

Analysis of the forms and expressions of Negationism of the genocide against the Tutsi.

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It is an established fact: every time genocide is committed, it is followed by its Negationism¹. With regard to the genocide against the Tutsi, Negationism is characterized by two specific aspects. First, it intensifies as each annual commemoration day draws near; then, it takes on changing and innovative forms depending on the times. In the first days following the genocide, Negationism was expressed in the form of absolute denial of this crime and its specificities. As time went by, the supporters of Negationism failed due to the undisputable evidence of the genocide, its judicial recognition by ICTR and the United Nations. Since then, they have adopted new strategies and other courses of action and nuisance. They succeeded to win over the sympathy of judicial institutions of some Western States, NGOs and international organizations, using them for political and Negationist ends. The arrest warrants issued by Judge BRUGUIERE and Judge MERELLES as well as the UN Mapping Report fall in this category.

Another novelty is found with the campaigners of this Negationism. At the beginning, these were found among the killers and Rwandan or foreign lobbyists of the Hutu Power theory. Today, supporters of Negationism are also found among groups of people who were not directly involved in the genocide, among them some Tutsi. These groups or individuals hide behind the claim of the freedom to exercise their civil and political rights to preach Negationism, the genocide ideology and to incite directly people to overthrow the Rwandan Government and commit a second genocide.

The outbursts of hatred poured out by Bernard NTAGANDA, INGABIRE UMUHOZA Victoire and some so called journalists of UMURABYO and others, as well as the heinous acts of KAYUMBA Nyamwasa, GAHIMA Gerard, KAREGEYA Patrick and RUDASINGWA Théogène and company, reflect all this new face of Negationism. It uses the language of hatred against the Head of State of Rwanda, H.E. Paul Kagame, to openly incite the people to commit genocide and political assassinations once again. This is a new criminal phenomenon which perpetuates the line of theses upheld by genocide perpetrators and Negationists. We feel that as we draw near the commemoration of the genocide which cost the lives of many Tutsi compatriots, it is necessary to revisit these new faces of Negationism, hoping that their knowledge will arm us to better fight them. This is the objective of this modest contribution.

¹ See the numerous publications of Professor Yves TERNON, one of today's best knowledgeable experts in the history of genocide. Prof. Yves TERNON is a doctor and historian

I. A frightening record

Genocide against the Tutsi in Rwanda was perpetrated with unprecedented violence and took the lives of 1,074,017, of whom 934,218 have been identified by names². The great majority of these victims were killed because they were identified as Tutsi (93.6%). Others because they resembled Tutsi (0.85%), had friendship relations with Tutsi (0.37%), were married to Tutsi (0.32%), had hidden Tutsi (0.17%), or had shown opinions opposed to the regime that perpetrated genocide (0.64%)³. Among these victims, those aged between 0 and 24 years accounted for the great majority (53.8%). Victims were killed with brutality: 38.88% with machetes; 16.78% were bludgeoned; 14.80% with fire arms; 8.65% were beaten to death; 4.22% were thrown in lakes and rivers; 2.26% were burnt alive; 0.80% died of hunger; 0.30% were disemboweled; 0.25% were forced to commit suicide; 0.19% of babies were crushed against the wall and 0.17% were hanged. Genocide in Rwanda was carried out on the whole national territory. 59.3% of victims were killed on the hills; 11.6% in churches; 9.3% in residential houses; 3.9% in offices; 1.9% in schools; 1.5% on check points and 0.78% in hospitals⁴. 527 mass graves were identified with a big number of corpses.

II. A crime recognized, obvious facts denied

Since 1994, reports by UN experts have established that *“the qualification of the genocide must already be accepted with regard to Tutsi. It is different when it comes to the killings of the Hutu⁵”*. The International Criminal Tribunal for Rwanda (ICTR) confirmed these reports and established the existence of this genocide right from its first judgment rendered on 2 September 1998 against **Jean-Paul Akayesu**. Paragraph 18 of this judgment asserts firmly: *“It then appears clearly that the massacres committed in Rwanda in 1994 had a specific target: to exterminate Tutsi, selected specifically because they belonged to the Tutsi ethnic group and not because they were RPF fighters (...). What transpired in Rwanda in 1994 was genocide against the Tutsi as a group”*.

In 2006, ICTR brought to a close once and for all the debate as to the existence of the genocide against the Tutsi by underscoring that this genocide was henceforth **a fact of common knowledge** whose existence, both in terms of facts and law, was no longer subject to denial⁶. This judgment put to rest the numerous attempts by the defense counsels in Arusha who

² Ministry of Administration, Information and Social Affairs, Final Report, November 2002. The difference is due to the fact that for some victims, particularly the infants, it was not easy to obtain their full particulars. They were known by their nicknames such “Baby, Sonny, Little girl,...”. Others were old people known as Grandpa, Mzee (=Old man), Mukecuru (Old lady)...”

³ Ibidem

⁴ Ibidem

⁵ Report of the Special Reporter of the United Nations Commission on Human Rights, René Degni-Segui, 28 June 1994

⁶ ICTR, Karemera case, judgment of 16 December 2006

denied the existence of the genocide against the Tutsi before this Tribunal. However, it did not stop the criminal fertile imagination of the Negationists outside the court of Arusha.

1) French leaders, pioneers of Negationism

At the height of the genocide, French leaders at the highest level of the State became the first to preach Negationism. Let us look at some facts: on 31 May 1994, on the sidelines of the Franco-German Summit at Mulhouse, President François MITTERAND, while having breakfast with Chancellor Helmut KOHL, told his host that there had been reciprocal massacres in Rwanda, and never genocide: *“We are being accused of having supported the former regime. This is a unilateral account of the massacre. The reality is that ‘everybody is killing everybody else’*”. On 14 July 1994, answering a question from Patrick POIVRE D’AVOIR, a journalist, on the role of France in Rwanda, President MITTERAND said: *“You think the genocide is over after the victory of the Tutsi?”* Meaning that if at all there has been genocide against the Tutsi, RPF was also committing genocide against the Hutu!

