

Who was Behind the Rwandan Genocide? The Rwandan Patriotic Front's Bloody Record and the History of UN Cover-Ups

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Global Research, September 14, 2010

[Monthly Review](#) 13 September 2010

Region: [sub-Saharan Africa](#)

Theme: [Law and Justice](#)

On August 26, the French newspaper *Le Monde* revealed the existence of a draft UN report on the most serious violations of human rights in the Democratic Republic of Congo over an eleven-year period (1993-2003).¹ The massive draft report states that after the Rwandan Patriotic Front's takeover of Rwanda in 1994, it proceeded to carry out "systematic and widespread attacks" against Hutu refugees who had fled Rwanda to neighboring Zaire (now the DRC) as well as against the Hutu civilian population of the DRC in general. Crucially, it concludes that the pattern of these attacks "reveal[s] a number of damning elements that, if they were proven before a competent court, could be classified as crimes of genocide."²

The draft report was leaked to *Le Monde* out of the plausible fear that its most damning facts and charges against the armed forces of the Rwandan Patriotic Front and President Paul Kagame would be expunged prior to its official release. Sure enough, one week later, UN High Commissioner for Human Rights Navanethem Pillay announced that the official report's release would be delayed until October 1 "to give concerned states a further month to comment on the draft," and even "offered to publish any comments alongside the report itself."³

Such an unprecedented offer by the UNHCHR follows from a number of factors, including the role that Rwandan troops play in UN peacekeeping operations, and the fact that earlier this year, UN Secretary-General Ban Ki-moon appointed Kagame to serve along with Spain's Prime Minister Jose Luis Rodriguez Zapatero as co-chairs of a new Millennium Development Goal Advisory Group. According to the *New Yorker's* Philip Gourevitch — who, after Alison Des Forges, did as much as anyone to sell the official version of the 1994 "Rwanda genocide" to the West, and clearly remains on very friendly terms with the Kagame dictatorship — "top Rwandan officials [have been speaking] freely and on the record about their efforts to have the draft report quashed." As Rwanda's Minister of Foreign Affairs Louise Mushikiwabo confided in Gourevitch, "If it is endorsed by the U.N. and it's ever published, . . . if the U.N. releases it as a U.N. report, the moment it's released, the next day all our troops are coming home. Not just Darfur, all the five countries where we have police."⁴

A third, no doubt more decisive factor is that the Kagame dictatorship is a client of the United States and "acts as a mercenary for U.S. interests in Africa," as Glen Ford observes; the current conflict between this dictatorship and the UN "threatens to reveal the United States' role as enabler in the deaths of as many as six million people while Washington's allies occupied and looted the eastern regions of the Democratic Republic of Congo."⁵ It is

Washington's ties to Kagame's RPF, ultimately, as well as London's and Brussels', that public discussions of the draft UN report should turn the spotlight on.

But this is not the first such report to have been drafted by the UN — nor is it the first one to be covered up. As early as October 11, 1994, Robert Gersony, an employee of the U.S. Agency for International Development then attached to the UN High Commissioner for Refugees, made an oral presentation to the UN Commission of Experts on Rwanda. Gersony had been dispatched to survey the situation inside Rwanda to determine if conditions were right for a return of the Hutu refugees who had fled the RPF. Instead he found that the RPF had been committing systematic massacres of the Hutu population in Rwanda starting in April 1994 and continuing through the date of his presentation.

On page 4 of the UN record of Gersony's oral presentation, we read:

"Significant areas of Butare Prefecture, Kibungo Prefecture, and the southern and eastern areas of Kigali Prefecture have been — and in some cases were reported to remain as early as September — the scene of systematic and sustained killing and persecution of the civilian Hutu populations by the [Rwandan Patriotic Army]. These activities are reported to have begun, depending on location, between April and July 1994, immediately following the expulsion from each area of former Government military, militia and surrogate forces. These [Rwandan Patriotic Army] actions were consistently reported to be conducted in areas where opposition forces of any kind — armed or unarmed — or resistance of any kind — other than attempts by the victims of these actions to escape — were absent. Large scale indiscriminate killings of men, women and children, including the sick and elderly, were consistently reported."

And on page 6 we also learn that "an unmistakable pattern of systematic [Rwandan Patriotic Army] conduct of such actions is the unavoidable conclusion of the team's interviews."

The Gersony report is identified in a cover letter dated October 11, 1994, from one Francois Fouinat to Mrs. B. Molina-Abram, the Secretary to the Commission of Experts on Rwanda. In this brief letter, Fouinat explains:

"We refer to the UNHCR's briefing to the Commission of Experts on Monday, 11 October 1994.

