



The International Centre for
Peace and Conflict Reconciliation
Initiative for Africa
(ICPCRIA)

Le Centre International pour les
Initiatives de Paix et de
Résolution des Conflits en Afrique
(ICPCRIA)

THE RWANDA CATASTROPHE:

Its Actual
Root-Cause
and
Remedies to
Pre-Empt a Similar
Situation in Rwanda ,

A
MEMORANDUM

Submitted to:

H.E. DR. BOUTROS BOUTROS - GHALI
SECRETARY-GENERAL
THE UNITED NATIONS ORGANIZATION
NEW YORK

H.E. DR. SALIM A. SALIM
SECRETARY-GENERAL T
HE ORGANIZATION OF AFRICAN UNITY
ADDIS ABABA

H.E. CHIEF EMEKA ANYAOKU
SECRETARY-GENERAL
THE COM MONWEALTH SECRETARIAT
LONDON

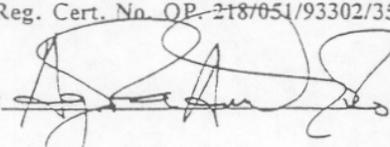
AND

Other World Leaders:
HEADS OF STATE

And HEADS OF INTERNATIONAL NON-GOVERNMENTAL
ORGANIZATIONS WITH INTEREST IN PEACE AND HUMAN RIGHTS FOR
NATIONAL RECONCILIATION AND RECOVERY IN RWANDA

BY

The International Centre for Peace and Conflict Reconciliation Initiative for Africa (ICPCRIA),
P.O. Box 47288, Tel. Nos.565366, Fax No. 214127, Nairobi.

Kenya. Reg. Cert. No. ~~OP~~ 2187051/93302/352. 214127
Signature  Date 25th March, 1995

Prof. Agola Auma-Osolo
PRESIDENT/ICPCRIA

TABLE OF CONTENTS

PREAMBLE	PAGE
CHAPTER ONE: PURPOSE AND METHODOLOGY OF THE MEMORANDUM.....	6
I. PURPOSE	6
II. METHODOLOGY.....	6
CHAPTER TWO: IS THE RWANDA CATASTROPHE ALSO GENOCIDE?.....	8
I. GENOCIDE DEFINED	8
(a) First Degree Genocide.....	8
(b) Second Degree Genocide	9
II. CONDITIONS UNDER WHICH GENOCIDE MAY OR MAY NOT BE A CRIME.....	10
III. THE RWANDA CASE.....	10
1. Actual Immediate Events Leading to the 1994 Catastrophe	10
2. Who Was the Real Victim in the Rwanda Mutual Genocide?.....	14
3. If so, then what should Africa and World Community as a whole. do to pre-empt similar situations in future?.....	15
CHAPTER THREE: WORLD COMMUNITY'S RESPONSIBILITY.....	18
I. Its Inherent Responsibility Since the Time of Our Forebears:.....	18
1. Briand -Kellogg Peace Pact of 1928:.....	18
2. Declaration of Genocide-as a World Crime	19
3. The London and Nuremberg Trials (1945 -1949).....	19
II. Its Expected Responsibility with Respect to the Rwanda Catastrophe	20
III. What action should the World Community take regarding the Rwanda Mutual Genocide for National Reconciliation and Recovery?	24
1. According to the New RPF Government in Kigali:	24
2. The ICPCRIA's View.....	24
(A) RWANDA HISTORY	26
(B) PSYCHIATRY ON RWANDA PEOPLES:	30
(C) UN NOBLE EFFORTS:	32
(D) OAU NOBLE EFFORTS	34
(E) POST-GENOCIDE EVENTS:	36
(F) IS THE RWANDA MUTUAL GENOCIDE A CRIME OR A REPRISAL?.....	36
(G) SLMTLARITTES AND DISSIMILARITIES BETWEEN NAZI GERMANY GENOCIDE AND RWANDA GENOCIDE	43
(a) NAZI GERMANY GENOCIDE	44
(b) RWANDA GENOCIDE	44
(c) A COMPARATIVE ANALYSIS BETWEEN RWANDA GENOCIDE AND NAZI GERMANY GENOCIDE	46
(H) THE RWANDA GENOCIDE VERDICT.....	48
CHAPTER FOUR: SUMMARY OF ICPCRIA'S FINDINGS AND SPECIFIC AJOR FACTORS LEADING TO 1994 MUTUAL GENOCIDE	50
I. SUMMARY:.....	50
II. SPECIFIC MAJOR FACTORS LEADING TO APRIL 1994 MUTUAL GENOCIDE	54
CHAPTER FIVE: ICPCRIA'S RECOMMENDATIONS FOR SOLUTIONS AND REMEDIES TO AVERT AND PREVENT A SIMILAR SITUATION IN RWANDA	61
I. DURING PRE-INDEPENDENCE:	61
1st Option.....	61
2nd Option	62
II. DURING POST MUTUAL GENOCIDE	62

