

# The Rwandan Genocide: Could it Have Been Prevented?

Written by Yam Prasad Chaulagain

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YAM PRASAD CHAULAGAIN, AUG 3 2011

### An Overview of Genocide

Mass murder has occurred since the very beginning of human civilization. From the 19<sup>th</sup> century onward, the quests of religious and political leaders, in the effort of ideological and territorial expansion, escalated conflicts among sovereign nations, and the devastating cruelty seen during those conflicts has even continued today. The worldwide community has not prevented the actions taken by the leaders of sovereign nations against groups within their nation's borders, nor has mass murder been stopped when national leaders invade other states and take steps to round up, isolate, and then exterminate targeted groups.[1] In fact, this historical reality of the entire world has been seen throughout history.

The field of genocide study is relatively new. The term "genocide" was coined only in 1944 by Raphael Lemkin, a Polish-Jewish lawyer, when describing the Nazi party's policies of systematic murder. The term "genocide" originates from the Greek word *geno* which means race or tribe, and from the Latin word *cide* which means killing. It refers to a planned, systematic, and deliberate destruction of a particular cultural, ethnic, political, religious, or racial group. According to Raphael, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by the mass killing of all members of a nation. Rather, it is intended to signify a coordinated plan of different actions aimed at the destruction of the essential foundation of the life of national groups, with the goal of annihilating the group themselves.[2]

In 1945, the International Military Tribunal held in Nuremberg, Germany, charged Hitler's Nazi party with crimes against humanity. They included the term "genocide" in their accusations with a descriptive purview rather than a legal one. The Holocaust period of 1941 to 1945 was primarily responsible for the formation of the term "genocide." [3] In 1948, in the aftermath of the Holocaust, the United Nations General Assembly passed a law declaring that genocide was illegal, and clearly defined the term in the interest of eliminating confusion. More than 130 nations have ratified the Genocide Convention and over 70 nations have made provisions for the punishment of genocide in domestic criminal law, and the Convention entered into force on January 12th, 1951. Since then, several government leaders have been prosecuted for genocide, and several instances of genocide have been identified and addressed.[4] The text of Article 2 of the Genocide Convention was included as a crime in Article 6 of the 1998 Rome Statute of the International Criminal Court (ICC).[5]

The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), in its Article 2, which was also inducted into the national criminal legislation of many countries, defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:"

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.

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Nevertheless, critics of the CPPCG argue that the definition of genocide is restrictive and does not take into account a broader perspective. For example, what precisely does the term *in part* mean? The exclusion of political groups and politically motivated violence from the international definition of genocide is particularly controversial. Others argue that the reason for the exclusion is because U.N. member nations insisted on it when the Genocide Convention was being drafted in 1948. International law should not seek to regulate or limit political conflicts, as that would give the U.N. too much power to interfere in the international affairs of sovereign nations.[6] In the years since, critics have argued that the exclusion of political groups from the definition, as well as the lack of a specific reference to the destruction of a social group through the forcible removal of a population, was designed to protect the Soviet Union and Western Allies from possible accusations of genocide in the wake of World War II.[7]

The twentieth century has been called “The Age of Genocide.” In the aftermath of the Holocaust, the slogan “never again” was coined[8] as a challenge to the world to put an end to genocide and hate crimes. Unfortunately, it was “never again,” but genocide continued to happen and is still happening in different parts of the world. Numerous examples of genocide can be found throughout history; some notable 20th century genocides occurred under the Nazis during the Holocaust, in Bosnia under Slobodan Milosevic, and in the African regions of Rwanda and Darfur. Collectively, the international community agrees that genocide is a heinous act, and several attempts have been made to intervene in obvious genocides. Some other examples of genocide include the mass extermination of Christian Armenians in Turkey in the early part of the 20th century, the forced labor marches and camps of Stalin’s Russia, and the infamous Rape of Nanjing that was perpetrated by Japanese forces in the early stages of the Second World War.

## International Legal Provisions against Genocide

As described above, a significant legal step toward the prevention of genocide was initiated with the completion of “The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG)” in 1948. The Convention distinguishes between the basic prohibition of genocide and conduct ancillary to genocide, such as incitement, conspiracy, and so on (defined in Articles II and III), and the question of prevention and punishment (addressed in Articles I, IV, V, and VI). Persons who have committed genocide (whether or not they are State officials) are to be punished. The State is under an obligation to not only enact laws prohibiting genocide (Article V), but also to prevent and punish actual violations occurring within its territory.[9] Nevertheless, only a handful of individuals were held accountable for genocide in the decades following 1951, when the Convention came into effect. Few and far between, these trials were held by national courts, which often used national adaptations of the international law of genocide.[10]

In the 1990s, after the end of the Cold War, the world witnessed the emergence of Ad-hoc tribunals in the form of the International Criminal Tribunal for the former Yugoslavia and for Rwanda. In 1993, in response to massive atrocities in Croatia and Bosnia-Herzegovina, the United Nations Security Council created the International Criminal Tribunal for the Former Yugoslavia (ICTY). It was the first international criminal tribunal since Nuremberg and the first ever mandated to prosecute the crime of genocide. A year later, in response to devastating violence in Rwanda, the Security Council established the International Criminal Tribunal for Rwanda (ICTR).[11] However, the legality of the creation of these Tribunals was questioned on many grounds, such as whether the Security Council was mandated by the framers of the charter to create a tribunal.[12] However, both tribunals have contributed detail, nuance, and precedent to the application of the law of genocide.