"As requested by the Commission, we are forwarding herewith a written summary of Mr. Gersony's oral presentation and copies of some field reports sent to UNHCR Headquarters by UNHCR Field Offices.

"We are confident that as agreed by the President of the Commission of Experts, these documents will be treated as confidential and only be made available to the members of the Commission."

I possess copies of these two UN documents from October 1994 because they are part of the evidence-base at the International Criminal Tribunal for Rwanda, where I serve as the lead defense counsel for Hutu former General Augustin Ndindiliyimana, once the Chief of Staff of the Rwanda Gendarmerie. The documents were found by my legal assistant purely by chance while scanning the prosecution's Electronic Disclosure System, which contains hundreds of thousands of documents that are not indexed in any order. My assistant came across them as part of a package of material organized by Robert Gersony himself while he

was assigned to the UNHCR. It must be assumed that Mr. Gersony thought the documents relevant, as they affected the fate of the Hutu refugees.

At the ICTR, the brief cover letter by Francois Fouinat bears the index number “R0002906.” The next 14 pages of R0002906 contain the Gersony report and are numbered sequentially with an ‘R’ — prefix number used by the ICTR for documents contained in its Rwanda files.

Because I possess the series of ICTR documents beginning with R0002906, I also have in my possession an even more astonishing document the true historical significance of which has once again been underscored by the leaked UNHCHR report: Namely, the copy of a letter from Paul Kagame to his fellow Tutsi Jean-Baptiste Bagaza of Burundi, dated August 10, 1994.

Let me share with you an exchange that took place on November 18, 2008 in the Military II trial at the ICTR.⁶ What was said in court that particular day explains how these documents came to light. I was one of the speakers.

Mr. Black,⁷

“Mr. President, before I do that — that takes place, I have something which I would like to raise of great importance, I think.

“Yesterday my legal assistant found by accident, something, I think of grave importance for this Tribunal and for the world. It’s a letter from General Paul Kagame dated the 10th of August 1994 to Jean Baptiste Bagaza, . . . in Burundi. It’s marked ‘confidential’.

“I didn’t have time to make copies, so I want to read it to you. It has an ‘R’-number. R0002905. It’s in French, so please bear with me to make a loose translation. It says — it’s only one page and it is short:

‘Dear Brother Jean Baptiste Bagaza, we have the greatest honour to extend our sincere gratitude to you both for your financial and technical support in our struggle that has just ended with the taking of Kigali.

‘Rest assured that our plan to continue shall be pursued as we agreed at our last meeting in Kampala. Last week I communicated with our big brother Yoweri Museveni and decided to make some modifications to the plan. Indeed, as you have noted, the taking of Kigali quickly provoked a panic among the Hutus who fled to Goma and Bukavu. We have found that the presence of a large number of Rwandan refugees at Goma and the international community can cause our plan for Zaire to fail. We cannot occupy ourselves with Zaire until after the return of these Hutus. All means are being used for their return as rapidly as possible. In any case, our external intelligence services continue to crisscross the east of Zaire and our Belgian, British and American collaborators, the rest of Zaire. The action reports are expected in the next few days.

‘Concerning the Burundi plan, we are very content with your work to ensure the failure of the policies of FRODEBU. It is necessary to paralyze the power of FRODEBU until the total ruin of the situation in order to justify your action that must not miss its target. Our soldiers will be deployed, this time, not only in Bujumbura, but in the places you judge strategic. Our elements stationed at Bugesera are ready to intervene at any moment. The plan for Burundi must be executed as soon as possible before the Hutus of Rwanda can organize

themselves.

'In the hope of seeing you next time at Kigali, we ask you to accept, dear brother, our most respectful greetings'.

General Paul Kagame

Minister of Defence (signed by his assistant Mr. Rwego8)

"The importance of this letter if you have grasped it fully cannot be overstated. It means the attack on Rwanda from 1990 was not the prime objective of Kagame and his collaborators. Zaire was always the prime objective. That their excuse for the attack on Rwanda about establishing democracy and return of refugees, was completely false. That the invasion from Uganda had only one purpose: to clear the path through Rwanda to Zaire. That the return of refugees, as many witnesses have stated, was not for humanitarian reasons, but to clear the path for the invasion of Zaire. It means that the Americans, British, particularly with Kagame and Museveni, planned the invasion of Zaire [sic] in 1994, probably before that. It means that the excuse given for the invasions of Congo since this letter was written to clear the 'Interahamwe' or 'genocidaires' is completely false. No mention is made of 'Interahamwe'. No mention is made of 'genocide'. It means, since this was received, it looks like a date stamp of this tribunal, 8th December 1994, that the Prosecutor of this Tribunal has been hiding information indicating a conspiracy to commit a war of aggression against Congo-Zaire, Zaire and all of the war crimes have flowed from it since and the continuation of those wars in Congo now begun 14 years ago, if not longer. And that the principal parties are the principal parties stated in this letter. It indicates that the prime target, Hutus in Rwanda and Burundi, that they want to suppress the Hutu population in order to carry out their plan. Democracy was never their concern. And it indicates that the Prosecutor was in — had information in a territorial and temporal jurisdiction of this Tribunal under rule — under Statute-Article 1. That they are also concerned with war crimes committed in neighboring states.