PREAMBLE

WHEREAS it is self - evident that the recent Rwanda Catastrophe is the worst and most flabbergasting experience Africa and the entire World Community have ever witnessed in our history of civil wars;

AND WHEREAS in the first horrifying experience of the Congolese Civil War of 1960 61, Africa had suffered dreadfully with a loss of immense number of innocent lives including the lives of two Prominent World Leaders namely Prime Minister Patrice Lumumba of the Republic of Congo (now Zaire) on 17th January, 1961 and H.E. Secretary - General Dag Hammarskjold of the United Nations Organization on 17th September, 1961 while the latter was on his official UN Peace Mission in Africa seeking a solution to the Congolese Civil War;

NOTHING THAT in spite of all these painful horrors of the Congolese Civil War, Africa has never been allowed to enjoy any sustainable comfortable peace due to the continued scourge of recurrent civil strifes not only in Rwanda but also in Burundi, Angola, Liberia, Somalia, Sudan, Ethiopia, Eriteria, Uganda, Algeria, etc.;

AND FURTHER NOTING THAT many other African countries may soon also be faced with similar potential threats of Civil War.

1. **WE ARE EXTREMELY CONCERNED** about the new developments in Rwanda such as: -

- (a) Continued massacres of refugee returnees particularly those of the Hutu tribe by the Tutsis using their Rwanda Patriotic Army of the Tutsi dominated Rwanda Patriotic Front (RPF) as a reprisal against the recent Tutsi massacres thereby forcing surviving Hutu returnees to flee back en-mass to refugee camps (as also confirmed by the UNHCR, the Human Rights Watch reports, and the Amnesty International reports on the CNN, 20 October, 1994 and also by Reuter in the Daily Nation, Nairobi, 21 October, 1994,
- (b) Hasty demands by the new Tutsi dominated RPF Government in Kigali for an immediate formation of an International Tribunal to try and punish suspects of the Rwanda genocide who happen to be all Hutus, without due regard to Hutu consequential reprisals which could lead to the second chapter of Rwanda Holocaust,
- (c) Continued refusal by the RPF Government Leaders to accept a Reconciliation Offer by the Hutu - dominated former Government Authorities arguing that the latter are criminals of the 1994 Rwanda Holocaust,
- (d) Refusal by the Hutu refugees in the camps totaling approximately 5 million people (4.5 million in Zaire and 0.5 million in Tanzania) to return to their homes of domicile in Rwanda or participate in the new RPF

Government unless and until the latter first accepts this Reconciliation Offer,

- (e) Pressure by the new RPF Government in Kigali on the United Nations Assistance Mission in Rwanda (UNAMIR) to immediately close down all refugee camps in order to psychologically compel the refugees to return to their habitual homes of domicile in Rwanda, and
- (f) Possibility of the Former Hutu-dominated Government Authorities now in exile with their militias to opt for another civil war with the RPF Government Authorities as recently threatened by its Military Commander (General Bizimungu) in Goma on 11th September, 1994 in the event: -
 - (i) That their Reconciliatory Offer is completely refused or delayed by the RPF Government,
 - (ii) And That UNAMIR bows down to the RPF pressure and tries to close down the camps and cut off relief aid in order to force the refugees to return to their homes in Rwanda against their own free will and the wishes of the Former Government Authorities now in exile. (Associated Press, Goma, Daily Nation, Nairobi, September 12, 1994, P. 10).

2. AND THEREFORE BELIEVE:

- (a) THAT the situation in Rwanda between the present Tutsi - dominated RPF Government and the former Hutu - dominated Government members is still very volatile and could explode at any time unless certain remedial measures are promptly taken to avert or prevent the explosion;
- (b) THAT ICPCRIA's diagnosis of this situation and remedial measures thereof contained in this MEMORANDUM may constitute a viable solution to the said problem.
- (c) AND THAT all World Leaders and Peace-Makers alike have inherent powers and duty to save Humanity and civilization in Rwanda from this possible self-annihilation;
- (d) AND ALSO THAT in view of the nature, dimension and possible consequences of this imminent danger in Rwanda which could be similar or worse than the recent Catastrophe,
 - (i) NO MORE should this inherent International Responsibility over this situation in Rwanda be misconstrued as being a responsibility essentially within the domestic jurisdiction of the new RPF Government in Kigali, and
 - (ii) OUR FAILURE to recognize and use this reality in good time may trigger a new chapter of civil war and similar Catastrophe between the two traditional arch-enemies.