On 8 and 9 November 1994 was held the 18th Franco-African Summit in Biarritz. The written speech of President MITTERAND which was distributed to the participants mentioned the **“genocides”** in Rwanda. During the press conference held at the end of the Summit, journalist DE SAINT EXUPÉRY referred to the genocide against the Tutsi. President MITTERAND replied sharply using the word in plural. Collette BRAECKMAN was present at the time and this is what she told the MUCYO Commission⁸: *“During the final press conference by President Mitterand, my colleague Patrick De SAINT EXUPÉRY raised the issue of the genocide in Rwanda. I will always remember that Mitterand asked: ‘the genocide’ or ‘the genocides’?! In those countries, people have always killed; massacres are not a new thing. On that note, the press conference ended. I then left with one of my colleagues from the Belgian Radio. Holding his microphone, he approached the President who was already about two meters away from all the journalists who were trying to reach him. As he was entering his car, he said to one of the people he was with: ‘Ah! You see that idiot of a journalist? I quite fixed him, didn’t I? I gave him the right answer. It serves him all right’. My colleague from RTBF recorded that sentence and he played it to the other journalists. We were all able to gauge the extent of the President’s cynicism⁹”*.

During an official reception held at the President’s Office for the Heads of Diplomatic and Consular Missions and the Representatives of International Organizations accredited to France, President MITTERAND spoke of Mission Turquoise and its achievements. At the end of his statement, he asserted: *“Whatever people say, I am proud that the mission of Turquoise was able to save thousands of lives which were threatened by **genocides**. I however believe from*

⁷ For detailed information, read Jacques Morel. *La France au cœur du génocide des Tutsi*, Paris, L’Esprit frappeur, mars 2010

⁸ Bearing the name of its Chairman, Jean de Dieu Mucyo, the Commission was tasked by the Government of Rwanda to look into the role of France in the genocide

⁹ Testimony received by Rwanda’s Commission of Inquiry on the Role of France in the Genocide, Kigali, 14/06/2007.

recent information reaching me that after the departure of this mission, **these genocides** have not stopped¹⁰". The current Minister of Foreign Affairs, Allain JUPPÉ, spoke strongly about the genocide in his article published in the issue of *Libération* newspaper of 16 May 1994. However, in the month that followed, he was caught in Negationism by using the word '**the genocides**', suggesting that FAR and RPF had each committed genocide¹¹. His former colleague Minister of Cooperation, Bernard DEBRE, published a book in 1998 on Rwanda in which he clearly stated that his intention was to show "*the true history of the genocides*"¹². In September 2003, Dominique DE VILLEPIN, then France Prime Minister, granted an interview on Rwanda on Radio France Internationale during which he mentioned "**the genocides**". This lie shocked journalist Patrick DE SAINT EXUPÉRY who published a book in which he reminded DE VILLEPIN that "*there has never been genocides (in plural), save in your words, in your speech, in your desire to dodge this issue*"¹³".

2) Former Rwandan Authorities

There is no doubt that the Government of Rwanda which was ruling the country in 1994 is directly responsible for the genocide against the Tutsi and political assassinations carried out at the time. Immediately after their defeat, in July 1994, those former leaders embarked on absolute denial of the crimes they had just committed in the country. The Prime Minister of this gang of murderers, Jean KAMBANDA, who pleaded guilty before ICTR and was sentenced to life imprisonment, denied the existence of the genocide soon after he fled Rwanda: "*There have been inter-ethnic massacres. Conflicting groups carried out massacres between them*"¹⁴". On the whole, this is the view held by all the leaders of the government that committed genocide and their armed forces.

According to one official document of the Interim Government on the mission report undertaken to Paris in September 1994 by its Minister of Foreign Affairs, Jérôme BICAMUMPAKA, it is France which advised them to use the media to deny the genocide against the Tutsi, but in a biased manner: "*France recommends always that we should get organized so as to be seen as much as possible on the international scene through unprecedented media actions; we should intensify our statements, but these should be well thought out under a coherent and responsible strategy and not warlike statements which would lead to polemics*"¹⁵". Until today, these former leaders, friends of France, continue to brandish Negationism as their last weapon. Even from their cells in Arusha, they continue to publish this type of documents,

¹⁰ Letter ref. No. AF/005/INFO, Rwanda Embassy in Paris, Paris, 13 January 1993. Author: Nsengiyumva Athanase, Ag. Chargé d'affaires, mentioned in the Mucyo Commission Report

¹¹ Alain Juppé, "*Intervenir au Rwanda*". *Libération*, 16 June 1994

¹² Bernard Debre, *le Retour du Mwami*, Paris, Ramsey, 1998

¹³ Patrick De Saint Exupéry, *L'Inavouable: La France au Rwanda*, Arènes, 2004, p. 15

¹⁴ Interview in *Traits d'Union Rwanda*, 5 January 1995, p.13

¹⁵ Cf. Mucyo Commission Report, Part II

with the assistance of their counsels, some of whom are notorious Negationists who do not hide their views, such as John PHILIPOT, Peter ERLINDER, and many more.

The other group of Negationists includes Hutu intellectuals and officials who do not accept to lose exclusive powers founded on ethnic monopoly to which they were used since 1962. These former officials who fled the country since 1994 and in the years after demonize RPF, accusing it of all sorts of ills, while, in fact, they are motivated by an ideology and mono-ethnic feelings which they are unable to shed. Together with the perpetrators of the genocide in exile, this group is the active core which spreads Negationism under the pretext of political opposition. In this group you find people like Eugène NDAHAYO, NKIKO NSENGIMANA, Sixbert MUSANGAMFURA, Joseph NGARAMBE, Claver KANYARUSHOKI, etc.

3) Foreign Negationist authors

Authors and writers, mainly French and Belgians hailing from various circles, especially from academic and media circles, immediately after the genocide was stopped, embarked on publishing Negationist writings with unprecedented virulence. The French ethnologist, Pierre ERNY, former professor at the National University of Rwanda, was one of the first to defend the argument that no genocide was committed against the Tutsi, but a “*people’s ordeal*” whose final responsibility fell on RPF¹⁶. After him, his Belgian colleague, Filip REYNTJENS, published numerous writings which were more subtle but highly Negationist. Though he does not deny openly the existence of the genocide against the Tutsi, REYNTJENS opted for a Negationism centered on blurring the truth of facts¹⁷, the equal sharing of responsibilities and accusing equally RPF and the Government that had carried out the genocide¹⁸. He stopped collaborating with ICTR claiming that the leaders of the new Government in Rwanda were not tried by this Tribunal, like Colonel BAGOSORA and his group.

