objectivity. Instead, the students appear to have allowed themselves to be exploited by a group of stakeholders.

The Mpambara case was submitted to 'Reasonable Doubt' by someone who is not only well acquainted with Mpambara, but is also, like various advisers of the project, friends with a political rival of the Rwandan president. An interview by email reveals a strong belief in conspiracy theories. It looks like the students were primed by all this. Likewise, anyone taking the book of 'Reasonable Doubt' on good faith will risk being deceived by the one-sided plea in A Rwandese House of Cards.