CHAPTER ONE

PURPOSE AND METHODOLOGY OF THE MEMORANDUM

I. PURPOSE

In view of these serious concerns indicated in our Preamble above, the Purpose of this MEMORANDUM is:

1. To Diagnose the Rwanda Catastrophe with a view to finding out ITS ACTUAL ROOT-CAUSE; to prove whether or not it also fits the conventional definition and meaning of "Genocide"; to further prove whether or not this holocaust also qualifies the conventional description of Genocide as a "CRIME" or a "REPRISAL"; and most important of all, to recommend to The World Community a possible amicable solution and remedies for such situations in Africa and elsewhere as per our purpose No.3 (below).
2. To Apprise and Alert the World Community and its Leaders of the intensity and extent of the potential danger of the Rwanda Catastrophe Question and of any abrupt attempt to return the Refugees back to their homes of domicile in Rwanda:
 - (a) Before proper Security, Resettlement and Rehabilitation Arrangements have been finalized and assured; and
 - (b) Before the Former and Present Regimes have mutually agreed to reconcile and jointly work together in their national Reconstruction and Recovery.
3. And to Offer to the World Community and its Leaders:
 - (a) Findings of our diagnosis of the problem; and
 - (b) Possible solution(s) to facilitate this mutual reconciliation which is now extremely essential for National Reconstruction and Recovery in Rwanda.

II. METHODOLOGY

- I. A priori, we will first and foremost try to find out whether the 1994 Rwanda Catastrophe was a Genocide as it has been and is still being presented by the media. If so, we will then have to show the reasons why "Genocide" is a crime under International Law so that Genocide may be properly understood and not repeated in Africa or elsewhere. To do this, we will define Genocide as a concept in its simplest terms possible so that even lay persons may also be able to properly understand and appreciate the immense horrors inherent in Genocide which psychologically forced our Forebears to declare it a "crime" against humanity.

2. A posteriori, we will diagnose the Rwanda Catastrophe to show clearly whether or not it also fits into the definition of Genocide; and if so, the reasons why it took place at all, and what should, therefore, be done with respect to those who actually spearheaded it. In this regard, we will use the data collected from inside and outside Rwanda particularly from the members of the two mutually antagonistic parties to the conflict (viz: the Hutus and the Tutsis), relief agencies and neighbouring countries (as primary source). We will also use available literature on Rwanda (as a secondary source).

CHAPTER TWO

IS THE RWANDA CATASTROPHE ALSO GENOCIDE?

Before we answer this fundamental question, and in order to do so effectively, let us, first of all, examine the actual meaning or definition of "Genocide" as a concept sui-generis; and then establish, by comparing its meaning and the Rwanda Catastrophe, whether the two are similar; and if so, how and why.

I. GENOCIDE DEFINED

1. The concept "Genocide," is a compound of two words from a Greek word "genos" which means race or tribe; and a Latin word "caedere" which means killing. (The World Book Encyclopedia, Vol. 8, 1973, pp.88-89).
2. Accordingly, Genocide is:
 - (a) a wholesale killing of a people physically because of their distinctly different race, tribe, religion or political ideology or party by another people of distinctly different race, tribe, religion or political ideology or party; and
 - (b) also a situation whereby a people are not necessarily killed physically but killed morally. In this PSYCHOLOGICAL category of Genocide, people are completely silenced politically, religiously or economically as in the case of the former apartheid policy in South Africa whereby all Africans in South Africa had been systematically reduced to half human - beings by the minority white regime because of their Black race which is distinctly different from that of their oppressors (i.e., the white race). The blacks were deliberately denied of their God-given human and civil rights by that regime. (See, for example, International Encyclopedia of Social Sciences for this explication/delineation)
3. Categories of Genocide:
In the Final analysis, there are two specific categories of Genocide: First Degree Genocide and Second Degree Genocide illustrated as follows:
 - (a) **First Degree Genocide** is whereby the ulterior motive of the mass killer is to completely wipe out those who must be exterminated. Explicit examples of this type of Genocide are:
 - (i) The Turkish persecution of Armenians during World War I;