In the same vein, two Cameroonian-French journalists, Marie-Roger BILOA and Charles ONANA, came to the fore as radicals entangled in a blind Negationist path. Marie-Roger BILOA was a journalist with *Jeune Afrique*. She later established her own newspaper “*Africa International*”, partly with financial support from President Juvénal HABYARIMANA. The Negationism of Mrs BILOA is allegedly linked to her friendship and the sympathy she felt towards the President who had come to her rescue at a critical period in her career. With regard to Charles ONANA, he was a student of Pierre PÉAN and Jean-François KHAN, Director of the French Negationist magazine *MARIANNE*. Before he published his pamphlet “*Noires fureurs blancs menteurs*”, Pierre PÉAN wrote prefaces for the writings of Charles ONANA and supported his Negationist arguments. For some time now, ONANA has disappeared from the public scene and his place has been

¹⁶ P. ERNY, *Clés pour comprendre le calvaire d’un peuple*, l’Harmattan, 1994

¹⁷ Fr S. DESOUTER and F. REYNTJENS, *Rwanda, les violations des droits de l’homme par le FPR/APR, Plaidoyer pour une enquête approfondie* », Université d’Anvers, 1995

¹⁸ See particularly his article “Sujets d’inquiétude au Rwanda”, *DIALOGUE*, September 1994

taken over by PÉAN who has increased his appearances in the media and has been publishing fallacies on Rwanda.

In Canada, brothers John and Robin PHILIPOT have been relentlessly engaged in the same Negationist battle. They are supported in this by Professor-Counsel Peter ERLINDER from the United States, who was arrested last year in Rwanda and is still under investigation by the Rwanda courts for his Negationism. It should be noted that he was granted temporary release and on parole on medical grounds. He produced medical certificates from an American psychiatric clinic proving that he was suffering from mental disorders and that he had been receiving medical care from this clinic for some time. One then wonders how a mentally sick person has been authorized to argue cases before an international criminal court like ICTR and give law lectures in a renowned university in the United States!

The Negationist arguments of these individuals have been appearing regularly in the press and in bookshops, in conferences and seminars in Europe, in America and elsewhere. Notwithstanding this campaign, the genocide against the Tutsi has been recognized internationally and, today, it has been confirmed worldwide. Consequently, Negationist lobbies have realized that they needed to sharpen further their weapons, change their strategies and use other means. They have thus resorted to using new methods for manipulating the courts in Europe so as to deny the existence of the genocide, by accusing the authorities in Rwanda who put an end to the genocide.

4) Manipulating the courts in Europe for Negationist ends

Two revealing cases of Negationism using the courts for political ends appeared in France and Spain. Their initiators are trying to influence other States.

A) Jean-Louis BRUGUIÈRE, a French investigating magistrate

Judge BRUGUIÈRE will go down in history of the genocide against the Tutsi as an unprofessional judge who distinguished himself by using abusive judicial acts in order to deny the genocide against the Tutsi and trying to bring to trial the leaders of RPF who stopped the genocide. The charge on which his investigation was based was submitted on 31 August 1997 by the daughter of Jean-Pierre MINABÉRRY¹⁹, co-pilot of the Falcon 50 of President HABYARIMANA, who died in the crash after his plane was downed by Hutu extremists as it has been proved by the “*Mutsinzi Commission*”²⁰. Some anomalies characterize this investigation of Judge BRUGUIÈRE, proving that this is a politically motivated case by French Negationist lobbies to hide the truth regarding those who are responsible for the genocide.

¹⁹ The other widows later joined the court action, including Mrs Agatha Habyarimana

²⁰ From the name of the Chairman of the Commission of Independent Experts looking into the crash of the Falcon 50 in Kigali on 6 April 1994

First anomaly: the charge was submitted three years after the event, which would justifiably make one wonder why such a long silence and the sudden awakening to lodge the complaint in 1997! It should be said that 1997 was a crucial year which was characterized by the simultaneous proceedings of several cases of some important perpetrators of the genocide at the ICTR, the growing questioning of the responsibility of France in the genocide and the request that she should admit her mistakes. It was then necessary for her to react in order to cloud the issue. The charge by MINADERRY and the opening of a judicial inquiry by Judge BRUGUIÈRE were in keeping with this process.

Second anomaly: Judge BRUGUIÈRE opened the judicial inquiry on 27 March 1998, eight months after the submission of the charge! This is neither by accident. In January and March 1998, journalist Patrick DE SAINT EXUPÉRY published a series of hitherto unpublished articles revealing the importance of the involvement of France in the genocide. In the same month of March 1998, a group of French intellectuals called for the formation of a National Commission of Inquiry with the objective of establishing the responsibilities of France in the genocide²¹. In order to prevent a serious and thorough inquiry from taking place, Judge BRUGUIÈRE launched his judicial inquiry which automatically limited the mandate of the Commission of inquiry. To silence calls for the inquiry, Paul QUILÈS, a socialist MP close to François MITTERAND, put in place a Parliamentary Fact-finding Mission instead of a true Commission of Inquiry. QUILÈS knew that there were some issues which a fact-finding mission could not address, that it did not have full powers to investigate, given that Judge BRUGUIÈRE was carrying out an inquiry into the same facts.

In conducting his investigations, Judge BRUGUIÈRE revealed himself as a Negationist who did not hide his anti-Tutsi and anti-RPF bias. He breached all the rules of procedure governing judicial investigations. While the law prohibits basing one's charges on witnesses about whom there exist serious and corroborating signs showing that they took part in the events which the magistrate has been seized of²², BRUGUIÈRE used a certain Abdul RUZIBIZA as his material witness, who asserted without proof that he was a member of a commando outfit which allegedly brought down HABYARIMANA's plane. According to the French law referred to above, RUZIBIZA should have been automatically excluded as a witness, even investigated for his admitted crime. On the other hand, BRUGUIÈRE refused to visit the venue of events in Rwanda in order to piece together the facts, which was a mandatory obligation in terms of criminal investigations. This explains why his successor, Marc TRÉVIDIC, cancelled the whole of BRUGUIÈRE's investigation and restarted from scratch.

