

UN's Rwanda Tribunal Tainted by Expediency

by Our Special Correspondent

The proceedings at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, raise serious doubts whether it will serve the purpose of contributing “to the process of national reconciliation and to the restoration and maintenance of peace” in Rwanda, as stated in United Nations Resolution 955 which set up the tribunal in November 1994.

Political observers in Arusha say the overall direction of the proceedings is completely one-sided, and that important international aspects of the conflict which led to the catastrophe are excluded from the deliberations of the courts. Some call this victors' justice, others even say, this is the legal lynching of the former Hutu elite of Rwanda. Considering the fact that the basis for the UN Resolution 955 was a request by the Rwandan Patriotic Front (RPF) government, the least one can say is, that this tribunal is tainted by political expediency in favor of the victorious RPF and the geopolitical intentions of the U.S. and British governments, which backed the RPF in their march to power from 1990 to 1994.

There are now 59 defendants of whom 8 have been sentenced to between 12 years and life imprisonment, 22 are on trial, and 28 are awaiting trial in Arusha. One person, Ignace Bagilishema, former mayor of Mubanza in Rwanda's Kibuye prefecture, was acquitted and set free. All of the accused were either members of the military, or national and local governments during the time of the late President Juvenal Habyarimana, or they were close to the former ruling party of Rwanda, the MRND. So far, the tribunal has not indicted anyone from the other side of the conflict, the mainly Tutsi RPF, even though it is well known that they, before and after they took power in July 1994, also committed horrendous crimes against the civilian population.

Expert Witnesses Excluded

Defense lawyers for André Ntagerura, Rwanda's former Minister of Transport, attempted to call two expert witnesses, in the first week of July, to give testimony on the international aspects of the conflict. They were Uwe Friesbeck of *EIR*'s Africa Desk, and Wayne Madsen, a retired U.S. Navy officer and investigative journalist. Ntagerura is one of the defendants in the so-called “Cyangugu Trial.” The others are Samuel Imanishimwe, a former commander of the Cyangugu military barracks, and Emmanuel Bagimbiki, a former Governor of Cyangugu Province. All three pleaded not guilty to charges of genocide and crimes against humanity.



The International Criminal Tribunal for Rwanda, holding war-crimes and genocide trials over the massive killings in Rwanda in the early 1990s, has impeached itself by refusing to allow testimony that any force outside Rwanda itself, was culpable in triggering the massacres. The court is now dealing with massacres which occurred in 1994 in Cyangugu Province, in the Southwest.

The defense lawyers wanted Friesecke to testify about the international character of the conflict that led to the Rwandan events of 1994, and identify the international actors in this crisis. Madsen was supposed to testify on who shot down the Presidential plane on April 6, 1994 during its approach to Rwanda's Kigali airport, killing Presidents Habyarimana of Rwanda and the visiting Cyprien Ntaryamira of Burundi. After reviewing both written testimonies and hearing oral arguments from the prosecution and the defense, the judges rejected the proposed testimonies as "irrelevant and inadmissible."

The judges recognized that Friesecke's testimony directly challenged the indictment of Ntagerura, insofar as it says that during the events referred to in the indictment, a state of conflict, which was not national in origin, existed in Rwanda. The testimony presents ample proof that the conflict was actually international in character, because without an invasion of Rwanda from Uganda, and constant Anglo-American intelligence support for the RPF invading forces, up to their victory, there would not have been a war in Rwanda in 1994. Nevertheless, the judges argued that it is "common knowledge" that the conflict in Rwanda was not international, but internal in character.

By taking such judicial notice, the judges made a far-reaching decision which will have an impact on all the other

cases before the tribunal. The basis for the tribunal's jurisdiction is a definition of the events of 1994 as a "non-international armed conflict"; this is repeated in almost all the indictments. If that "fact" could be challenged successfully by any defense team in court, the tribunal could lose its jurisdiction, with significant political consequences. But for the time being, the rejection of Friesicke's testimony has excluded that possibility.

Sources close to the tribunal report that higher-level officials of the United Nations and the leading permanent member of the UN Security Council, the United States, fear that the international aspect of the Rwanda crisis of 1994 can not be excluded from the proceedings forever, as most other defense teams also try to find ways of introducing this into

court. Knowing the real history of Rwanda, Burundi, Uganda, and Congo since 1990, one could argue as well that it is by now "common knowledge" that the events in 1994 were an armed conflict of international character. If that were acknowledged by the court, some very uncomfortable questions about the role of the government of Uganda and its President Yoweri Museveni, and the role of the United States and Great Britain, would be asked.