- (ii) The persecution of 4-6 million Jews by the Nazi Germans during World War II whereby these Jews were considered a menace to the purity of the German Aryan race and consequently herded into gas chambers where they were all suffocated to death; and
 - (iii) The annihilation of hundreds of thousands of Japanese residents in Hiroshima and Nagasaki cities by atomic bomb of the Allied powers during World War II.
- (b) **Second Degree Genocide** is different from First Degree Genocide in that:
- (i) Whereas First Degree Genocide refers to the physical killing, Second Degree Genocide is specifically restricted to suppression (psychological killing) of a people by reducing them to half human being status.
 - (ii) In this case, a trauma of false image is mechanically planted into their psyche thereby forcing the victim to believe in myths of inferiority complex. For example, the victim may be forced to believe that God created them less human beings than those who are suppressing them; and that for this reason, they are expected by God to understand and accept the fact that they are inferior to their oppressor. Further, they may be led to believe that their oppressor are the most favoured creatures of God whose deeds must not be questioned no matter how evil the deeds may be.
 - (iii) Any attempt by the victim to question the oppressor may result in arrests, detention or death of the questioner.
 - (iv) The oppressed are naturally forbidden to seek participation rights in voting and other electoral processes, holding a public office, freedom of worship in accordance with the faith of their religion, or to seek jobs, education and medical care on equal footing with their oppressors.
 - (v) In short, the victims are graded as second class human beings without genuine human and civil rights.
 - (vi) Second Degree Genocide is well explained by the apartheid policy of the former minority white regime in South Africa whose intention was to psychologically kill the entire Black race in that country by forbidding them from participation in all political and socio-economic processes and benefits of their Country on equal footing with the minority white race.
 - (vii) Other cases befitting Second Degree Genocide are the Jewish case in Russia in the 1880s whereby the intention of the Russian regime of that time was to exterminate Judaism in Russia; the Black American case in the USA before the Blacks were granted the rights to vote by the First Amendment of the Constitution; and the conduct of Portuguese colonial policy in Angola and Mozambique

against the Human rights of majority Africans in those two Portuguese colonies.

II. CONDITIONS UNDER WHICH GENOCIDE MAY OR MAY NOT BE A CRIME

Like murder which may be deemed a crime or not a crime, all depending on the circumstances surrounding the act, not all cases of genocide may be deemed a crime. Thus, like murder which may qualify as a crime only if the act was carried out with "malice aforethought" by the actor, a case of genocide may qualify as a crime only if it was carried out with deliberate intent. Therefore, like murder which may not be deemed a crime if it was carried out solely for the purpose of self-defence or reprisal by the actor as in the example of the CAROLINA CASE of 1837, so may a genocide case also not be deemed a crime if it was carried out solely for the purpose of self-defence or reprisal by the actor as in the example of the Hiroshima and Nagasaki Atomic Bomb cases of 1945.

In the final analysis, and as will be noted in various views and conclusions of other distinguished experts of International Law, the most significant operational factor which must be present or exist in a genocide case in order for that case to qualify and be deemed as a crime is a DELIBERATE INTENT of/by the actor. In addition, there must also be SUFFICIENT PROOF confirming that this INTENT had existed BEFORE in the form of a policy, programme, arrangement, and the like by the actor IN ADVANCE (or before) the actor carried out the act. (See, for example, the writings of the following other most Distinguished Authorities, e.g., Prof. L. Oppenheim, Prof. Hans Kelsen, Prof. G. Schwarzenberger, Prof. W. Bishop, Prof. H. Lauterpacht, Prof. James L. Brierly, et. al. particularly, Prof. Oppenheim's International Law- A Treatise, Vol. I, 8th Ed., edited by Lauterpacht, Longman, London, 1974, at pp. 749-751).

III. THE RWANDA CASE

But, given the definition of "Genocide" above, is the Rwanda Catastrophe also Genocide? If so, of what category is it? Is it a crime or not? If so, why? In all, how did it occur at all? and why?

Before we answer these fundamental questions, let us also, first of all, examine the actual immediate events that preceded the Catastrophe in question in order to properly establish its nature and category; and most important of all, the reasons why it is a crime or not a crime.

1. Actual Immediate Events Leading to the 1994 Catastrophe

- (a) Ever since the Rwandan Civil War of 1959 during which most Tutsi population in Rwanda fled into the neighbouring countries as refugees, their fate in those foreign countries and their recurrent guerilla warfare

never allowed Rwanda to live in a sustained peace. The Tutsi refugee excuse for their guerrilla warfare was that they wanted the Rwanda Government of President Juvenal Habyarimana to facilitate their repatriation back to their habitual homes of domicile in Rwanda.