In his order published in November 2006, Judge BRUGUIÈRE reached the most flagrant Negationist conclusions, stating that it was the downing of HABYARIMANA's plane that caused the genocide, a statement which of course is meaningless. Mr. Laurent CURT, counsel of the

²¹ Libération, 3 March 1998

²² French Code of Criminal Procedure, article 105

widow of the pilot, Mrs. Jacqueline HÉRAULD, was outraged by the basis of this order in very clear terms: *“The order which Bruguière issued in November 2006 against KAGAME and his close associates is completely masterminded. It is meant to clear France of its responsibilities in Rwanda and dwells on an ideal culprit. There is nothing legal in this investigation. It is a political case. His accusations are baseless; the case has nothing solid in it. Nothing in it, no serious charges. It is staggering. My clients and I have never seen anything the like! For many years, the family of my client decided to remain in the background. This story was very painful. We had to mourn first. Then, his children wanted to know. But then, this is the worst of all. We got ourselves manipulated*²³. What is not said is that behind the manipulations Mr. CURT and his client were subjected to, there were deep political and Negationist motivations which informed BRUGUIÈRE’s actions. There is no longer any shade of doubt that BRUGUIÈRE was used as a tool by the Government of France in order to destabilize judicially the Government of Rwanda and the Head of State, Paul KAGAME.

In fact, a confidential telegram from the American Ambassador in Paris, Craig STAPLETON, dated 26 January as revealed by WIKILEAKS²⁴ Website, gives an account of a meeting with Judge BRUGUIÈRE. The American diplomat says that *“Bruguière confirmed that he had consulted GoF (the Government of France) about issuing the arrest warrants against nine close associates of President Kagame with regard to the killing of President Habyarimana and three French members of the plane crew”*. The telegram explains also that, in his discussion with Judge BRUGUIÈRE on issuing the arrest warrants, the latter *“said that he had submitted his decision to French officials, including President Chirac”* and that he *“had decided to consult them because he was convinced of the need to coordinate with the Government”*. The American Ambassador adds that Judge BRUGUIÈRE told him then that *“he was not surprised by Rwanda’s official reaction and said that the French Government was prepared for a violent reaction against French nationals. He was pleased with his own decision to go ahead, adding that the international community had some moral responsibility”*. Finally, the American diplomat says that *“Bruguière presented his case professionally, but he did not hide his personal wish to see Kagame’s Government isolated. He warned that it would be a mistake for the United States to maintain closer relations with Rwanda”*.

These scandalous revelations show clearly that the investigation of Judge BRUGUIÈRE was not judicial but political and that this magistrate did not have the required independence and impartiality to carry out an investigation within the context of the law. It is worth to recall that in 2007, Judge BRUGUIÈRE was candidate for the legislative elections in the 3rd constituency of Lot-et-Garonne and lost. This once again is a sign of his political commitments which reveal lack of impartiality in his duties as a judge, more especially in the case of Rwanda. We cannot end this dark issue without recalling that the interpretation and translation of documents and

²³ Statement by Laurent CURT to author Sébastien SPITZER, *Contre enquête sur le juge Bruguière. Raisons d’État. Justice ou politique ?*, Paris, Editions Privé, April 2007, pp. 237-238. See also Entretien de Me CURT avec Mehdi BA, Goliath Magazine, March/April 2005, No. 101, pp. 28-40

²⁴ <http://cablegate.wikileaks.org>

testimonies of witnesses heard by BRUGUIÈRE were done by a high level extremist Hutu, Fabien SINGAYE, formerly a diplomat in charge of intelligence in the Rwandan Embassy in Switzerland during the rule of Habyarimana. SINGAYE is the son-in-law of the tycoon Félicien KABUGA, identified by ICTR as the financier of the genocide.

B) Fernando ANDREU MERELLES, a Spanish judge

Like in France, the same Negationist lobbies manipulated the courts in Spain, using the same documents and the same witnesses. The investigation by the Spanish courts was launched by Judge Fernando ANDREU MERELLES on 26 February 2006, following a complaint submitted by a Negationist Association called *“Forum International pour la vérité et la justice dans la région des Grands Lacs”*. The complaint led to an indictment published on 26 February 2006, accusing forty political and military individuals of the State of Rwanda. This Forum is a group of individuals from Spanish catholic circles of Opus Dei who supported strongly the Government of Habyarimana. Basing themselves on the legitimate claim for justice made by the families of the Spanish victims killed in Rwanda and in DRC, the Negationist lobbies manipulated these families, making them believe that it was RPF and President Paul KAGAME who were responsible for the killing of their relatives.

Negationism is at the core of the indictment by Judge MERELLES and is characterized by the rewriting of the history of the genocide, criminalizing the victims and clearing of the killers. Both in the carrying out of the investigation and in the writing of its conclusions, Judge MERELLES simply repeated without counter-checking, the arbitrary allegations made by political opponents, some of whom are among the perpetrators of the genocide, or by embittered defectors from RPF, without the necessary verification to establish the truth of the facts. The investigation was carried out in breach of the fundamental rules of procedure which protect the rights of the accused. The mandatory rules for the prosecution and the defense were totally abused, as well as the confidentiality of the investigation, representing a serious prejudice to the presumption of innocence of the accused Rwandan personalities. The charges listed by Judge MERELLES bear an unprecedented ideological, racial and Negationist connotation.

Indeed, Judge MERELLES accuses wrongly RPF of terrorist and genocidal intentions, a far cry from the truth. Right from the first pages, he describes RPF as *“a group with a political and military structure, heavily armed and highly organized, which launched a series of activities of a criminal nature on the Rwandan territory from Uganda from October 1990 to date”*. Under the international law, terrorism is characterized by three aspects: *“acts of violence likely to cause death or serious bodily harm; an individual or collective undertaking leading to the commission of such acts; a confessed objective: to create terror among the general public²⁵”*. Judge

²⁵ C. Bourguès-Habif, *“Le terrorisme international”*, in Hervé Ascensio, Emmanuel Decaux et Alain Pellet, *Droit international pénal*, Paris, Pedome, 1999, pp. 457-466

MERELLES does not give any proof showing the terrorist nature of RPF following these three elements required by the law. On the contrary, he contradicts himself by describing RPA soldiers as fighters who are *“well trained militarily, disciplined and well armed²⁶”*. How can an army with renowned discipline be at the same time a terrorist organization? MERELLES claims that RPF was created with genocidal intentions. According to him, RPF objective is *“to eliminate the biggest number of the Hutu ethnic group²⁷”*. Still according to him, the liberation war launched by RPF in 1990 was to fulfill the intention of *“carrying out operations for the systematic elimination of the members of the Hutu ethnic group, Hutu intellectuals and leaders, as well those belonging to religious orders and missionaries considered as collaborating with the Hutu²⁸”*. Such a statement would require that MERELLES base himself on RPF founding texts, on numerous statements and writings of its leaders, on demands of RPF during the negotiations of the Arusha Accords, on its action programs, in order to prove the veracity of this alleged criminal objective. Doesn't MERELLES know that the vast majority of the members of RPF are Hutu? How then can they accept to be members of a criminal organization which advocates the extermination of the Hutu?