Prosecutors From Interested Countries

The argument that this would shift the responsibility for the massacres away from the local actors, to outside governments and international institutions like the International Monetary Fund (IMF), misses the point.

Through the United Nations, represented by the tribunal prosecution, the international community brings a group of political leaders and government representatives of the former Rwandan government to trial for genocide and crimes against humanity. The *EIR* testimony does not maintain that there were no crimes committed. Clearly, local actors, including representatives of the Hutu political and military establishment at the time, committed crimes; but this is not the whole truth. The same international community which is bringing people to trial, was involved, through some leading governments, as active partners on one side of the 1990-94

conflict, creating the circumstances in which these crimes occurred.

This is comparable to a case, in which a U.S. court recognizes that the government, through counter-intelligence operations, was involved in setting up conditions under which the crimes, of which a defendant is accused, were committed. Such a court may declare a mistrial or demand that the government disclose the full truth of its involvement to the court. In the Arusha tribunal, the prosecutors come from countries which had an interest in defeating the Rwandan government at the time. If this problem is not addressed, the ICTR and the UN will have another very serious problem regarding their own credibility.

According to the *EIR* testimony, Anglo-American interests started the war against Rwanda in 1990; this was part of a continuing geopolitical strategy for change of power structures in Central and East Africa. The evidence known so far is probably just a fraction of the facts which show how deeply the U.S. and British governments were involved on the side of the RPF and the Ugandan government, to topple the Habyarimana government.

The critical period, about which relatively little is known, is between the beginning of 1991, when the new RPF offensive started in Rwanda's north, and the RPF seizure of power in the capital, Kigali, in 1994. Some say that Anglo-American mercenaries fought on the side of the RPF. Others report that U.S. diplomats made open threats to members of the Rwandan interim government of April 1994 to get them to capitulate.

Wayne Madsen, in his written testimony, advanced the hypothesis about who shot down the Rwandan Presidential plane on the evening of April 6, 1994, killing the Presidents of Rwanda and Burundi, and sparking off the last phase of mass killings in Rwanda. Madsen cited, in particular, French sources for the thesis that the plane was shot down by the RPF, with the help of the Uganda government and backed up by Anglo-American intelligence forces. He points to some RPF defectors confirming this hypothesis. Madsen also notes a confidential UN report on the plane attack, which—according to one UN investigator, Australian lawyer Michael Hourigan—uncovered evidence of the RPF's involvement.

According to Madsen and to confidential sources, this report was delivered to the head of the UN War Crimes Tribunal, Judge Louise Arbour of Canada, but was never made public, and the investigation was terminated when details of the RPF's involvement in the killing of the two Presidents and their advisers emerged. The Falcon jet's "black box" was secretly transported to UN headquarters in New York, and information from it is being withheld by the UN under U.S. pressure.

In light of the evidence known now, the theory that "radical Hutus" shot down Habyarimana's plane is no longer credible.

Similarly, there never was an independent investigation of the assassination of Burundi's first elected President Melchior

Ndadaye, a Hutu, in October 1993, which contributed significantly to the rising tensions inside Rwanda before 1994.

The fact that these two investigations into the killing of three Presidents were not undertaken, clearly points to a massive cover-up of the truth behind the tragic events in the region, that culminated in the carnage in Rwanda in 1994.

UN's Credibility at Stake, Again

The failure of the United Nations to act in April 1994, to intervene in Rwanda and stop the killing, has significantly undermined its credibility. Political considerations among some of the five permanent members of the UN Security Council at the time, blocked effective action. Now, the proceedings in Arusha pose the same question of credibility for the UN, and whether there is an internationally recognized standard of law to judge crimes against humanity.

The prosecution at the ICTR insists that the only issues before the court, are the individual local criminal acts of one group of people, the Hutus, who allegedly committed genocide against the Tutsis and moderate Hutus. If this approach continues to guide the courts of the ICTR, the resulting sentences will neither be just, nor will they contribute to reconciliation between Hutu and Tutsi. Why should only one side pay the price for the Rwandan disaster?

But the UN faces a more principled question. In October 1990, the RPF invasion of Rwanda from Uganda started a series of wars and conflicts in the Great Lakes region and the Congo (formerly Zaire), which since then has cost the lives of 5-8 million people, and the killing in the region is still going on. It is the worst destruction of human life since World War II. The reason for this genocidal process was a drive by the Anglo-American powers to change the face of Africa according to their geopolitical desires.