The ICTY and ICTR were established to try crimes committed only within a specific time frame and during a specific conflict. There was general agreement that an independent, permanent criminal court was needed. Consequently, in 1998, the Rome Statute of the International Criminal Court (ICC) established the first permanent international criminal court. The Rome statute entered into force on July 1, 2002, after ratification by 60 countries. The Court has jurisdiction over the most serious crimes of concern to the international community, including genocide. The court tries persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity, and war crimes,[13] and is a treaty-based court. The definition of genocide in the Rome Statute is taken from the 1948 Convention, and, like the 1948 Convention, the Rome Statute provides that official status does not exempt individuals from criminal responsibility.[14]

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To date, the Court has opened investigations into six situations: the Democratic Republic of the Congo, Uganda, the Central African Republic, Darfur in Sudan, the Republic of Kenya, and the Libyan Arab Jamahiriya.[15] The office of the Prosecutor is conducting examinations in Afghanistan, Colombia, Cote d'Ivoire, Georgia, Honduras, Nigeria, the Republic of Korea, Guinea, and Palestine.[16] It has issued 15 warrants of arrest and summons to nine others. The fact that the international community united to create a U.N. war crimes tribunal over a decade ago, set into motion a series of actions that have helped bring about the arrest of one of the most powerful generals in modern history. In a pre-Nuremberg world, this would have been unthinkable. Though, in a world that has seen the arrest of Slobodan Milosevic, Charles Taylor, Saddam Hussein, and others, the arrest of former strong men and mass murders is not just thinkable, but a reality.[17] Most recently, the arrest of General Ralko Maladic has also given pause to acknowledge that justice may be slow, but it does come.[18]

## Rwandan Genocide

The Rwandan genocide is probably the most intensive killing campaign in human history. The ethnic dimension of the Rwandan genocide was a result of a century of ethnic division, which was not characteristic of Rwandan society prior to colonial rule. The country was first colonized by the Germans (1894-1916) but was taken over by Belgium (1916-1962), which used a "divide-to-rule" strategy to keep control. The minority Tutsi (14%) were given preferential treatment even though the Hutus (85%) were not considered an actual distinct ethnic group.[19] Belgian colonizers classified the two groups, the Tutsi were generally taller, thinner, and more "European" in their appearance than the shorter and stockier Hutus, thus, the Belgians decided they were two separate races, and the Tutsi, due to their looks and dominance in the small Rwandan aristocracy of the past, were the natural "leaders." [20] Generally, public services and education were reserved for the Tutsis while the majority of Hutus were agriculturalists and menial task laborers. For the racial division, the Belgians issued identity cards listing the bearer as Hutu, Tutsi, or Twa (a group that made up 1% of the population), which assisted later in the process of identifying the victims of killers. However, when anti-colonial movements started echoing around Africa and because of the colonial segregation imposed by Belgian colonialists, Tutsi intellectuals started anti-colonial activities both in Rwanda and Burundi, and this angered the colonialists. Consequently, in order to preserve and secure their rule, Belgian colonialists started promoting Hutus.[21] While Tutsis wanted independence from the Belgian colonial government, the Hutus pursued 'social justice' which they "emphasized, as a prerequisite to ending 'Tutsi feudalism', even if that meant delaying independence." [22] Nevertheless, Rwanda gained its independence in 1962. Following independence, the Hutu majority seized power and reversed the roles, oppressing the Tutsis through systematic discrimination and acts of violence.[23] Between 1959 and 1962, 20,000 Tutsi were killed and 300,000 fled in terror to neighboring countries,[24] notably Uganda and Burundi. Tutsis remaining in Rwanda were stripped of much of their wealth and status under the regime of Juvénal Habyarimana, installed in 1973. After 1986, Tutsis in Uganda formed a guerrilla organization, the Rwandan Patriotic Front (RPF), which aimed to invade

Rwanda and overthrow the Habyarimana regime.[25]