"So, here you have the smoking gun, the letter, planning the invasion of Zaire with the Americans and British. And it confirms our theory all the way through this trial that the Belgians were involved with those other countries. And again, there must be — and this, as a colleague pointed out, is page 8 of 12. So where are the other eleven pages of — what other letters do they have in their hands? And again, it indicates that these men have been stitched up, falsely accused, in order to clear them out of the way so this plan can take place. If this is published in the New York Times or Washington Post, the whole picture of the war in Rwanda and the wars in Congo would change.

"So I ask the Prosecutor, once again, where is that file? And in fact I would like them to produce the indictment against Kagame⁹ because I want to see what he's been charged with, exactly what crimes and where. So, again, I ask for this file to be produced and I ask why they have not acted. Mr. Jallow and Louise Arbour and everybody else have been protecting the RPF which has now resulted in millions of deaths in the Congo and continues up till today and what is going on in Congo now.

"And I state openly that the Prosecution office is complicit with this invasion of Congo and is responsible themselves for all those murders in Congo because they've hidden this for a long time and they could have exposed it many years ago and stopped the invasions.

"If the international community, that is, other than the United States and the Britain, had

been aware of what was going on, it would never have taken place. But they sit there and they accuse us, my client, and the other officers here of committing crimes, they knew what they were doing in Zaire. I don't think they can even shave and look in the mirror in the morning."

Mr. President,¹⁰

"Counsel, having said all of that, why don't you send this to the New York Times?"

Black,

"It will be sent . . . whether they publish it I do not know."¹¹

In the days after this letter was exposed the prosecution accused the defence of having fabricated the letter and raised questions about its authenticity.

I replied, first, that the letter bears a sequential ICTR index number with an 'R'-prefix — the prefix used for Rwanda documents.

Second, as mentioned above, this letter was found among the package of material organized by Robert Gersony while assigned to the UNHCR.

Third, the letter was date-stamped "December 8, 1994" by the ICTR. Presumably, this was its date of receipt by the ICTR.

Fourth, it is also noteworthy that the letter that we know was created no later than December 8th 1994 speaks of moving the Hutus out of the way in Zaire and this is exactly what happened. First the UN tried to force them back into Rwanda and partly succeeded. But the mass of refugees refused to return, so in 1996 the attacks on the Hutu refugee camps began, forcing them to flee into the Congo forest. There is a lot of testimony by Hutus who were either forced at gunpoint to return to Rwanda or experienced the manhunt against them conducted by the RPF and its allies.

Fifth, the letter is further authenticated by noting that the addressee (the Burundian Tutsi Jean Baptiste Bagaza) did in fact carry out a coup d'état in Burundi against a more moderate Tutsi and turned against the Hutu political group called Front pour la Démocratie au Burundi (FRODEBU, or Front for Democracy in Burundi). Unquestionably, Bagaza and Kagame were allies. According to the testimony of expert witness Dr. Helmut Strizek before the ICTR:

Q. "Very well, doctor, let's move toward the end. What clarification would you like to make on the relationship between Bagaza and Kagame when the president's aeroplane was shot down?"

Strizek. "If my memory serves me right, Bagaza had left the country, and I think returned after or before the assassination of Ndadaye. Bagaza was a hardliner, a Tutsi hardliner, so there was an alliance between the two of them, and they wanted to prevent a Hutu president from being in charge of Burundi."

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Strizek. "Jean-Baptiste Bagaza was a Hima or Tutsi president of Burundi who took power when he overthrew President Micombero, who had been responsible of anti-Hutu genocide

in 1972. He was in power for some time. . . .

“In my opinion, it’s quite clear that Bagaza and Kagame follow the same line.”¹²

Sixth, the man whose signature appears on the letter on behalf of Paul Kagame, Mr. Rwego, confirmed to a member of the defence team that he did in fact sign it.