Only as a result of this condition of war, were the criminal acts committed in Rwanda. Will the UN, through the ICTR, lend credence to the thesis that these criminal acts in Rwanda in 1994 were just the result of an ethnic conflict, of Hutu planning to exterminate the Tutsi? In this way, the UN would again act as nothing more than the instrument for the power politics of the Anglo-American members of the UN Security Council.

Right now the U.S. government is exerting pressure on the UN to speed up the ICTR and bring it to an end. Funding considerations are the pretext, but it is an open secret that the United States fears that the longer the ICTR goes on, the greater the possibility that its own involvement in the Rwanda crisis becomes a subject of the court proceedings.

If the ICTR finds 50 or more prominent representatives of Rwanda's old Hutu establishment guilty of genocide, or conspiracy to commit genocide, against the Tutsi and moderate Hutu, then this will be the "common knowledge" about the crisis of 1990 to 1994, and the book of history will be closed. It would be the final justification for the usurpation of power at that time, by the RPF and Paul Kagame in Rwanda,

and for the continuing role of Uganda's Museveni as the most obedient servant to British and American interests in the region. It would also absolve the Western powers from any blame for the conflict.

Justice for the people of Rwanda can only be found if the full truth of the events between 1990 and 1994 comes to light. Besides bringing the perpetrators of crimes from both sides of the conflict before a court, this means, most importantly, to accuse those in positions of power in Washington, London, and Kampala who designed and executed the war policy of the 1990s for East and Central Africa, with its terrible results ongoing to this day. Only then could the full truth be revealed. Right now, the UN and the ICTR are very far from this task, and the decision in the first week of July, to exclude the expert testimony of Friesicke and Madsen, has even increased the distance.

Documentation

Strategic Considerations of 1994 Rwandan Catastrophe

From the testimony of Uwe Friesicke, prepared for submission to the International Criminal Tribunal on Rwanda, June 25, 2002. The full testimony will be found on www.larouche.pub.com.

Anglo-American powers with the Francophone powers acting as competing junior partners, caused the crisis in the Great Lakes region of Africa during the 1980s and 1990s in a two-fold manner, and are therefore responsible for the human catastrophe that followed.

First, they ruined the region . . . through the International Monetary Fund's (IMF's) structural adjustment policy economically. Secondly, they intervened with covert operations to manipulate simmering conflicts for the purpose of political control. The combination of both led to the disaster in Rwanda in 1994. To understand this, the following strategic considerations must be taken into account:

1. Events in Rwanda in 1994 have to be seen in the context of the war which started in 1990 and continued in the series of armed conflicts in the Central African region up to the present. It becomes clear that these conflicts are largely founded on a geopolitical strategy of Western powers, most prominently the United States and Great Britain, towards Africa, which can best be characterized as neo-colonialist.

2. The specific involvement of the U.S. and British governments with the party which started the war in 1990, amounts to a far-reaching political, if not juridical indictment of those governments for the criminal consequences of their



In articles in Kampala's Monitor newspaper in 2001, Ugandan President and one-party ruler Yoweri Museveni, a favorite of the U.S. and British governments, acknowledged in detail his own role in triggering the Rwandan massacres by an invasion of the country.

actions.

3. The economic conditions imposed by the international financial institutions on the Habyarimana government destroyed the social fabric of Rwanda, right at the time when war was launched against it, intensifying the sense of desperation among the population.

4. The assassinations of three Hutu Presidents within a period of six months escalated the tensions to the bursting point.

5. The Western powers never showed any serious commitment to be the guarantor of the questionable [1991] Arusha peace agreement. After its breakdown, conscious of its consequences, they decided against an intervention to stop the carnage.

6. Events in Rwanda and the region show, that the motivation for Western policy in Africa is not just interest in raw materials. It is also based in the devilish ideology of population control.

7. Those considerations show, that the often-disseminated theory, that events in Rwanda in 1994 were the result of one ethnic group having committed genocide against another ethnic group, is not based on the totality of facts. Therefore, it is highly questionable to consider members of the political elite of this first group to be guilty of having committed genocide because of their affiliation and government function. Such accusations become even more questionable in the case of André Ntagerura, who had been known for his pro-development commitment.