In 1990, this rebel army invaded Rwanda and forced Hutu President Juvenal Habyalimana to sign an accord which mandated that the Hutus and Tutsis would share power. In August 1993, at the Tanzanian town of Arusha, Habyarimana finally accepted an internationally-mediated peace treaty which granted the RPF a share of political power and a military presence in the capital, Kigali. Some 5,000 U.N. peacekeepers (UNAMIR, the United Nations Assistance Mission to Rwanda) were dispatched to bolster the accord.[26] However, Hutu leaders and extremists fiercely opposed any Tutsi involvement in the government. On April 6, 1994, the plane carrying Rwanda's president was shot down, almost certainly the work of an extremist. This was the trigger needed for the Hutus' planned 'Final Solution' to go into operation.[27] The Tutsis were accused of killing the president, and Hutu civilians were told, by radio and word of mouth, that it was their duty to wipe the Tutsis out. First, though, moderate Hutus who were not anti-Tutsi should be killed, and so should Tutsi wives or husbands, and that is when the genocide began.[28] From April to July 1994, Hutu extremists in the Rwandan government, military, and militias killed more than 500,000 Rwandan Tutsi and moderate Hutu. Over three-quarters of the entire population registered as Tutsi were systematically killed in just over 100 days.[29] Although the leaders of the Rwandan genocide did not have the resources that Germany

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had during the Holocaust, the killing rate in Rwanda was still five times that of the Nazis.[30]

Many of those who remained suffered greatly, and large numbers were tortured and wounded. Many women were raped and humiliated, and some were infected with AIDS. UNICEF later calculated that five of every six children who survived had, at least, witnessed bloodshed. The rank and file of the killers were drawn from the many young unemployed men (60% of the population being under the age of 20) that responded to the incentives offered by the government to kill, and to the possibility of even more enrichment as the killings proceeded.[31] Nevertheless, on the ground, the Rwandans were largely left alone by the international community and U.N. troops withdrew after the murder of 10 soldiers. The U.N. Security Council responded to the worsening crisis by voting unanimously to abandon Rwanda. The remainder of U.N. peacekeeping troops were pulled out, leaving behind only a tiny force of about 200 soldiers for the entire country.[32]

In July 1994, the RPF captured Kigali, the government collapsed, and the RPF declared a ceasefire. As soon as it became apparent that the RPF was victorious, an estimated two million Hutus fled to Zaire (now the Democratic Republic of Congo).[33] At first, a multi-ethnic government was set up, with a Hutu, Pasteur Bizimungu as president, and Mr. Kagame as his deputy. Though, the pair later fell out and Bizimungu was jailed on charges of inciting ethnic violence, while Mr. Kagame became president.[34] Kagame was a Tutsi rebel commander at the time of the Rwandan genocide. He rose to prominence as the leader of the Rwandan Patriotic Front (RPF), whose victory over the incumbent government in July 1994 effectively ended the Rwandan genocide. Under his leadership, Rwanda has been called Africa's "biggest success story,"[35] and has been serving as the Rwandan president since 2000.

### **Who was Responsible for the Genocide?**

It is not easy to say who is responsible for the Rwandan genocide. The genocide happened not because the state was weak, but because it was so totalitarian and strong that it had the capacity to make its subjects obey absolutely any order, including one of mass slaughter.[36] The genocidal and gendercidal strategy was conceived and implemented by a small coterie of Rwandan government officials, led by the Hutu extremist Theoneste Bagosora, "a retired army Colonel who held the post of acting defense minister on the day Habyarimana was killed. In the hours and days after the assassination, Bagosora apparently orchestrated both the genocide and formation of an interim government to support it." Another key organizer of the holocaust was Madame Agathe Habyarimana, wife of the murdered president and one of the very few women who played a central role in the planning and perpetration of the genocide.[37] Western powers also cannot escape from their primary responsibility at the time of the genocide because the mass slaughter was systematically organized in their presence. They must bear criminal responsibility for Rwanda's genocide, not only for sprouting it, but also for their disgraceful failure to prevent and stop it. The United States, Britain, France, Belgium, the Roman Catholic Church, and the U.N. are all guilty for their failure to intervene.[38] "The international community didn't give one damn for Rwandans because Rwanda was a country of no strategic importance," said General Romeo Dallaire, the commander of the U.N. peacekeeping force in the country at the time. "It's up to Rwanda not to let others forget they are criminally responsible for the genocide," he said, singling out France, Britain, and the United States.[39]

The news media played a crucial role in the genocide; local print and radio fueled the killings while the international media either ignored or seriously misconstrued events on the ground.[40] Due to high rates of illiteracy at the time of the genocide, radio was an important way for the government to deliver messages to the public. Two radio stations that were key in inciting violence, before and during the genocide, were Radio Rwanda and Radio Television Libre des Mille Collines (RTLM). In March 1992, Rwanda Radio was first used to directly promote the killing of Tutsi in Bugesera, south of the national capital Kigali. Radio Rwanda repeatedly broadcast a communiqué warning that Hutu in Bugesera would be attacked by Tutsi, a message used by local officials to convince the Hutu that they needed to attack first. Led by soldiers, Hutu civilians and the Interahamwe attacked and killed hundreds of Tutsi.[41] Peace Pledge Union Information wrote that "Rwandan local incited the Hutus to violence, Saying- "You have to kill the Tutsi, they are cockroaches.""[42] Similarly, the leading western media agencies, such as CNN, The New York Times, and the BBC did not maintain the moral ethics of journalism while reporting on the Rwandan genocide. For example, the vast majority of CNN news stories about the Rwandan genocide were not about the Hutu massacre of Tutsi and moderate Hutu, instead they covered the Hutu refugees who fled Rwanda.[43]