The accidental discovery of this August 10, 1994 letter from Paul Kagame to his “Dear Brother Jean Baptiste Bagaza” was met with an immediate reaction by the prosecution, who accused the defence of fabricating it, pointing out a typo in the letterhead. But this line of criticism failed, as it was shown that there are other letters in existence from the RPF on the same stationary, with the same typo in the letterhead, and these letters are regarded as authentic.

That someone regarded the letter as authentic and dangerous is highlighted the fact that I was followed by a Tanzanian police officer the night after I produced it in court and was forced to complain about this surveillance in court the next day. Yet the prosecution continued its attacks on the letter’s authenticity, even though the document came from the files of the prosecutor. And this important revelation during the Military II trial was never reported in the mass media — though I did send it to many journalists, including the New York Times.

Now that the draft UN report on the atrocities committed by the RPF in the Congo has been leaked, the findings of the very first UN report of RPF atrocities against the Hutus beginning in 1994 should also be recognized and addressed.

The UN must explain why the record of that 1994 presentation by Robert Gersony was marked “confidential” and why the latest draft UN report does not refer to it.

The prosecutors at the ICTR must explain why they hid these documents from the defence for nearly 15 years, and why, even though they have these documents in their possession, they have never once used these documents to bring charges against a single member of the RPF.

Last, Paul Kagame and his American, Belgian, and British collaborators must explain the meaning of the letter — and in particular, the meaning of the phrase, “plan for Zaire.”

Notes

1 Christophe Châtelot, “L’acte d’accusation de dix ans de crimes au Congo RDC,” *Le Monde*, August 26, 2010. For some additional news reports, see: “UN Uncovers Possible Genocide in Congo: Report,” *Agence France Presse*, August 26, 2010; David Lewis, “Rwandan Army May Have Committed Genocide — UN Report,” *Reuters*, August 26, 2010; Judi Rever, “UN Lawyer Says Congo Butchery Resembled Rwandan Genocide,” *Agence France Presse*, August 27, 2010; Michelle Faul, “UN Draft Report: Rwandan Army Attacks on Refugees in Congo in the 1990s Could Be Genocide,” *Associated Press*, August 27, 2010; “DR Congo Killings ‘May Be Genocide’ — UN Draft Report,” *BBC*, August 27, 2010; Max Delany, *Rwanda Dismisses UN Report Detailing Possible Hutu Genocide in Congo* *Christian Science Monitor*, August 27, 2010; Chris McGreal et al., “Leaked UN Report Accuses Rwanda of Possible Genocide in Congo,” *The Guardian*, August 27, 2010; Xan Rice, “Returning Refugees: Lush Land the Prize That Could Reignite Ethnic Conflict in DRC,” *The Guardian*, August 27, 2010; Howard French,

“U.N. Report on Congo Offers New View of Genocide Era,” New York Times, August 28, 2010; Colum Lynch, “U.N. Says Rwandan Troops Carried Out Mass Killings in ‘90s,” Washington Post, August 29, 2010.

2 See “Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003,” UN High Commissioner for Human Rights, draft report dated June, 2010, para. 517.

3 “UN Report on Rights Violations in DR Congo to Be Released Next Month,” UN News Center, September 2, 2010.

4 Philip Gourevitch, “Rwanda Pushes Back Against UN Genocide Charges,” New Yorker Blog, August 27, 2010.

5 Glen Ford, “Rwanda Crisis Could Expose U.S. Role in Congo Genocide,” Black Agenda Report, September 1, 2010.

6 The Military II trial concerns the joint trial of General Augustin Bizimungu, Chief of Staff of the Rwandan Army, General Augustin Nindiliyimana, Chief of Staff of the Rwandan Gendarmerie, Major Nzwonyemeye, Commander of the Reconnaissance Battalion, and Captain Sagahutu, Commander, Squadron A of the Reconnaissance Battalion.

7 Let the record show that I have written here exactly what I said in court. The translation in the trial transcripts is a bit garbled, and I have corrected the text accordingly.

8 Reference ICTR document number R0002905, letter dated August 10th, 1994, date stamped by the ICTR 8th December, 1994. Marked as page 8 of 12.

9 Defence counsel had been informed by a member of the prosecution that an indictment exists against Paul Kagame for war crimes and is being held by the ICTR for the appropriate time. In order to determine whether this was correct information the defence counsel several times asked the prosecution to provide that indictment as it would affect the defense. The prosecution never denied its existence and the defence was advised to bring a motion to request it.

10 Judge Asoka Da Silva of Sri Lanka, Presiding Judge, Tria, Chamber III, ICTR.

11 Transcript, Military II Trial, November 18th, 2008, pages 1-3.

12 Transcript, Military II Trial, November 24th, 2008, page 62, lines 19-24; and page 63.

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