1. Anglo-American Neo-Colonial Desire

The Oct. 1, 1990 invasion of Rwanda from Uganda by troops calling themselves members of the Rwandan Patriotic Front (RPF), started a process of devastating regional wars,



U.S. Rep. Cynthia McKinney (D-Ga.) held hearings in April-May 2001 which clearly established the U.S. and British role in setting off the wars and mass killings which have slaughtered 5-8 million victims in Central and East Africa since 1991.

which has not stopped to this day. How was it possible that after the end of the Cold War in 1990, the world allowed this part of Africa to collapse to such depth of barbarism and suffering?

In April and May 2001, U.S. Congresswoman Cynthia McKinney [D-Ga.] sponsored hearings before the Subcommittee on International Operations and Human Rights Committee on International Relations, on the humanitarian crisis in Central Africa. In her opening statement, McKinney said: "The accounts we are about to hear today assist us in understanding just why Africa is in the state it is in today. You will hear that at the heart of Africa's suffering is the West's, and most notably the United States' desire to access Africa's diamonds, oil, natural gas, and other precious resources. You will hear that the West, and most notably the United States, has set in motion a policy of oppression, destabilization; and tempered, not by moral principle, but by a ruthless desire to enrich itself on Africa's fabulous wealth.

"While falsely pretending to be the friends and allies of many African countries, many Western nations, and, I'm ashamed to say, most notably the United States, have in reality betrayed those countries' trust, and instead, have relentlessly pursued their own selfish military and economic policies. Western countries have incited rebellion against stable African governments by encouraging and even arming opposition parties and rebel groups to begin armed insurrection. The Western nations have even actively participated in the assassination of duly elected and legitimate African heads of state, and replaced them with corrupted and malleable officials.

Western nations have even encouraged and been complicit in the unlawful invasion by African nations into neighboring countries."

2. The U.S. and British Governments

In the course of the power struggle in Rwanda after 1959, tens of thousands of Tutsi fled into exile to neighboring countries or overseas. By the middle of the 1980s, a Rwandan Tutsi diaspora was well established in the United States, Canada, Belgium, Uganda, Kenya, and other African countries. . . . In Uganda, the Rwanda Refugees Welfare Association (RRWA) was organized. It later became the Rwandan Alliance for National Unity (RANU). . . . Its seventh congress was held again in Kampala [Uganda] in December 1987, when the name was changed into Rwandese Patriotic Front (RPF).

A further consolidation of the RPF's strategy to mobilize the exile community for a return to Rwanda took place at the world congress of Rwandese refugees held in Washington in August 1988. This congress was organized by the Association of Banyarwandans in Diaspora in Washington, supported by the U.S. Committee of Refugees, a government-funded organization the executive director of which was Roger Winter. The Banyarwanda newsletter at the time thanked Winter for his "daily efforts and contacts on their behalf." Roger Winter became a committed lobbyist for . . . the RPF in Washington. He was among the RPF troops when they made their final move towards Kigali in the summer of 1994. . . .

The declared RPF intention to return to Rwanda by force should have prompted a strong counter-reaction from the U.S. government, because it clearly is a violation of international conventions. . . .

The RPF leadership drove its commitment to return to Rwanda, if need be by force, to its conclusion, and invaded Rwanda from Uganda on Oct. 1, 1990. The overwhelming majority of these well armed fighters were active members of the Uganda National Resistance Army (NRA). The military leaders of the RPF were all high-ranking officers in [Yoweri] Museveni's [Ugandan] army. So it would be fair to say, that on Oct. 1, 1990 the Ugandan Army invaded Rwanda, even if they called themselves "rebels". . . .

The invasion of Rwanda in October of 1990 took place while world attention was already focussed on the United States' build-up for the war against Iraq, which began in January of 1991. Iraq was punished because of its invasion of Kuwait in the Summer of 1990. But, for the Ugandan invasion of Rwanda, a different logic applied. That invasion was not only not criticized, but fully supported by the U.S. and British governments. . . .

It was, ironically, the Ugandan President himself, who admitted this support for the RPF. In an article for the Ugandan newspaper *The Monitor*, he wrote on May 30, 1999 that "Uganda decided on a two-course action. 1. To help the Rwandese Patriotic Front (RPF) materially so that they are not defeated. 2. To encourage the dialogue between President

Habyarimana and the Rwandese in the diaspora.” In the same article, Museveni recalls, how he had trained the RPF leader Fred Rwigyema as a young boy in Mozambique for guerrilla warfare, and how Rwigyema, then a major general, was among 4,000 men of Rwandan origin, who were part of Uganda’s new army.