Pushing further his Negationism, MERELLES recognized how difficult it is to convince by denying openly the existence of the genocide against the Tutsi. He then uses the trick of recognizing the planned killing of the Tutsi while justifying them: *“the killing of the Tutsi who did not flee the country in 1959 was foreseeable²⁹”*. This means that MERELLES admits, in spite of himself, the existence of the intention to eliminate the Tutsi, as well as the conditions for the possibility of committing ethnic based killings. The problem is that at the same time, he makes up for it by saying *“these foreseeable killings of the Tutsi were going to be as a reaction against the war launched by RPF³⁰”*. Here is then the core of MERELLES' Negationism. As far as he is concerned, indeed, genocide against the Tutsi is not a deliberate act but a legitimate reaction by extremist Hutu. And yet, genocide requires first and foremost, the intention to commit it³¹.

C) UN manipulated by Negationist groups and individuals

Another manipulation of Negationism is embodied by the UN MAPPING Report published on 1 October 2010. The document is seen as the result of an investigation carried out from July 2008 to June 2009 and accuses the Rwandan Army of having committed *“a possible genocide”* against Hutu refugees³². The authors of the Report say that among the criteria they used to validate the information they gathered, was that this information had to be supported by at least two independent sources³³. They do not explain how they established the independence

²⁶ Acte d'accusation du juge MERELLES, p.3

²⁷ Ibidem

²⁸ Acte d'accusation du juge MERELLES, p.4-5

²⁹ Acte d'accusation du juge MERELLES, p.10

³⁰ Ibidem

³¹ Convention for the prevention and punishment of the crime of genocide of 9 December 1948

³² Mapping, paragraph 517

³³ Mapping, paragraph 105

of one source against the other, or how they assessed the credibility of each source. What is clear is that several individuals and NGOs who were used as witnesses did not meet the criteria of objectivity, independence and impartiality and cannot, consequently, be considered as credible and trustworthy.

Considering the very short time available to the investigators to carry out field work (eleven months), they were content to collect and refer to documents belonging to international organizations, particularly those of Human Right Watch and Amnesty International , and those of some Congolese NGOs, mostly from the Catholic Church. But these NGOs are themselves composed of and are sympathetic with Negationists and genocide ideologists who have infiltrated them to the extent that they hold leading positions in their policy organs. These Negationists have then managed to feed UN experts with disinformation and propaganda they have excelled in since 1994. Let us look at three illustrative cases: one international NGO, one Congolese NGO and one private witness.

a) Human Right Watch (HRW)

The MAPPING Report has used nearly 80 documents from HRW. But for many years, HRW has been characterized by a biased vision of the political situation in Rwanda and should not, for this, be taken as a key reference. Yet the MAPPING Report relies on HRW sources and considers them as absolutely credible. This raises the real question of reliability. Our own researches have led us to observe that HRW has been infiltrated by some Rwandan and foreign extremists who use this NGO to spread their personal opinions. An example: the Africa Desk of HRW is led by a Rwandan national, HABIMANA Aloys. He was the Director of a Rwandese NGO, LIPRODHOR *“Ligue rwandaise pour la promotion et la defense des droits de l’homme”*.

In 2003, LIPRODHOR was slammed by a report produced by the Parliament of Rwanda which showed particularly that it had espoused the ethnic based ideology of one political party, MDR, and that it spread sectarian ideas in the Rwandese society³⁴. Once this unhealthy collaboration between the leaders of LIPRODHOR and MDR was established, Aloys HABIMANA sought refuge in USA, claiming that RPF wanted to kill him. On 1 June 2009, he signed a controversial document which he sent to the UN Secretary General and to the ICTR Prosecutor, demanding the indictment of high ranking officials of Rwanda. This is the man who today represents HRW on the African continent. Based in Nairobi, he is among those who provided information to the investigators of the MAPPING Report. Could this individual be unbiased with regard to Rwanda? Very doubtful.

b) The JEREMIE Group of Bukavu

³⁴ Report of the Parliamentary Commission on the killings in Gikongoro and the genocide ideology in Rwanda, approved by Parliament during its session of 17 September 2004

The authors of the MAPPING Report used many documents from the JEREMIE Group based in Bukavu. This is a Catholic NGO founded in 1993 by a core of individuals comprising the former Bishop of Bukavu, Christophe MUNZHIRWA, his Vicar General, Bishop MITIMA, one Jesuit Father, MINANI-BIHUZO Rigobert, two White Fathers: Philippe de DORLODOT and Jean CHAPTAL³⁵, together with some civilian intellectuals. The JEREMIE Group claims to be a Christian association for the defense of human rights. Right from its inception, the Group initiated several activities, including the publication of a position leaflet on topical issues. It maintained collaboration relations with international NGOs involved in human rights, cooperation and development³⁶. Some members publish also some documents.

From July 1994 when Rwandan refugees arrived in Bukavu, the JEREMIE Group became quickly influenced by their leaders and produced numerous communiqués reflecting the line of thought of these genocide perpetrators. Bishop MUNZHIRWA espoused the Negationist line, sent false and defamatory writings throughout the world, which were characterized by overweening hostility against the Government of Rwanda. In January 1995, while the Government of Rwanda was struggling to rebuild the country and busy trying to repatriate and resettle the returning refugees, Bishop MUNZHIRWA was busy soliciting the isolation of Rwanda on the international scene. Through his relations with Belgian and French Catholic circles, without any mention of the genocide, he sent out circulars to the West in which he demanded an unconditional dialogue between the Government of Rwanda and the genocide perpetrators and an end to the financial assistance to the Government of Rwanda.