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## **What Did the U.N. Do, and What Might it Have Done?**

The U.N. deployed a peacekeeping mission called the United Nations Assistance Mission in Rwanda (UNAMIR) composed of 2,548 troops. UNAMIR's commanding officer, Canadian general Romeo Dallaire, was given the responsibility to maintain the ceasefire created by President Habyarimana, assist in humanitarian aid, and oversee the repatriation of refugees.[44] However, Dallaire could not effectively execute the mission he was given by the U.N. for many reasons, including the fact that he did not have enough troops, his soldiers were drastically under-equipped, and the mission lacked any type of intelligence unit.[45] They were not ordered to fire their weapons because they were simply peacekeepers. From the beginning of his mission, UNAMIR Commander General Roméo Dallaire argued that UNAMIR needed heavier weapons, and a minimum of 4,500 troops, all of them well-trained and well-supplied, with a clear mandate giving them authority to forcefully stop the killing. That could have been written into U.N. Security Council resolution 872 that created UNAMIR. However, the U.S. and the U.K. opposed a robust mandate with the 4,500 troops recommended by General Dallaire because it would have been too expensive.[46]

When the genocide broke out Dallaire was helpless against the Hutu extremists. In the meantime, as Hutu extremists murdered ten Belgian UNAMIR soldiers, Belgium announced that it would withdraw all of its troops from the UNAMIR mission. In the first week of the genocide, General Dallaire asked for a change in UNAMIR's mandate that would authorize him to take action to stop as much killing as possible. Instead, on April 21, the Security Council, led by the U.S. and the U.K., ordered a reduction of UNAMIR to a token force of 270 troops.[47] The Security Council made this decision even though just two days earlier, on April 19th, the independent organization Human Rights Watch estimated that over 100,000 people had been killed in Rwanda and called on the Security Council to label the massacres as genocide.[48] Over five hundred thousand Rwandan Tutsis were murdered while the U.N. "did a Pontius Pilate," as General Dallaire told State Department officials in the fall of 1994. Leaving only 270 peacekeeping soldiers in Rwanda when hundreds of thousands of innocent civilians had already been brutally murdered was the biggest and most shameful mistake the international community made in its response to the genocide.[49] As UNAMIR departed from the country, Rwandans laid in the streets trying to block the UNAMIR trucks from leaving, while others threw their children into the trucks screaming, "Don't abandon us!" and "They are going to kill us if you leave!"[50]

## **Why did the U.S., Britain, France, and Belgium Ignore the Genocide?**

Why did the U.S. and its European allies ignore the Rwandan genocide? Did they not know the facts? Of course not, Western leaders believed that genocide was wrong, but they were not prepared to invest the military, financial, diplomatic, or domestic political resources because it was not in their political or economic national interest. The U.S. and U.K. were willing to commit billions to save lives in Bosnia, where people are white, and the war was close to the interests of the European community, but they were unwilling to do so in Rwanda, where people are black, and neither country is of strategic or economic interest.[51] The fact of the matter is that there was little international interest in Rwanda both before and during the genocide crisis. Only two countries, Belgium and France, had anything approaching direct interests in the area, and even then these interests were more "traditional" than extant.[52] Belgium was an early sponsor of negotiations leading to the Arusha Accords and it deployed a battalion of infantry in support of the original UNAMIR operation. However, when it became clear that Belgian troops were at risk, following the killing of ten paratroopers at the outbreak of violence, the government and public quickly lost their commitment to the mission and their contingent was withdrawn in the second week of April 1994.[53] France was the only permanent member of the Security Council with any direct interest in Rwanda. The French were long-time supporters of the Hutu regime and were concerned that a victory by the RPF would undermine French influence in the Great Lakes Region.[54] It has been suggested that these concerns help explain France's support for the UNAMIR mission, as it would have helped maintain the existing regime and create a "buffer" of U.N. troops to hamper the progress of the RPF.[55] Other than Belgium and France, then, few countries, besides Rwanda's neighbors, appeared to have any interest in the country or the outcome of the crisis. The composition of the Security Council at the time is revealing in this regard. Besides the five permanent members, Brazil, Argentina, New Zealand, Nigeria, Pakistan, Spain, the Czech Republic, Oman, Djibouti and, ironically, Rwanda, were sitting on the Council during the crisis. The presence of only two other African states on the Council combined with the general neglect of sub-Saharan Africa in the foreign policies of most nations,[56] limited the body's interest in Rwanda. Thus, apart from

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France, the major powers on the Security Council were not interested in involving themselves in the Rwandan conflict.

