

REPUBLIC OF RWANDA



**MINISTRY OF JUSTICE
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**KEYNOTE ADDRESS BY JOHNSTON BUSINGYE MINISTER OF JUSTICE
AND ATTORNEY GENERAL AT THE 25TH COMMEMORATION OF THE
GENOCIDE AGAINST THE TUTSI**

Dirksen Senate Building-Washington D.C.

1st May 2019

Senators James Inhofe and Chris Coons,

Representatives from the United States Holocaust Museum

Members of the diplomatic corps

Distinguished panelists and Master of Ceremony; Dr. Zachary D. Kaufman,

Ladies and Gentlemen;

It is a great honour for me to join you here in Washington DC, and to address this 25th Commemoration of the Genocide against the Tutsi.

Let me first thank Senator Chris Coons and Senator Thom Tillis, Human Rights Caucus' co- chairs, Senator Inhofe and his office, the United States Holocaust Museum and the Embassy of Rwanda in Washington for organising this commemoration conference.

Friends, ladies and gentlemen, four weeks ago, we marked 25 years since the Genocide against the Tutsi. Commemoration activities are still being held in Rwanda and abroad-this happens for 100 days, equivalent to the days the Genocide lasted.

The Genocide against the Tutsi was absolutely vicious, it happened in an environment of absolute impunity. At the end, over one million people had been killed.

Rwandans are one people, with one language, one culture, occupy the same countryside, side by side, same clans-there is every empirical evidence of commonality as there is nearly zero empirical evidence of any differences let alone ethnic ones.

The Genocide I am talking about came from an ideology, a set of beliefs, state supported and directed, that manipulated socio-economic into ethnic differences and then inculcated hatred, division, fear, rejection of others, and extreme violence that sought to pit one part of our population against the other. It is this thinking, and this preparation and this state support that provided the conditions in which a million people could be killed in a hundred days across a whole country.

In the build-up to 1994, cyclical massacres bloodied Rwanda and pushed thousands into exile since 1959. Ethnic legislation which emphasised division and permitted violence and decreed amnesty for any and all ethnic extremism was adopted and propagated by successive regimes since the independence in 1962 until 1994.

Indeed, the 1994 Genocide was carried out after several mini exterminations of the Tutsi: in 1963 between 8,000 and 12,000 Tutsi were killed in the Gikongoro region of Southern Rwanda. Massacres of the Tutsi were perpetrated in 1973, and between 1990 and 1994, Tutsi in Northern and Eastern Rwanda were sought out and massacred in their thousands by the government.

The media first used the word genocide to qualify these massacres in 1964 (le Monde of 4/2/1964).

Ladies and gentlemen,

The Genocide against the Tutsi impacted the life of the country, destroyed institutions, shattered unity and the already ailing social fabric.

In response, the new inclusive government realised that only restorative justice would push back against impunity, be a way for reintegrating convicts and the opportunity to contribute to unity and reconciliation. It was a tall order, but necessary, if we wanted Rwanda to be a united and decent country.

This is the long and hard journey of justice we have travelled for 25 years.

I can confirm with pride that the unity and social cohesion we enjoy today, though far from perfect and with more work to do, is without precedent since independence. And it is the bedrock on which we are building our socio-economic transformation.

The United Nations Security Council established the International Criminal Tribunal for Rwanda (ICTR) in the fall of 1994 following the end of the Genocide. The goal of the tribunal was to try those guilty of crimes of genocide and other acts that violate international law. It was the first time that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide was enforced and in doing so clearly differentiated the mental element of the crime of Genocide from the mental element in the breaches of the Geneva Conventions.

It is the ICTR which found as a “fact of common knowledge” that “between 6 April and 17 July 1994, there was a Genocide in Rwanda against the Tutsi ethnic group”, and further recalled that more than a million people were killed during the Genocide.

1. Choice: self-reliance and hope

Ladies and Gentlemen,

The idea to use the traditional Gacaca system was a product of a year-long intense and frank dialogue by Rwandan elders, academics, politicians and opinion leaders from 1998 to 1999.

A variety of options were mooted but Gacaca was found to answer nearly all the key questions of justice, unity, speed, reconciliation, ownership, accountability, healing and restoration of community and values.

Secondly, a homegrown option would signal to us Rwandans that though the Rwandan body was battered, the Rwandan spirit was not vanquished, and we could pick up the pieces on our own and stand tall again. It would also signal to the world that we were able and willing to face the challenge of our resurrection head on.

2. The puzzle of numbers and speedy justice

The genocide architects planned for and succeeded in securing mass participation in the killings. The point was that in the unlikely event that they would ever be held to account, the sheer mass of suspects would be an insurmountable challenge, which indeed it would have been, had we not taken the Gacaca route.

Conservative estimates put the time required by conventional courts to discharge the genocide justice burden at 100 years. This meant that perpetrators, survivors and everybody else would be long dead before justice was done.

Gacaca Courts were able to try 1, 958,634 genocide cases within ten years, demonstrating, in action, the will and ability of Rwandans to overcome the challenges of their country and work for progress.