- (b) Accordingly, in July-August, 1990, a TRIPARTITE ACCORD was concluded between the two Foreign Ministers of Rwanda, Uganda and the UNHCR Representatives in Kigali mandating the latter (UNHCR) to work out a programme of Action for their Repatriation to Rwanda.
- (c) Contrary to the Spirit of this Accord,
 - (i) RENEWED MILLITARY INVASIONS of Rwanda started on a large scale by Tutsi refugees organized and led by the RPF and its trained militia called "INKOTANYI", from Uganda effective 1st October, 1990 resulting into OCCUPATION of part of Bvumba and Ruhengeri in Northern Rwanda; DISPLACEMENT of Hutu residents in Bvumba; ACUTE TUTSI-PHOBIA among the Hutus throughout Rwanda; and an EXODUS of Hutu refugees to Kigali and other regions of Rwanda seeking security.
 - (ii) And (according to our source), RPF Leadership in Uganda began sending, on numerous occasions, both oral and written death threat messages to the Rwanda Armed Forces commanders on the battle-fields that RPF real civil war aim was not to fight the said Army but first and foremost to physically eliminate President Habyarimana!
- (d) These new injurious developments in and from Uganda against Rwanda and the Habyarimana Coalition Government in particular infuriated President Habyarimana to the extent that he termed President Yoweri Museveni a DOUBLE-DEALER because of his collaboration with the Tutsi refugees to destabilize the Rwanda Government while frantically promising his Rwandese counterpart that he (President Museveni) would not allow the Tutsi refugees and the RPF army to use Uganda soil to do so.
- (e) He, therefore, vehemently accused President Museveni at the 1991 ABUJA SUMMIT of the OAU for the same reason.
- (f) In August, 1993, the OAU Arusha Peace Accord on the Rwanda Security Question was signed by the OAU, the Rwanda Government and the RPF Authorities ready for Implementation Exercise.
- (g) As a first stage of the Implementation of this Accord, RPF officials with their 600 military officers of the Rwanda Patriotic Army (RPA) were allowed to enter Kigali by the Habyarimana Government and to occupy Parliament Buildings in Kacyiru in preparation of this Exercise.
- (h) RPF decided to exploit their presence in Kigali contrary to this new spirit

- (i) To secretly influence and dictate upon who should be appointed or selected from each political party to the Cabinet and other key offices of the proposed Broad-Based National Government thereby precipitating ANGER within various parties including President Habyarimana and his party; and DELAYS and EVENTUAL FAILURE in the implementation of the Arusha Peace Accord.
 - (ii) To secretly begin training more militias in order to expand their night guerilla warfare forces called INKOTANYI and to deploy the latter with relevant military weapons in various rural areas of Rwanda.
 - (iii) To secretly dig TRENCHES throughout Rwanda which they apparently wanted to use during the civil war as their fighting hide-outs and later as mass graves for murdered Hutus. When asked by Hutus in villages what these trenches were for, they cleverly replied that they were "LATRINES".
 - (iv) And, to secretly also dig CACHES in various spots in the country for hiding their weapons in preparation of the war.
- (i) In addition to these new signs/symptoms of explicit potential danger to peace and security in Rwanda, Rwanda Armed Forces field commanders continued to receive written and oral death threat messages from the RPF leadership against the President's life.
 - (j) In the wake of these new Tutsi hostile developments, President Melchoir Ndadave of Burundi was brutally murdered in cold-blood in October, 1993 in the military barracks by the Tutsi military officers at 10.00 a.m after having been forced by these officers to see and confirm for himself that the following KEY MEMBERS of his Cabinet had already been killed by the same Tutsi military officers:
 - (i) Hon. Pontien Karibwami (a Hutu) Speaker of the National Assembly.
 - (ii) Hon. Juvenal Ndayikeza (a Hutu), Minister for Home Affairs;
 - (iii) Hon. Gilles Bimazubute (a Tutsi) Deputy Speaker of the National Assembly (critical of Tutsi anti-Democratic Ideals).
 - (iv) Mr Richard Ndikubwami (a Hutu), General Administrator of the National Documentation and Immigration.
 - (v) Mrs Eusebie Ntibantunganya (a Hutu), Wife of the Minister for Foreign Affairs and International Co-operation (killed with her, infant in lieu of her husband who had fled into the hiding).
 - (k) Mounting Acute Tutsiphobia in Burundi was rife among the Hutu Community causing an EXODUS of Hutu Refugees into Rwanda and a massive SPILL-OVER of Hutu Acute TUTSI-PHOBIA throughout Rwanda arising from the October 1993 assassinations of Hutu Leaders.
 - (l) As a result of these threatening developments in Burundi, pent up tensions in Rwanda boiled over and rapidly soured between the Hutu and the Tutsi Communities leading the Hutus to BEGIN TO SEE THE

NEED FOR THEM TO ALSO start training their own youth-wingers as militias so as to counter this imminent threat of Tutsi militias who had already been trained and geared up for Hutu-Tutsi confrontation.