### **Could it Have Been Prevented?**

The Rwandan genocide could have been prevented if Western powers had made the right decisions at the right time. Due to negligence and lack of interest, Western powers missed a huge opportunity to save thousands of Rwandan lives. During those horrible days, the Americans were interested in saving money, the Belgians were interested in saving face, and the French were interested in saving their ally.[57] Alison Des Forges of Human Rights Watch writes, "During the early weeks of slaughter international leaders did not use the word "genocide," as if avoiding the term could eliminate the obligation to confront the crime. The major international actors — policymakers in Belgium, the U.S., France, and the U.N. — all understood the gravity of the crisis within the first twenty-four hours even if they could not have predicted the massive toll that the slaughter would eventually take. They could have used national troops or UNAMIR or a combined force of both to confront the killers and immediately save lives." [58] According to estimates made by Amnesty International, "Action could have easily been taken to stop the killings and incitement. Radio broadcasts which sent people on murdering rampages could have been blocked. A small force of a few thousand troops with strong weapons could have overwhelmed the weak militias. What was needed was a message from the international community that what was happening was unacceptable and would not be tolerated. That message never came. If it had, perhaps the genocide could have been stopped." [59] Even more broadly, under Article 1 of its Charter, the U.N. has a responsibility "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace." According to Article 99 of the Charter, the Secretary General possesses the power to bring potential threats to peace directly before the Security Council. In this way the Secretary-General can use his discretion to shine a spotlight on any matter that he feels may endanger the U.N.'s mission. "In conflict, as in medicine, prevention is better than cure, even if the cure can be rapidly found. Particularly in this brutal and senseless slaughter, it would have been much harder to stop the machinery of genocide once it had been set into motion than before it started. Therefore, it is especially important to look at the early preventive measures that could have been taken before the plane crash in which the President of Rwanda died, i.e., during the period between January and 6 April 1994." [60]

### **Effectiveness of the ICTR**

After the genocide ended, the U.N. Security Council created the International Criminal Tribunal for Rwanda (ICTR) by resolution 955 on November 8, 1994. The International Criminal Tribunal for Rwanda was established for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between January 1, 1994, and December 31, 1994.[61] In 1995 it became located in Arusha, Tanzania, under Resolution 977 [62] (From 2006, Arusha also became the location of the African Court on Human and People's Rights). In 1998 the operation of the Tribunal was expanded by Resolution 1165.[63] Through several resolutions, the Security Council called on the Tribunal to complete its investigations by the end of 2004, complete all trial activities by end of 2008, and complete all work in 2012.[64] The tribunal has jurisdiction over the genocide, crimes against humanity, and war crimes, which are defined as violations of Common Article Three and Additional Protocol II of the Geneva Conventions (dealing with war crimes committed during internal conflicts).[65] So far, the Tribunal has finished 52 trials and convicted 36 accused persons. Another 21 trials are in progress, and 2 individuals are awaiting trial in detention. Also, 10 others are still at large, and some are suspected of being dead.[66]

One of the most prominent precedents was that Jean Kambanda, the former Prime Minister of Rwanda, pleaded guilty to the charge of committing genocide, which made him the first person to acknowledge guilt for this offense before an international criminal tribunal, and marked the first instance in which a head of government was convicted of the crime of genocide.[67] The second major precedent set by the Tribunal was in the 2003 "Media Case" which was the first judgment since the Nuremberg trials, in which the role of the media was examined in relation to international crimes. The "Media Case" found Hassan Ngeze, editor of the Kangura newspaper, as well as Ferdinand Nahimana and Jean-Basco Barayagwiza, founders of the radio station RTLM, guilty of genocide and direct and

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public incitement to commit genocide, among other charges.[68] The Tribunal also fostered national compliance with international obligations in the human rights sphere. For example, Rwanda has already abolished the death penalty in order to facilitate the transfer of cases to its jurisdiction. The Trial Chamber's decision not to transfer the Munyakazi case to Rwanda was recently upheld by the Appeals Chamber.[69] Another important factor, among many, is that rape is considered a war crime.

However, some disagreements and legal questions have been raised between the ICTR and the Rwandan government since the inception of the ICTR. For instance, the Rwandan government wanted crimes committed before the Arusha Accords to be under the jurisdiction of the ICTR, and the government objected to the penalties prescribed in resolution 955. While the Rwandan penal code provides for the death penalty, Resolution 955 limits penalties to imprisonment. The limited penalty with stratified concurrent jurisdiction means that those indicted by the ICTR would not face the possibility of the death penalty. Moreover, the Rwandan government objected to the location of the ICTR in Arusha, arguing that the deterrent effect of the trial's punishments will be lost if they were to be held hundreds of miles from the scene of the crime.[70] Also, Human Rights Watch says "The Rwanda tribunal's prosecutor failed to bring charges against members of the Rwandan Patriotic Front, which became the Rwandan Army, who had been implicated in war crimes. This failure jeopardizes the tribunal's long-term legacy." [71] Apart from that, the ICTR faces many challenges which affect the pace of the proceedings. Some important factors are the complexity of the cases, the need for voluminous disclosure and translation of documents, the transport of witnesses from all parts of the world, the unavailability of witnesses, and the need to interpret testimony between English, French, and Kinyarwanda.[72] These challenges contribute to the fact that the ICTR trials are more time-consuming than trials conducted at the national level.