Bringing to justice all genocide suspects from the instigators to the implementers, through the Gacaca process was the best practical lesson in the respect of the human rights of Rwandans irrespective of social class. It also meant that whoever had committed any act that violated human rights during the genocide had to be held accountable for it, no matter who they were.

Prosecution of genocide suspects through the Gacaca process created the opportunity for one to come to terms with their responsibility for and in the genocide. It also showed them that the same society and community they so badly wronged, with impunity, could now sit in judgment over them, and stand up to their impunity with compassion, rather than retribution or retaliation.

3. Reconciliation

The Gacaca philosophy is tailored on enabling communities to resolve tough challenges or disputes, but reconcile and keep community unity intact. Gacaca contributed immensely to reconciliation.

- Forgiveness

One major issue which, until now, is subject of intense debate and wonder about post genocide Rwanda is how forgiveness could even begin to factor in this equation. Many people especially our foreign friends still come to Rwanda to try understand how it is humanly possible.

The Gacaca process provided the courage survivors needed to forgive those who committed genocide and inhuman crimes against them.

Through the process survivors were able to break with the legacy of hatred and to move forward on the path of reconciliation, and forgive those who asked for forgiveness.

Refusal, in the words of one survivor, would not only be hindering the effort of unity and reconciliation, but would also create obstacles in the path of a lost human being seeking to regain his humanity.

Ladies and Gentlemen,

Rwanda is grateful to the States that arrest, prosecute, extradite or deport genocide fugitives found on their territories. The United States of America is one of them, I want to thank the United States. The fugitives that were sent from here are facing justice back in Rwanda. It is and will continue to be fair and impartial justice.

The problem of the fugitives still out there both in North America and elsewhere is that they are the last outposts of genocide ideology and denial, pushing both relentlessly and without remorse, and slowly but surely and deliberately poisoning their listeners.

The issue of genocide denial needs global attention. Genocide and genocide denial are siblings, we can't claim we have defeated one if the second is not defeated as well.

Denial manifests through verbal or written expressions that deny the reality of the facts, the scale of the genocide, state complicity and groups who committed genocide in the state's name.

Denial seeks to obliterate the memory of the genocide and distort the history of the genocide. Denial is used to protect the perpetrators of the genocide, their accomplices and ideological heirs. Denial is lethal, it needs to be called out for what is, and punished.

Several countries have adopted laws repressing the negation of the genocide. We invite all States to do the same to counteract denial.

Any policy or legislative action aimed at prevention, deterrence or punishment of genocide ideology, genocide denial or ethnic bigotry is, ultimately, an act in genocide prevention.

Prevention and repression of the crime of genocide and its denial is an obligation of States. Genocide is a grave violation of human rights and is also a threat to international peace and security.

Many genocide fugitives holed out in the USA, Europe, Canada, parts of Africa and elsewhere, left Rwanda after exterminating innocent children, elderly and adults. The world being the complicated place that it is, the major genocide masterminds, on

whom the US has even put a 5 Million \$ reward for information leading to their arrest, still elude capture and justice.

The US administration's work in this area should inspire other administrations in other countries to track genocide suspects and bring them to justice.

Genocide is an imprescriptible crime. Fugitives will be arrested and brought to justice one by one. They will run, they will not hide. Never again, should, this time, be a real call to humanity and a commitment of all humanity.

4. Renewal

Rwanda has healed. Although the journey ahead is still long, the 25 years since 1994 has registered progress. Rwanda today is a country at peace with herself, reconciled and united as never before. Ethnic bigotry is nearly extinct especially for the 70% of our population of over 12 million Rwandans who were born after the Genocide.

Our genocide convicts prisoner number is about a quarter of the total 65000 prisoners, and decreasing each day.

Our justice system is nearly wholly automated and is transparent, impartial and efficient. You can file and track a case in any of the country's 65 courts from here in Washington, and only appear when the court needs your presence.

Rwanda is one of the safest countries on earth and one of the best places to be a woman.

Investor confidence is at an all time high and tourist numbers are ever on the rise. Rwanda is now 29th globally in the World Bank doing business ranking.

Our constitutional democratic dispensation, that leaves no one out or behind, is now irreversible, we have secured a democratic, united and stable future.

Our politics and diplomacy prioritises peace, fairness, partnership, regional integration and good neighbourliness. We pride in building lasting friendships and partnerships with all and we commit to being good friends to our friends.

Those who seek to stoke genocide ideology, ethnic bigotry, those who seek to rely on terror to kill or maim innocent people to advance their ethnic divisive agenda, have failed before and would fail again if they tried.

Our unity came at a high cost and Rwandans will do all it takes to nurture and sustain it for all time. We actively seek to ensure that our children will not experience discrimination, ethnic bigotry or sectarian violence except in history books.

Distinguished panellists,

Ladies and Gentlemen

Permit me to conclude by thanking you once again for inviting me to deliver this keynote address and thanking all of you who kindly accepted to be with us at this commemoration event. I look forward to the rich discussions and outcomes of this gathering.

Thank you very much!