- (m) In February, 1994, the following Hutu leaders in the Habyarimana Government were also murdered by the RPF agents while President Habyarimana was preparing to go to Dar-es-Salaam in April 1994 for final touches to the arrangements for the implementation of the Arusha Peace Accord: -
 - (i) Hon. Felicien GATABAZI, Minister of Public Works, Water and Energy (and also Secretary-General of the Social Democratic Party (PSD)
 - (ii) Hon. Martin BUCYANA, Chairman of Coalition pour la Defense de la Republique (CDR) (Coalition for Defense of the Republic)
- (n) Shortly after this deplorable horrible killing of these two Hutu Leaders, and a few days before President Habyarimana was killed,
 - (i) RPF Leaders from all over the world, held a meeting in BOBO-DIOULASSO, Burkina Faso, during which these leaders declared that first and foremost President Habyarimana must be done away with at all costs.
 - (ii) On 3rd April, 1994 while at one of his up-country holiday resorts in the northern Rwanda, the President received an explicit threat from MAJOR-GENERAL PAUL KAGAME (through a reliable source) stating that the Major-General would resort to every possible and imaginable means to physically eliminate him (the President); and that he (Major-General Kagame) must become "King of Rwanda"
- (o) And, by 6th April, 1994, PRESIDENT HABYARIMANA WAS ASSASSINATED AT 5.00 P.M.! What a pity! The President was murdered together with his Burundi counterpart, President Cyprien Ntaryamira, and all Burundian Cabinet Ministers who had accompanied their Burundian President to Dar-es-Salaam for the Implementation of the Arusha Peace ACCORD barely two months after the assassinations of two other Hutu leaders in February, 1994 and EXACTLY THREE, (3) DAYS after President Habyarimana had personally received a DEATH THREAT from Major-Genera Kagame! (N.B. All Rwandese Ministers on this Trip had remained in Dar-es Salaam).
- (p) The killing of the two Hutu Presidents (Habyarimana and Ntaryamira) and other Hutu leaders aboard the same plane automatically set Kigali Capital and all parts of Rwanda on fire! Every Hutu became automatically affected by HYPER TUTSIPHOBIA and TEMPORARY INSANITY! driving them into a gigantic HEAD-ON-COLLISION with every Tutsi in sight now perceived as the true arch-enemy and vice versa!

- (q) Because of this mutual blood-letting, a clash between the two became inevitable and totally unpreventable thereby resulting into over one million dead.

2. Rwanda Catastrophe as First Degree Mutual Genocide.

In view of these facts, we therefore, confirm with a high degree of confidence:

- (a) THAT our definition of Genocide shown above befits very well the description of the Catastrophe in Rwanda;
- (b) THAT the Rwanda Catastrophe is also not only Genocide but FIRST DEGREE MUTUAL GENOCIDE! ;
- (c) AND THAT it is mutual genocide in that both Hutus and Tutsis killed each other on the basis their ethnic and political party affiliation.

3. Who Was the Real Victim in the Rwanda Mutual Genocide?

According to the Press and other sources of reports to date, the real victims were the Tutsis. In this case, it is alleged that 500,000 to 1,200,000 Rwandese killed were Tutsis. Yet, the following facts counter this allegation:

- (a) According to the 1991 Rwanda Census before the time of the Catastrophe in April-july 1994, Rwanda had a total population of approximately 7,500,000. The Hutus were 6,877,500 (or 91.7%); Tutsis were only 615,000 (or 8.2%); and the remaining 7,500 (or 0.1%) were the Twas. Also, according to the history of Rwanda, most Tutsis were still residing outside Rwanda as refugees since the 1959 ethnic clashes between Tutsis and Hutus. Further, according to our investigation of the events preceding the 1994 Mutual Genocide, we are satisfied beyond any reasonable doubt that unlike the Habyarimana Coalition Government and its Hutu supporters on the one hand, the RPF and its Tutsi and other supporters on the other had a PRIOR DELIBERATE INTENT and had made GOOD PREPARATIONS to topple the Habyarimana Coalition Government and exterminate both its leaders and those of the Hutu community, President Habyarimana's primary source of support. Therefore, it is logical that the Tutsis had MORE REASON TO KILL and a superior killing capacity than the Hutus had.
- (b) Again, if the total number of people who were killed this way is estimated at over one million, it is not logical that a million Tutsis could have been killed by Hutus during this Catastrophe since the 1991 Rwanda Census shows that only 615,000 Tutsis were living in Rwanda. Also;- we doubt that most of these 615,000 Tutsis could have dared to remain in Rwanda after their RPF and INKOTANYI militia had intensified Hutu-Tutsi bitterness with the recurrent RPF military invasions of Rwanda from Uganda since 1st October, 1990. For this reason, it is our view that most Tutsis

must have fled the Country before the Genocide due to these newly intensified acts of Inter-Ethnic Hostility. Therefore, it is equally logical that most of the Tutsis were no longer in Rwanda during the Holocaust!

