

**REPUBLIC OF RWANDA**



**MINISTRY OF JUSTICE**

**GENOCIDE DENIAL AND THE ROAD TO THE UNITY  
AND RECONCILIATION**

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# INTRODUCTION

- Rwanda was a feudal society with monarchs who succeeded each other by hereditary processes. Monarchs were Tutsi.
- German colonisation was succeeded by Belgian.
- Identity (Book) was Rwandan and clan until 1932 when it was changed to Twa, Hutu and Tutsi. King MUSINGA resisted and was deposed, exiled, died in Moba, Zaïre.
- Belgian system favored Tutsi in education, administration.

# Cont.

- In the 50's, the educated Rwandans began agitating for self rule, and independence.
- Belgian policy then switched favours/mobilization to Hutu specifically against Tutsi. It worked easily given the context .
- Transition by King RUDAHIGWA to a united Rwandan nation aborted.
- 1959, we got mass exodus of Tutsi, Kamarampaka in 1960, independence- the lethal mix that defined Rwanda's descent, until 1994 but genocide against the Tutsi.

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- The 1994 Genocide against the Tutsi happened 49 years after the Holocaust, 46 years after the adoption of the 1948 UN Convention on prevention and punishment of the crime of genocide.
- Twenty seven years later, concerted efforts at national and international level to prosecute and punish perpetrators of genocide has registered some success, the war against genocide denial shows itself as a lifelong struggle.
- Genocide denial is an integral and last stage of the genocide process (Gregory, S., 1998). It occurs both during and following the perpetration of the act.
- A genocide can only happen at the behest of, instigation by, consent of, perpetration of or indifference by the State. Without a State's involvement there can be no genocide.

# 1. CONTEXT OF RWANDA IN THE AFTERMATH OF GENOCIDE

- Immediate aftermath of the genocide and the imperative for accountability.
- In 1994, after the genocide against Tutsi : Rwanda was a failed State: All indicators for a failed State were there. No working system was in place. No laws to punish genocide despite Rwanda being member to the 1948 Convention, inexistent judicial system, as all was destroyed, judges died or fled the country, the economy fell to rock bottom: education, health, infrastructure, agriculture, investment, travel banning etc... ceased to function.

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- There were on one hand thousands of victims and survivors struggling to have a minimum of life and in need of justice, and on the other hand, thousands of genocide suspects filling up prisons, also in need of timely justice so they could be tried and judged timely. Importantly, Accountability was necessary to end the culture of impunity that had too long been pervasive in all aspects of national life..
- As a legal response to the genocide : There was need to achieve multiple, often competing goals: Justice, Accountability, Reconciliation and Deterrence and Reconciliation.

## 2. ACCOUNTABILITY FOR GENOCIDE

- The hold accountable perpetrators of genocide against Tutsi was conducted at three levels:
- The Rwandan national judicial system handled numerous trials of genocide
- The Gacaca courts that used a traditional community-based legal approach to try all but the most serious of crimes but more specifically serve Truth, Justice, Unity, Reconciliation, Ownership,
- The International Criminal Tribunal for Rwanda (ICTR) as an international community's effort to hold some of the most serious perpetrators accountable for their crimes;

### 3. GENOCIDE DENIAL

- Rule of thumb: a perpetrator of an offence will always hide or deny it.
- Genocide cases, perpetrators generally hide their actions or, if confronted with truth, deny them.
- Regarding Rwandan, Linda Melvern, explains that the denial of genocide against the Tutsi can be traced back during discussions at the UNSC in 1994. The interim government in 1994 started a disinformation campaign at the United Nations to spread the theory of spontaneous, out of control violence and promote the legitimacy of its actions within an international platform.

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- Denial is planned as the genocide is planned-it is the exit or cover up strategy.
- Multiple organized killings of Tutsi happened in Rwanda from the late 50's up to 1994, Gikongoro, Gisenyi, Kibuye, Bugesera, Ngororero, etc. The state always blamed it on spontaneous reaction due to victims' provocation.