Read the following and judge for yourself: *“The big majority of the refugees want to return home, but they cannot: the conditions for their return are not good. They fear being thrown in prison on simple accusations based on baseless charges, or being killed while trying to enter their properties. According to objective witnesses living in Rwanda, killings continue and are even on the increase. It is estimated that between five and ten thousand people are killed in Rwanda every month. And refugees continue to come. **There is no other peaceful solution to this tragedy except holding a meeting of all Rwandans so as to reach a negotiated and balanced political solution.** Much work and many contacts made last November gave hope of the possibility of such a meeting. But this hope was dashed by some financial aid from some Western countries to the Government of Kigali. **One is tempted to question the reason of such an aid granted to a minority which took power through arms.** (...) it is not acceptable that Western democratic governments give unconditional assistance to the Government in Kigali which denies the right to speak and discourages the return home of more than a third of its population³⁷.”* This Bishop MUNZHIRWA’s opinion is totally ideological, politically motivated, without any relevance to the facts. In January 1996, Bishop MUNZHIRWA went a step further

³⁵ Father CHAPTAL held a key position as Assistant to the Head of the White Fathers for the entire region of Eastern DRC: Bukavu, Goma, Maniema, Kisangani, Ituri,...

³⁶ Report of the Seminar of Christian groups and associations for the defense of human rights and civic education in the Democratic Republic of Congo held in Kinshasa from 6 to 10 May 1999

³⁷ Bishop MUNZHIRWA Christophe, Letter to Cardinal G. DANNEELS, Archbishop of Malines-Brussels and to Bishop J. DELAPORTE, Chairman of France Justice and Peace Commission, Bukavu, 16 January 1995

and accused Rwanda of committing genocide against the Hutu. In a letter sent to former President Jimmy CARTER, he wrote as follows: *“We have it from reliable sources that several officers of the Rwandan Patriotic Army (RPA) based in Akagera Park and with the consent of the Government, have been tasked with the abductions of people to be carried out in the whole country. These abductions and killings target mostly Hutu intellectuals. (...) Isn’t this a clear intention of destroying part of the Hutu group and certainly all their intellectuals? This is in fact what Burundi did in 1972 and continues to do today³⁸.”*

In his Negationist publication entitled *“Les réfugiés rwandais à Bukavu au Zaïre: de nouveaux palestiniens³⁹”* with a preface by Father Minani-BIHUZO and postface by Filip REYNTJENS, Father Philippe De DORLODOT defends the argument that there had been two genocides, one against the Tutsi by the Hutu and another against the Hutu by the Tutsi. Father Jean CHAPTAL wrote to me in exactly the same words when answering a letter I had sent him on the dangers of Negationism of the JEREMIE Group: *“You are insisting too much on the issue of genocide, and I think rightly so, but you especially do not want to hear a word about the double genocide. I agree totally that during the 1994 tragedy, the Hutu in opposition were not killed for being Hutu but as people in opposition, but they too died. And how many of them died also in the years 1990-1994? True, this was during the war, but they too died, and not only soldiers! And since 1994, many more died (...) can’t we then use the same words in such a situation? Genocide or massacres of the population: the dead are there⁴⁰”*. These few facts reveal one thing: by using the Negationist sources of the JEREMIE Group, the authors of the UN Report themselves fell in the trap of Negationists, unwittingly or deliberately.

c) A Negationist witness, manipulator of the MAPPING Report and foreign courts

Marie Béatrice UMUTESI is a Rwandan woman, sociologist, born in Byumba in 1959. She worked with various NGOs in Rwanda. **Marie Béatrice UMUTESI** left Rwanda in July 1994. Since then, she has made repeated false and libelous accusations against the Government of Rwanda. She published a book: *“Mourir ou fuir au Zaïre: le vécu d’une réfugiée rwandaise⁴¹”*, and is among key witnesses in the MAPPING Report. She earlier testified with Judges BRUGUIÈRE and MERELLES. When one analyses the evidence she adduced in the indictment of Judge MERELLES accusing the Rwandan Army for crimes against the Hutu, one notices that her evidence lies on arbitrarily fabricated lies in order to mislead the good faith of those who have no sociological knowledge of the Great Lakes region.

³⁸ Bishop MUNZHIRWA Christophe, Archbishop of Bukavu, Letter to President J. CARTER, CARTER Foundation, USA, Bukavu, 30 January 1996

³⁹ Philippe De DORLODOT, *Les réfugiés rwandais à Bukavu au Zaïre: De nouveaux palestiniens*, Paris, L’Harmattan, 1996, p.254

⁴⁰ Letter of Father Jean CHAPTAL to the author of this article, 28 May 1996

⁴¹ Marie Béatrice UMUTESI, *Mourir ou fuir au Zaïre: le vécu d’une réfugiée rwandaise*, Paris, L’Harmattan, 2000, 312 pages

Indeed, Marie Béatrice UMUTESI told Judge MERELLES that in DRC, she witnessed the killings committed by Rwandan soldiers against Hutu civilians. When the judge asked her the proof she had that it was Rwandan soldiers, she replied: *“the only people who speak Kinyarwanda in Central Africa are Rwandans; in Ouganda, people speak Kiganda and Congolese speak either Swahili or Lingala⁴²”*. The truth is that the two provinces of DRC, i.e. North and South Kivu, are inhabited by Congolese who speak Kinyarwanda. It is therefore erroneous to rely only on the linguistic criterion to claim that all those who speak Kinyarwanda are soldiers of the Rwandan Army and that, therefore, it is them who killed the Hutu. Judges BRUGUIÈRE and MERELLES fell into this trap of being manipulated, as did the UN authors of the MAPPING Report. The political tendency of this report was recognized by the UN Secretary General, Ban KI MOON, on a visit to Rwanda in September 2010. Ban KI MOON revealed then that the existence of this report was unknown to his office for a long time⁴³. It should be pointed out that one of the authors of this Report, Luc CÔTE, a Canadian, has worked at HRW and ICTR and is renowned for his well known hostility against RPF. Can such individuals carry out an impartial investigation” The few facts reproduced in the preceding paragraphs prove the opposite.