- (c) But, given as it is already known by the World Community from the Mass Media that most of those who were deliberately killed were Tutsis, one must, therefore, ask how and when most Tutsis could have returned home en masse to the tune of 1,000,000 and above with the background of intensified inter-ethnic hostility from 1st October, 1990. We seriously doubt the validity of this possibility!
- (d) Further, it is self-explanatory according to the following facts, that President Habyarimana and his Coalition Government had any prior, deliberate intent, plan, programme or policy to exterminate Tutsis as a tribe in Rwanda; and given his powers in the Government as Commander-in-Chief of the Rwanda Armed Forces, he could have definitely done this quite easily a long time ago, before his death most especially when the RPF-INKOTANYI stepped up their military invasions and other forms of aggression against his Government from October, 1990. Since President Habyarimana and his Coalition Government did not act with all the machinery at his disposal before his death, this confirms our view and belief that his Coalition Government did not have any prior deliberate plan or intent to exterminate Tutsis in Rwanda; and that on the contrary, it was the Tutsis who had a prior deliberate plan to exterminate Hutus.
- (e) But the total casualty of the Mutual Genocide is estimated at over 1,200,000. THEREFORE, it is self-explanatory that the HUTUS must have been the REAL victims of the Catastrophe with a total casualty of over 1,000,000. The number of Tutsis dead must have not exceeded 200,000!

4 If so, then what should Africa and World Community as a whole. do to pre-empt similar situations in future?

Before we embark on this fundamental question, let us first examine these other crucial questions:

- (a) Given, as we had already proven above that Genocide may also be a crime, all depending on the circumstances surrounding it, what has been the World Community's position about it as a crime?
- (b) And what is the World Community's present stand on the same?
- (c) Either way, was the Rwanda Mutual Genocide deliberate, accidental, in self-defence, retortion, reprisals, or intervention?
- (d) But if it was as a result of self-defence, retortion, reprisal or intervention, the important questions that we must also ask are where did these militias come from? What were they for ? If Rwanda had her own Army, what was the logic for this Militia? Was it cost-effective to keep them? In other words, was it for Tutsi genocide or deterrence?

- (e) Why did the Rwanda Patriotic Front (RPF), as solely an opposition party, also keep an army (Rwanda Patriotic Army) of its own?
- (f) In recent press reports, e.g., in the Daily Nation of December 3, 1994, Nairobi, Reuter quotes the head of the UN Three-Member Commission on Rwanda, Mr Atsu-Koffi Amega, as having announced that the "murdered President Juvenal Habyarimana and his entourage were behind the Genocide" and that "Mr Amega has ... the evidence" to confirm this allegation. (p. 8). And in the main text of the said Report, it is alleged that some of this evidence includes, for example, hurried measures taken by his entourage to constitute a new government in Kigali hardly one day after his assassination; the setting up road blocks all over the country; etc!
- (g) In such circumstances, it is, therefore, questionable:
 - (i) whether or not the President was really sane; and if sane at all,
 - (ii) how any-sane leader of a long international standing such as the late President Habyarimana could have possibly planned his own death in order to spark off mass Tutsi genocide; and of most critical concern,
 - (iii) who then must have collaborated with President Habyarimana to shoot down the plane which was carrying; the two Presidents from Dar-es-Salaam.
- (h) In other words,
 - (i) Who then must have fired the rocket at the plane?
 - (ii) Was it the same President? his Army? his bodyguards? or who?
 - (iii) Was he so crazy that he had to commit suicide in order to trigger the Tutsi genocide? In other words, was President Habyarimana a suicide killer terrorist?
 - (iv) Are we really doing justice to the deceased?
 - (v) And, in such an emergency situation, what would have been the most logical and rational cause of action to take other than rebudding the Government machinery and putting into place requisite security measures (logistics) commensurate with the existing situation? We find actions taken by the Government of the time sound and proper free of any premeditated ill motive(s).
- (i) But, given the fact that the plane in question was shot down with a Soviet-made SAM-7 missile which could not be easily manipulated by any officer from the Rwandese Army which lacked the necessary skills for such sophisticated weapons; and given the fact that it was only the RPF and the UNAMIR Belgian soldiers who had such skills to the extent that RPF had used it to down several Rwandese Army Helicopters during their civil war effective October, 1990; and further also given that the same plane was carrying the Rwandese Chief-of-Staff, General DEOGRATIUS NSABIMANA, who was so much loved and