Museveni then explained that in 1996 he gave Major General [Paul] Kagame, by then in power as Minister of Defense in Kigali, the idea to “recruit a force of about 1,200 soldiers from among the Masisi Tutsi, train them and make them part of the Rwanda Patriotic Army, in order to keep them as a stand-by force.” Kagame actually implemented the idea, and by August of 1996 had 2,000 of them ready for the invasion of Congo/Zaire which was the beginning of [Laurent] Kabila’s march to power.

The Ugandan President described in these articles, that he had followed the same *modus operandi* in preparing the invasion of Rwanda in 1990. Museveni had these several thousand men and high-ranking officers of Rwandese origin as a stand-by force for an attack on Rwanda, in his army, the Uganda National Resistance Army (NRA). When they attacked, they were called “Tutsi rebels” even though they were the Ugandan army. . . .

Sources report, that [Museveni] introduced the RPF leader, Paul Kagame to [Britain’s Minister of State for Foreign and Commonwealth Affairs Lynda Chalker]. After the RPF took power in Kigali in July of 1994, Lynda Chalker was the first high-ranking Western official to visit Kigali. She immediately set up an embassy in Kigali, which Britain did not have before. During her visits to the region, besides seeing Museveni in Kampala, she would always stop over in Kigali, where Paul Kagame would rearrange his schedule to meet with her. . . . Her relationship to the RPF leader, now President of Rwanda, is still close. . . .

5. The Failed Arusha Peace Negotiations

The U.S. and British governments’ attitude towards negotiations between the two war parties in Rwanda show the same questionable approach as their support for the war in 1990. The premise of these negotiations, which started under U.S. and French guidance in July of 1992, was to justify and legitimize the RPF’s invasion, after the fact. The RPF had engaged in warfare against an internationally recognized sovereign government, and yet they were accorded the same status as this government. . . .

The United Nations has admitted to their failure in Rwanda in 1993 and 1994. The real scandal though is the behavior of the governments in the UN Security Council, which were first of all responsible for UNAMIR’s [the UN Assistance Mission in Rwanda] weakness. Secondly, especially the American and British governments refused [to allow] any effective military reaction by the UN, to the consequences of the killing of President Habyarimana. Against the urgent request from the UN commanders in Kigali, the UN

Security Council decided to reduce rather than to increase the manpower for UNAMIR.

Thus, the explosion of violence against civilians and the mass killings which followed the death of the President, took their toll without limits. The U.S., British, French, and Belgian governments were fully aware of the carnage going on. Why did they not act? On April 21, [1994] the UN Security Council decided to withdraw UNAMIR, but one week later the same Security Council decided to increase Unprofor for the Balkans by more than 6,000 troops. Were the Western governments calculating to have the RPF take power first, and only then intervene?

Madsen: Aircraft Attack Triggered the Genocide

This introductory summary of the testimony of former U.S. Naval Intelligence officer Wayne Madsen, was prepared for submission to the Tribunal, and titled, “The 1994 RPF Attack on the Presidential Aircraft Directly Prompted the Conflagration of Rwanda.”

After six years of research on the April 6, 1994 shoot-down of the aircraft carrying Rwandan President Juvenal Habyarimana and [Burundian President] Cyprien Ntaryamira, I have concluded there are eight hypotheses on who and what interests were behind the aerial assassination. After countless hours of researching documents provided to me under the U.S. Freedom of Information Act, official documents provided to me, personal interviews with government and non-government officials, ranging from former UN Secretary General Boutros Boutros Ghali to UN investigators who investigated the aircraft attack in Rwanda and reached the same conclusions as myself, it is my belief that the Rwandan Patriotic Front led by Paul Kagame was responsible for the shooting down of the Presidential aircraft, and this blatant act of international terrorism directly resulted in the conflagration that followed.

I have detailed below eight hypotheses on the perpetrators of the attack. It is my belief that the first—that the RPF was responsible—is the most veracious. Although I do not believe that the United States was directly responsible for the attack (Point 6), the overwhelming military and political support rendered to the RPF and Kagame (beginning as early as 1990 under the administration of George H.W. Bush) and the supply by the United States, via Uganda, of advanced weapons, and training in their use . . . to the RPF prior to April 6, 1994, suggests that certain members of the U.S. intelligence and military communities played a direct role in aiding and abetting the RPF in planning the terrorist attack on the Rwandan Mystere Falcon on April 6, 1994.