## Conclusion

The Rwandan genocide was a very serious event, not only in Rwandan history, but also in the history of the world.

We can conclude that a combination of historical events and an ideology of hatred contributed to the genocide. In fact, Hutu extremist ideology was a main cause of the Rwandan genocide. Of course, mass media assisted the Hutus in spreading their ideology. In effect, the combination of both the ideology and the media resulted in genocide. The

U.N. leadership, ironically, by doing nothing, was hoping to prevent another disaster, and yet, created not only a horrible public relations disaster and a failed peacekeeping mission, but also led to the deaths of hundreds of thousands. It is true that now people have to live with the images that they experienced during the worst 100 days of their lives. Nevertheless, Rwanda is rebuilding from the ash of the conflict and is trying to move on from the terrible memories of the past. The major concern is that the world is not free from conflict, even today. Ideological, ethnic, and religious hatred can be observed in different parts of the world. Therefore, the U.N. and countries around the world should learn lessons from history, and adopt rational ways to make decisions in the face of disastrous circumstances. The slogan "never again" which was coined immediately in the aftermath of the Holocaust in the twentieth century, still poses challenges to the world community. It might even continue into the 22th century if concerned stakeholders ignore the sensitivity of this global agenda which has been a constantly escalating threat to human civilization for a long time. It is not to say that the task of genocide prevention is impossible, but, the task of genocide prevention can be accomplished only through the mutual cooperation of countries around the world.

## Works Cited

[1] Ball, Howard. (2010). *Genocide: A reference Handbook*. California: Greenwood Publishing Group.

[2] Lemkin, Raphael. (2008). *Axis Rule in Occupied Europe*. Foundations of the Laws of War Publications of the Carnegie Endowment for International Peace, Division of International Law

[3] Vyavhara, Amol. (2009, April 16). *Article Wave*. Retrieved on April 20, 2011, from

<http://www.articleswave.com/articles/what-is-genocide.html>

[4] Wise Geek. Retrieved on April 20, 2011, from <http://www.wisegeek.com/what-is-genocide.htm>

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[5] Genocide Watch: *International Alliance to end Genocide*. Retrieved on April 21, 2011, from

<http://www.genocidewatch.org/aboutgenocide/whatisit.html>

[6] Staub, Ervin. (1989). *The Roots of Evil: The Origins of Genocide and Other Group Violence*. Cambridge, UK: Cambridge University Press

[7] Robert Gellately & Ben Kiernan (2003). *The Specter of Genocide: Mass Murder in Historical Perspective*. Cambridge, UK: Cambridge University Press

[8] Genocide Studies and Prevention: *An International Journal*. Retrieved on April 22, 2011, from

<http://www.utpjournals.com/gsp/gsp.html>

[9] Office of the United Nations High Commissioner for Human Rights. *Convention on the Prevention and Punishment of the Crime of Genocide*. Retrieved on May 15, 2011, from

<http://www2.ohchr.org/english/law/genocide.htm>

[10] Holocaust Encyclopedia. *Introduction to the definition of the genocide*. Retrieved on May 15, 2011, from

<http://www.ushmm.org/wlc/en/article.php?ModuleId=10007943>

[11] Ibid

[12] Legal India. *Intervention of Security Council in International Criminal Court*. Retrieved on May 17, 2011, from <http://www.legalindia.in/intervention-of-security-council-in-international-criminal-court>

[13] International Criminal Court. *ICC at a glance*. Retrieved on May 20, 2011, from <http://www.iccpi.int/menus/icc/about%20the%20court/icc%20at%20a%20glance/icc%20at%20a%20glance?lan=en-GB>

[14] World Trade Law & Policy. *The Genocide Convention*. Retrieved on May 20, 2011, from

<http://www.wordtrade.com/society/law/genocide.htm>

[15] International Criminal Court. *All Situations*. Retrieved on May 21, 2011, from

<http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/>

[16] International Criminal Court. *The Court today*. Retrieved on May 22, 2011, from

<http://www.icc-cpi.int/iccdocs/PIDS/publications/TheCourtTodayEng.pdf>

[17] Vlastic, Mark. (2011, May 26). The Mladic arrest: Justice finally arrives. *ALJAZEERA*. Retrieved on May 26, 2011, from <http://english.aljazeera.net/indepth/opinion/2011/05/2011526173229660948.html>

[18] Ibid

[19] Orriss, Matthew. (2009, April 10). Indicators and warnings: Case studies in genocide. *Small Wars Journal*. Retrieved on May 24, 2011, from <http://smallwarsjournal.com/blog/2009/04/case-studies-in-genocide/>

[20] Ibid



## The Rwandan Genocide: Could it Have Been Prevented?

Written by Yam Prasad Chaulagain

[21] Chrétien J. P. (2003). *The Great Lakes of Africa: Two thousand year of History*. Zone Books. New York

[22] Ibid

[23] The History Place. *Genocide in the 20<sup>th</sup> Century*. Retrieved on May 25, 2011, from

<http://www.historyplace.com/worldhistory/genocide/rwanda.htm>

[24] Thompson, Allan. (2007). *The Media and the Rwanda*. Uganda: Fountain Publisher.