## 4. FORMS OF GENOCIDE DENIAL

- Genocide denial can take many forms, among which:
  - ✓ State or indicate that the genocide never happened;
  - ✓ Distort the facts about genocide for the purpose of misleading the public;
  - ✓ Affirm that there was a double genocide; committed by both sides against each other.
  - ✓ State or indicate that the genocide was not planned, by minimizing its gravity or consequences, downplay the means by which it was committed or providing wrong statistics about the victims of the Genocide

# FORMS OF GENOCIDE DENIAL

With regard to genocide against the Tutsi, denial took various forms during the last 27 Years:

- **Literal denial** (1994-1998) that claimed that no genocide happened in Rwanda. It involved systematically negating the facts of genocide, shutting the truth up and keeping silent about genocidal plans and killings;
- **Interpretative denial** (1998-2003) for which the 'drama' of violence was acknowledged, that it was an inter ethnic conflict, and it was recasted as something other than genocide. Facts are twisted to deny that the killings constituted genocide.

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- **Implicatory genocide denial** (2003 to date) that acknowledges that genocide took place, but involves explicit counter-accusations to blame the 'other side', claiming a double genocide . ( Judi River, Untold story of BBC..)
- The increase of Social Media Platforms which became a new platform for the commission and propagation of genocide denial.
- We are witnessing a spike in genocide denial driven by the young generation, mostly offspring of genocide perpetrators, fugitives and ideologues. This is worrying but not surprising. Most are in Europe and US, they take advantage of their systems under the pretext of freedom of speech, spread propaganda denying genocide against the<sup>13</sup>

## 5. Criminalization of genocide denial

- Although the prohibition of genocide denial is not recognized in international law, nor in the Genocide Convention of 1948, some countries have already enacted national laws punishing genocide denial, by extending their laws prohibiting holocaust denial. We can cite France and Belgium.
- Additionally, the EU has adopted Acts under title VI of the EU Treaty Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, which request each Member State to take measures necessary to ensure punishment of publicly condemnation, denying or grossly trivializing crimes of genocide as defined by the Statute of the International Criminal Court.

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- **In Rwanda**, Article 10 of the Constitution provides a positive obligation on the state to prevent, punish and fight against denial and revisionism of genocide as well as eradication of genocide ideology and all its manifestations.
- Law N 59/2018 of 22nd August 2018 on the crime of genocide ideology and related crimes, is more explicit and defines the crime of genocide ideology which includes denial, with sentences for these crimes ranging between 5 and 7 years of imprisonment.

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- Furthermore, a Non-government entity, company, cooperative or political organization can also be liable for the offence of genocide denial under Rwandan law and once found guilty, the court may, in addition to the penalty of a fine, order for their dissolution or prohibition of their operations in Rwanda.

## 6. How to fight genocide denial

- Experience shows that its long struggle for older generations who were part and parcel of the country's journey since 50's.
- But we can dismantle these denial narratives by leveraging on the youth who make up 70% of the population.
  - Youth should learn, understand and not be cowed or defensive about the organization, execution and aftermath of the Genocide against the Tutsi.

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- They should also learn and understand ways to identify genocide denial, how to spot it on social media and how to respond to it.
- They should also get involved in commemoration activities and connect with fellow youth who survived.
- This fight is for our future-it is existential it involves us all, including Rwanda Finance Ltd.
- They should also amplify the voices of the survivors, relate to the facts, and explain that there was indeed a Genocide against the Tutsi.

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- We should come together in responding and fighting back against revisionists like Judi Rever and other likeminded promoters of the 'double genocide' myth. For eg, Judi Rever was scheduled to speak at the University of Cambridge Centre for Geopolitics on 21 April 2021, but 100 academics and journalists signed an open letter against the decision to give her such a platform. Such initiatives are important in fighting the likes of Judi Rever.
- Rwandans should publish more on the Genocide against the Tutsi and promote reliable/truthful literature.