D) Spanish Negationism through support to FDLR

FDLR are an extremist militia based in DRC, composed of Hutu fighters from criminal organizations which participated in the genocide against the Tutsi in 1994. Their major objective is to use force to take the power they lost in Rwanda, to wipe out totally the Tutsi to complete the 1994 genocide and to eliminate the Hutu who work in the Government and in other institutions of Government. Their entire political and military structure is geared towards this ultimate goal. FDLR has been officially recognized as a terrorist organization by the UN⁴⁴, the European Union⁴⁵ and the African Union⁴⁶, and its members have been put on the UN black list. Two of the key leaders of FDLR, namely Ignace MURWANASHYAKA and Straton MUSONI, were arrested in Germany on 17 November 2009 and are accused of coordinating war crimes and crimes against humanity committed between January 2008 and 11 October 2010. The Executive Secretary of this outfit, Callixte MBARUSHIMANA, was arrested in France and handed over to the International Criminal Court for his role in the war crimes and crimes against humanity committed in Eastern DRC in 2009. A UN report has established that two allegedly nonprofit making Spanish organizations, S’OLIVAR Foundation and INSHUTI Association, fund-raise in Spain for financing FDLR. This financing is done through Catholic Missionaries of the

⁴² Indictment by Judge Fernando Andreu MERELLES, Madrid, February 2008, p.85

⁴³ Communication of Jean Paul KIMONYO, Advisor to the President of the Republic of Rwanda, International Conference on the 62nd Anniversary of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, organized by the National Commission on the Fight against Genocide, Kigali, 9 December 2010

⁴⁴ Ibidem

⁴⁵ European Union Council, 14 May 2008, common position No. 2008/369/PESC on the adoption of restrictive measures against DRC

⁴⁶ Peace and Security Council, 33rd Session, Meeting of 24 June 2005, Addis Abeba, Report of the Chairman of the Follow up Commission on the Decision of the 23rd Meeting of the Peace and Security Council (PSC) on the situation in Eastern DRC between DRC and Rwanda, PSC/PR/2.(XXXIII)

Xaverian Missionary Fathers Congregation working in Kasongo and Bukavu in DRC, and through the Congregation of Belgian Brothers of Charity who left Rwanda in 1994 and are now settled in Kigoma, a town at the border between Tanzania, Burundi and DRC⁴⁷. This report indicates that the Chairman of S'OLIVAR Foundation and INSHUTI Association, Joan CASOLIVA, collected and handed over to FDLR a sum of 200 000 US dollars, together with weapons. Also, an Italian missionary, Father Giorgio LANARO, sent funds collected in Europe to FDLR.

Furthermore, S'OLIVAR Foundation and INSHUTI Association jointly finance an annual meeting which is a Negationist campaign and is held annually in Spain in the so-called form of "*inter-Rwandan dialogue*". This meeting brings together Rwandan political opponents, Negationists and members of FDLR and other groups of the same ilk: **INGABIRE UMUHOZA Victoire**; **Charles NDEREYEHE NTAHONTUYE** (members of FDLR living in Holland, currently wanted by Rwandan justice for having planned the genocide); **Jacques KANYAMIBWA** (formerly Major in FAR, member of FDLR living in Toulouse/France); **Claver KANYARUSHOKI**(former Ambassador of Rwanda in Uganda living in Paris), **Joseph MATATA** (chairman of a Negationist association in Brussels called Centre de Lutte contre l'impunité et l'injustice au Rwanda); **KABANDA Célestin** (former Secretary of State in the Ministry of Finance, member of MDR hard line faction), etc. These two Negationist organizations, namely S'OLIVAR and INSHUTI, are the key initiators of the charge which led to the indictment lodged by Judge MERELLES, an indictment which, as we have seen, is first class Negationism.

E) Negationism and calls for genocide by Faustin KAYUMBA NYAMWASA, GAHIMA Gérard, RUDASINGWA Théogène and KAREGEYA Patrick

It may sound incredible that they are Negationist Tutsi with regard to the genocide which affected members of their own ethnic group. This is however the terrible reality. There have been a few Negationist Tutsi who came out in the open such as Antoine NYETERA, one of the key defenders of Jean PÉAN's argument, and Déogratias MUSHAYIDI who, before he was arrested in Burundi, had been using all political and media means to destabilize security in Rwanda. A fresh step has just been made by a core of four former Tutsi officers, both civilian and military, who left Rwanda to avoid legal action for offences they committed relating to embezzlement of public funds, abuse of power and corruption. This group consists of KAYUMBA NYAMWASA, former Chief of Staff and former Rwandan Ambassador to India; Patrick KAREGEYA, former Chief of External Intelligence; Gérard GAHIMA, former General Prosecutor and his brother Théogène RUDASINGWA, former Director in the President's Office. These four committed various offences in Rwanda.

When they learnt that some legal proceedings were being prepared against them, they made the first move and fled the country. Since then, they have been fabricating all sorts of lies against the Head of State whom they accuse of all sorts of ills without any proof: corrupt

⁴⁷ Final Report of the Group of Experts on the Democratic Republic of Congo to the Security Council, 23 November 2009 (S/2009/603)

dictator, thief, torturer, and many more. Motivated by hatred against President Paul KAGAME, these individuals have now associated themselves with extremist groups who continue to nurture the intention of returning to Rwanda by force to complete the genocide. These groups preach the genocide ideology and carry out terrorist and criminal activities, especially in DRC and in Rwanda through targeted infiltrations. They collaborate openly with FDLR and the Forces Démocratiques Unifiées (FDU-INKINGI). The leaders and members of these groups are well known for their anti-Tutsi position and for their clear Negationist attitude. The above mentioned foursome former Tutsi officials of RPF have since associated themselves with these extremist groups, thus following the same ideological, terrorist and Negationist course. The foursome have been spreading in the media writing to incite ethnic hatred, social upheaval and genocide.

In a document entitled “RWANDA BRIEFING⁴⁸” posted on the Website in August 2010, the foursome expressed opinions of extreme Negationism. Under the pretext of contesting the method of government in Rwanda, they show at all no recognition of the genocide perpetrated against the Tutsi, evoke the imaginary oppression of the Hutu and advocate the perpetration of genocide once again as a political solution: *“the Hutu are oppressed, killed and will rise up to commit a second genocide against the Tutsi (...) it is impossible that the Hutu who are the majority accept to continue being oppressed by the Tutsi who are the minority in the country; instead, the Hutu will take up arms and topple the Tutsi government”*. In the Ugandan newspaper *The Observer* of 2 August 2010, KAREGEYA Patrick said that *“he supported anybody who will take up arms against the dictatorial regime of President Kagame”*. In the programme IMVO N’IMVANO broadcast on radio BBC on 29/05/2010, KAYUMBA NYAMWASA and Patrick KAREGEYA reiterated their position, declaring in public that they will be at the forefront to attack Rwanda, cause chaos in the country and topple the existing regime.