[25] Genderside Watch. *Case study: Genocide in Rwanda, 1994*. Retrieved on May 25, 2011, from

[http://www.gendercide.org/case\\_rwanda.html](http://www.gendercide.org/case_rwanda.html)

[26] Ibid

[27] Peace Pledge Union Information. *Genocide*. Retrieved on May 25, 2011, from

[http://www.ppu.org.uk/genocide/g\\_rwanda4.html](http://www.ppu.org.uk/genocide/g_rwanda4.html)

[28] Ibid

[29] Filip Reyntjens, “*Estimation du nombre de personnes tuées au Rwanda en 1994*”, in: S. Marysse and Filip Reyntjens (eds.), *L’Afrique des grands lacs Annuaire 1996-1997* (Paris: L’Harmattan, 1997), 179-186.

[30] Maalvern, L.R. (2000). *A people Betried: The role of the West in Rwanda’s genocide*. London: Zed Books Ltd, 4

[31] Orriss, Matthew. (2009, April 10). Indicators and warnings: Case studies in genocide. *Small Wars Journal*. Retrieved on May 26, 2011, from <http://smallwarsjournal.com/blog/2009/04/case-studies-in-genocide/>

[32] The History Place. *Genocide in the 20<sup>th</sup> Century*. Retrieved on May 27, 2011, from

<http://www.historyplace.com/worldhistory/genocide/rwanda.htm>

[33] Rwanda: How the genocide happened.(2008,Dec. 18). *BBC News*. Retrieved on May 27, 2011, from

<http://news.bbc.co.uk/2/hi/1288230.stm>

[34] Ibid

[35] Zakariya: Africa’s biggest success story. *CNN.com*. Retrieved on May 27, 2011

[36] Prunier, *The Rwanda Crisis*, pp. 353-54

[37] History Podcast. *Episode 59- Rwandan Holocaust*. Retrieved on May 28, 2011, from

<http://historypodcast.proboards.com/index.cgi?action=display&board=members&thread=59>

[38] ON THIS DEITY. (1994, April 6). *The Rwandan genocide begins*. Retrieved on May 28, 2011, from

<http://www.onthisdeity.com/6th-april-1994-%E2%80%93-the-rwandan-genocide-begins/>

## The Rwandan Genocide: Could it Have Been Prevented?

Written by Yam Prasad Chaulagain

- [39] West 'guilty' over Rwanda genocide. (2004, April 6). *CNN World*. Retrieved on May 27, 2011, from [http://articles.cnn.com/2004-04-06/world/rwanda.dallaire\\_1\\_rwanda-genocide-extremist-hutu-government-tutsis-and-hutu-moderates?\\_s=PM:WORLD](http://articles.cnn.com/2004-04-06/world/rwanda.dallaire_1_rwanda-genocide-extremist-hutu-government-tutsis-and-hutu-moderates?_s=PM:WORLD)
- [40] Media and The Rwanda Genocide. (2007). *The Communication Initiative Network*. Retrieved on May 27, 2011, from <http://www.comminit.com/?q=global/node/189378>
- [41] Forges, Alison Des. Call to genocide: radio in Rwanda, 1994. *The International development Research Center*. Retrieved on May 29, 2011, from [http://www.idrc.ca/rwandagenocide/ev-108178-201-1-DO\\_TOPIC.html](http://www.idrc.ca/rwandagenocide/ev-108178-201-1-DO_TOPIC.html)
- [42] Peace Pledge Union Information. *Genocide*. Retrieved on May 29, 2011, from [http://www.ppu.org.uk/genocide/g\\_rwanda4.html](http://www.ppu.org.uk/genocide/g_rwanda4.html)
- [43] Thompson, Allan. (2007). *The media and the Rwanda genocide*. Canada: IDRC
- [44] Cohen, Jared. (2007). *100 Days of Silence: America and the Rwanda Genocide*. Lanham, MD: Rowman & Littlefield, Inc.,
- [45] Ibid
- [46] Melvern . p. 85.
- [47] U.N. Security Council Resolution S/Res/912 (1994), 21 April 1994. See also Des Forges (cf. note 7), p. 631.
- [48] Rohr, Stephanie. (2009). The response of the international community to the Rwanda Genocide. *UM-I Journal of Undergraduate Research XII*.
- [49] PBS Frontline: Ghosts of Rwanda. "Timeline". Retrieved on May 27, 2011, from <http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/etc/crontext.html>
- [50] Cohen, 89.
- [51] Stanton, Dr, Gregory. (2009, sept.). The Rwanda genocide: Why early warning failed. *Journal of African Conflicts and Peace Studies*. Vol. 1(2), pp 6-25.
- [52] Ludlow, D.R.L. Humanitarian Intervention and the Rwandan Genocide. *The Journal of Conflict studies*. Retrieved on May 28, 2011, from <http://www.lib.unb.ca/Texts/JCS/bin/get4.cgi?directory=spring99/&filename=ludlow.htm>
- [53] Melvern, "The UN and Rwanda," p. 12.
- [54] Wheeler and Morris, "Humanitarian Intervention," pp. 158-59.
- [55] Melvern, "The UN and Rwanda," p. 11.
- [56] Sub-Saharan Africa: So little done, so much to do," supplement to *The Economist*, 7 September 1996, p. 4; and Jeffrey Herbst, "Responding to State Failure in Africa."
- [57] Rwanda Slaughter could have been prevented. (1999, March 31). *BBC News*. Retrieved on May 28, 2011, from <http://news.bbc.co.uk/2/hi/africa/308542.stm>