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- Countries should condemn, in the strongest terms, any efforts to deny or minimize the genocide against the Tutsi the same way they do with the Holocaust.
- It is necessary to accelerate the processes of extradition and prosecution of genocidaires still at large. This is a prerequisite for everything as the fight against negationists can't happen in a context of impunity.
- To fight against genocide denial and accept our history as Rwandans will lead us to the sustainable unity and reconciliation with our history, thus we build the Rwanda we want.



## **II. Road to the unity and reconciliation**

# 1. Introduction

- The road of unity and reconciliation of Rwandan was started by the following tasks and duties:
  - Engaging Rwandans about the causes of division and discrimination that took place in the past;
  - Setting up a National Commission charged with unity and reconciliation;
  - Holding accountable perpetrators of genocide and ensuring that justice is delivered and end the culture of impunity.
  - Rwanda has put in place mechanisms to raise awareness of Rwanda's Home-Grown Solutions as key tools for unity and reconciliation:

## 2. Unity and Reconciliation tools: Home Grown Approaches

- **INGANDO** (solidarity camps): A civic education activity that has facilitated the smooth reintegration of former returnees, X-FAR, provisionally released prisoners back to their communities. Target group include women, youth groups, students joining universities and local leaders. It provides forums to Rwandans to come to terms with their past by facing history, forging a common vision for a united future.

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- **ITORERO RY'IGIHUGU:** This is also a homegrown initiative inspired by the Rwandan culture that was formerly a traditional Rwandan school to instill moral values of patriotism, integrity, and capacity to deal with ones problems. It has been revived to promote values of unity, truth, culture of hard work and avoiding attitudes and mindsets that deter unity and reconciliation, as well as development of the Country.
- **GACACA:** A traditional Rwandan restorative justice process which was revived to deal with a backlog of genocide cases. *Gacaca* judges known as Inyangamugayo were elected on the basis of integrity.

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- The *GACACA* system was modified to meet international standards to the best of its capacity and was successful in contributing significantly to Justice and reconciliation in Rwanda.
- *GACACA's*, ability to reveal the truth, to process a huge number of cases, helped survivors and perpetrators to live together peacefully.
- Penalties provided by *GACACA* courts were intended to integrate the guilt into the society and to enable them to collaborate with others in the reconstruction of the country.

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- *NDI UMUNYARWANDA (I am a Rwandan)*: is described as the totality of the life of Rwandans. It is a panacea for solving the divisions among Rwandans that were promoted during the colonial times and during the independence and post-independence regimes.
- These divisions were based on pseudo-ethnism and regionalism and they led to rejection, exclusion, separation, segregation and denial of basic citizen rights for a section of the population. The ultimate cost of these divisions was the 1994 genocide against the Tutsi.

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- Reconciliation in Rwanda in connection with *NDI UMUNYARWANDA* is understood as both backward and forward looking; that is, it considers the past, present and future of Rwanda. A general hypothesis in this regard was that 'the more Rwandans are able to understand and confront the sources of their historical social divisions, while getting committed to a common future, the more likely reconciliation is to occur.
- The level of Reconciliation, social cohesion and Unity has been progressively increasing from 83,57% in 2010, 92,5% in 2015 to 93,75% in 2020, as per the Rwanda Governance Scorecard and is targeted to increase to 96% by 2024.

# III. Conclusion

- ❖ The aim of genocide denial is to rewrite our history, to keep us in our past troubles, to stick to genocide ideology, and division and make us fail.
- ❖ It is a collective responsibility to hold accountable those engaged in denial and trivialization, as it undermines the very foundations being built.
- ❖ It is necessary to pass laws at national level which criminalize the denial of the Genocide. Passing laws prohibiting the denial of genocide greatly contributes to setting the record straight and reducing the chances of political leaders and opinion makers holding shameful discourse about genocide.

## III. Conclusion

- ❖ We chose to confront our darkest truths in order to define who we are where we are coming from, how far we have come and determine our future.
- ❖ To oppose genocide denial is to support the programs that lead to a prosperous Country, and to build a future unity.
- ❖ We chose to rely on our home grow approaches as solutions that fit our context. We chose to account to Rwandans for sustainable development of our beautiful Country.



**THANK YOU FOR YOUR KIND  
ATTENTION**