Whoever lives in Rwanda knows the present real situation in the country: all Rwandans are considered on merit; there is no ethnic based discrimination, both factually and legally. The positions of KAYUMBA and his friends are extremely dangerous because they not only hide the truth about the genocide and the good governance practised in Rwanda, but they also arouse hatred and the genocide ideology. The dissemination of such ideas brings to mind the period 1992-1994 with RTLM broadcasts, the articles of KANGURA and other extremist newspapers which incited people to commit genocide. In post-genocide Rwanda, if the authorities are not vigilant, such words can lead to a new slaughter of genocidal dimension.

It is important to recall that KAYUMBA NYAMWASA, KAREGEYA Patrick, GAHIMA Gérard and RUDASINGWA Théogène who spread such ideas are not ordinary political opponents without a history behind them. They are wrongdoers who ran away from justice in their country and hide behind political commitment to mislead the international opinion. We can point out, for example, that Patrick KAREGEYA collaborated with the man most wanted by ICTR, the billionaire Félicien KABUGA, and protected his interests in Rwanda, without anybody’s

⁴⁸ <http://www.google.com> Rwanda briefing

knowledge, taking advantage of the important position he held as the Head of Rwanda's External Intelligence.

According to the revelations made on 9 February 2011 by the spokesperson of the Prosecution in Rwanda, Alain MUKURALINDA, during a press briefing in Kigali, KAREGEYA Patrick has been *"in secret contact"* with the family of Félicien KABUGA and helped his children to acquire illegally their properties, including two buildings in Kigali: *"The officers of the Prosecution who were investigating this case discovered that the former Head of Intelligence had, between October and December 2003, used his position so as to return illegally the estate belonging to this tycoon wanted for genocide to his family. We intend to freeze once again the properties belonging to this wanted fugitive which have been returned illegally"*. It is not difficult to imagine that for such a favour, the billionaire genocidaire must have paid dearly to Patrick KAREGEYA. What is it then that he can teach Rwandans in general? And what, in particular, can he tell the survivors of the genocide whom he has betrayed?

F) Negationism in support of Victoire INGABIRE UMUHOZA and other campaigners of ethnic extremism

Another form of Negationism which has gained ground recently involves the support given to political leaders and journalists who use the freedom of expression to spread the genocide ideology and Negationism. The case in point is that of Mrs. Victoire INGABIRE UMUHOZA, president of *"Forces Démocratiques Unifiées (FDU-INKINGI)"*. The Rwandan Office of the Prosecutor says that it has solid evidence of the collaboration existing between FDU-INKINGI, in particular INGABIRE UMUHOZA, and the FDLR terrorist group. This is also the case with Bernard NTAGANDA, founder of the registered political party *"Parti social (PS-Imberakuli)"* who, in his public addresses, conveys positions of hatred, highly Negationist, calling for ethnic divisions and genocide⁴⁹. Such words go beyond the context of freedom of opinion, freedom of thought and freedom of expression, and cannot be tolerated in Rwanda or in any other State.

Likewise, two journalists, Agnès UWIMANA and Saidati MUKAKIBIBI of UMURABYO newspaper, on several occasions published articles preaching Negationism, inciting ethnic division, genocide and breach of public order. They, for example, published articles saying that the President of the Republic was worse than Adolf HITLER, the head of the Nazi! I know of no single State in the world, in particular in Europe, which would have accepted such an insult if it were leveled against its Head of State. In such circumstances, the Rwandan courts did what they were supposed to do and arrested, tried and sentenced the duo, one of whom, Agnès UWIMANA, is a persistent offender of the same crime. She was sentenced in 2007 for the same offence and had served her sentence before resuming her activities. The High Council of the Media had in vain warned her several times before her recent arrest. In court, while pleading guilty, she recognized her mistakes in her published articles which lacked professionalism.

⁴⁹ In the same group are people like Paul RUSESABAGINA, Félicien KANYAMIBWA, Jean-Marie Vianney HIGIRO, etc

Pretending ignorance of this obvious reality, four international NGOs (always the same!), Reporters without Borders, Human Rights Watch, Amnesty International and the Committee for the Protection of Journalists based in New York, rose up against Rwandan courts, accusing them of suing these journalists for their political opinions, as if Negationism and inciting people to commit genocide were democratic, legitimate and defensible opinions. In this connection, HRW wrote that these were “*political lawsuits*”. Reporters without Borders said “*it was shocked by the stubbornness and cruelty of Rwandan justice*⁵⁰”. Amnesty International demanded pure and simple repeal of the laws which criminalize divisionism and the genocide ideology. Why do these NGOs not ask European States to repeal laws prohibiting and punishing anti-Semitism and the use of Nazi symbols? Yet, the laws which punish anti-Semitism in Europe are similar to Rwandan laws against the genocide ideology. In fact, since anti-Semitism is not an acceptable opinion in Europe, the genocide ideology and Negationism in Rwanda cannot be considered as acceptable ideas.

Such opinions are insulting, destructive and must be fought with all the energy we can muster. Only truth should be defended, and this truth is elsewhere than in the arrest warrants of Judge BRUGUIÈRE and Judge MERELLES, in the actions of Bernard NTAGANDA, INGABIRE UMUHOZA Victoire, KAYUMBA NYAMWASA and their ilk. As the late Rev. Modeste MUNGWARAREBA⁵¹ who died mysteriously in Kigali on 5 May 1999 said, “*It is a contradiction to work for an ideology of death. If one is looking for the truth, it will be found and it will accordingly be defended*⁵²”.

Kigali, 12 March 2011

⁵⁰ Reporters without Borders, Communiqué of 4 February 2011

⁵¹Born in Mushubi in the former Prefecture of Gikongoro, currently Nyamagabe District, Rev. Modeste MUNGWARARERA was a gentleman and a model priest. He experienced all the stages of genocide in 1959, 1963, 1973 and 1994. In October 1990, he was unfairly imprisoned because of allegedly collaborating with the “enemy”

⁵² Testimony of Rev. Modeste MUNGWARAREBA, Revue LA SOURCE of the Christian Community of the National University of Rwanda, May 1997, p.31