## The Rwandan Genocide: Could it Have Been Prevented?

Written by Yam Prasad Chaulagain

[58] Genderside Watch. *Case study: Genocide in Rwanda*, 1994. Retrieved on May 28, 2011, from

[http://www.gendercide.org/case\\_rwanda.html](http://www.gendercide.org/case_rwanda.html)

[59] American University Washington College of Law Center for Human Rights and Humanitarian Law. *Group Three: International Community's Response*. Retrieved on May 29, 2011, from <http://www.wcl.american.edu/humright/center/rwanda/jigsaw3.pdf?rd=1>

[60] Dorn, A.W., Matloff, J., and Matthews, J. (1999), "Preventing the Bloodbath: Could the UN have Predicted and Prevented the Rwandan Genocide?", Occasional Paper #24, Cornell University, Peace Studies Program. Retrieved on May 28, 2011, from [http://www2.psych.cornell.edu/Dorn/rwanda\\_099.html](http://www2.psych.cornell.edu/Dorn/rwanda_099.html)

[61] International Criminal Tribunal for Rwanda. "General Information". Retrieved on May 28, 2011, from

<http://69.94.11.53/ENGLISH/geninfo/index.htm>

[62] United Nations Security Council *Resolution 977* S-RES-977(1995) . Retrieved on May 29, 2011

[63] United Nations Security Council *Resolution 1165* S-RES-1165(1998). Retrieved on May 29, 2011

[64] Claiming Human Rights. *Rwanda*. Retrieved on May 29, 2011, from [http://www.claiminghumanrights.org/transitional\\_justice\\_rwanda.html](http://www.claiminghumanrights.org/transitional_justice_rwanda.html)

[65] Genocide Archive Rwanda. *United Nations International Criminal Tribunal for Rwanda*. Retrieved on May 29, 2011, from [http://www.genocidearchiverwanda.org.rw/index.php/Category:United\\_Nations\\_International\\_Criminal\\_Tribunal\\_for\\_Rwanda](http://www.genocidearchiverwanda.org.rw/index.php/Category:United_Nations_International_Criminal_Tribunal_for_Rwanda)

[66] Ibid

[67] International Criminal Tribunal for Rwanda. "Achievements of the ICTR". Retrieved on May 29, 2011, from <http://69.94.11.53/ENGLISH/factsheets/achievements.htm>

[68] International Criminal Tribunal for Rwanda. "The Media Trial". Retrieved on May 29, 2011, from <http://69.94.11.53/ENGLISH/cases/Barayagwiza/CaseProfile/Cp281103.htm>

[69] Jurist. *Justice for Rwanda: ICTR Achievement and Challenges*. Retrieved on May 29, 2011, from

<http://jurist.law.pitt.edu/forumy/2008/12/justice-for-rwanda-ictr-achievements.php>

[70] Barria, Lilian A, Steven D. Roper. (2005, Sept.). How effective are international criminal Tribunals? An analysis of the ICTY and ICTR. *The international journal of human right*. Vol. 9, No 3, p. 355

[71] Garrison, Ann. (2010, Jan. 30). ICTR Legacy Risked by Failure to Charge Rwandan Patriotic Front. Center for Research on Globalization. Retrieved on May 29, 2011, from

<http://www.globalresearch.ca/index.php?context=va&aid=17282>

[72] TRUSTAFRICA. *International Criminal Tribunal for Rwanda*. Retrieved on May 30, 2011, from

[http://aros.trustafrica.org/index.php/International\\_Criminal\\_Tribunal\\_for\\_Rwanda](http://aros.trustafrica.org/index.php/International_Criminal_Tribunal_for_Rwanda)

Written by: Yam Prasad Chaulagain  
Written at: University of Warsaw

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Written by Yam Prasad Chaulagain

Written for: Dr. Dorota Heidrich

Date written: June 1, 2011