adored by the entire Armed Forces that no office(within the Army could have dared or afforded to kill him too by shooting down the plane, WE THEREFORE, STRONGLY OBJECT AND DEPLORE WITH A HIGH DEGREE OF CONFIDENCE ASSUMPTIONS OR ALLEGATIONS OF SUCH CHARACTER THAT DO OR WOULD PURPORT TO IMPLICATE EITHER THE PRESIDENT OR THE RWANDA ARMY IN THE INCIDENT!

- (j) SIMILARLY, if President Habyarimana together with his Coalition Government and majority Hutu supporters had any pr for intentional or deliberate intent to exterminate the RPF and its Minority Tutsi supporters in Rwanda: and in view of the fact that the President was Commander-in-Chief of all the Armed Forces of the Republic of Rwanda.
 - (i) Why did he not exploit his unique POWERS to exterminate the Tutsi Community especially those approximately 600,000 Tutsis who remained in Rwanda after, their 1959 Inter-Ethnic War in which most of them fled Rwanda to the neighbouring countries as refugees?
 - (ii) Did he have td wait until 1994 to do so and only by using his own life as a means? Is that logical?
 - (iii) We, therefore, find such allegations totally spurious, unfair and hard to believe. Accordingly, we categorically refute them in their entirety.
- (k) IN A NUTSHELL, Mr Amega and all other persons with such views probably have valuable information on who actually shot down the plane. And for this reason, they are duty bound to inform the World Community of this most valuable GEM that all Applied Peace Researchers and World Peace Makers alike are now anxiously seeking in order to know the actual root-cause of 1994 Genocide in Rwanda and most particularly the deaths of both President Habyarimana and President Cyprien Ntaryamira of Burundi and all others on board.
- (l) At this juncture, let us now examine WHAT Africa and the World Community as a whole should do now in order to deter and contain similar situations in future (see our Findings in Chapter Three).

CHAPTER THREE

WORLD COMMUNITY'S RESPONSIBILITY.

I. Its Inherent Responsibility Since the Time of Our Forebears:

The World Community's responsibility as a Custodian of Peace and Security through Law and Order as the most rational means, is neither a new idea nor limited to a class of individuals, countries, race, creed or gender. It is totally spatio temporal free as it is also inherent in Mosaic Laws (The Ten Commandments), in all religious faiths and in the purpose and rationale for the formation of all ancient kingdoms and empires such as the Greek City-States and the Roman Empire. Also, it was the same concept which attracted wisemen of the time such as Socrates to try to understand it better as so witnessed by Plato's REPUBLIC; Hugo de Groot (Hugo Grodus), now widely recognized as the Father of International Law, to try to codify it into its possibly conceivable constituent parts as so witnessed by his celebrated masterpiece, DE JURE BELLI AC PACIS LIBRE TRES (1632); and both Thomas Hobbes and Jean Jacques Rousseau to recommend in their respective writings such as Hobbes' LEVIATHAN (1651) as to how best this responsibility may be nurtured and effected by our Forebears of the time for the good of their _ Generation and future Generations through a COMMONWEALTH, PACTA SUNT SER V AND A and RE-EDUCATON OF SOCIETY. (See also Agola Auma-Osolo, "Rationality and Foreign Policy Process", THE YEAR BOOK OF WORLD AFFAIRS 1977, London Institute of World Affairs, 1977, p.260; and CAUSE-EFFECTS OF MODERN AFRICAN NATIONALISM ON THE WORLD MARKET, University Press of America, 1983, Chapter II). In this spirit, the following is the most recent prima facie proof of our Forebears' continuous efforts as our LORD PROTECTOR with particular reference to their efforts against genocide:

1. Briand -Kellogg Peace Pact of 1928:

- (a) Genocide has been one of the most disturbing problems faced by the World Community as far back as the time of our Forebears.
- (b) It has also been one of the major root-causes of civil strife between states whenever a foreign country felt sympathetic to a people who were being suppressed in their own country and decided to intervene in their rescue.
- (c) Consequently, during the days of the League of Nations, the latter's Founding Fathers decided to condemn and outlaw war as a means of settling disputes. In order to effectively do so, they resolved to initiate and institutionalize certain new measures against war and cases of, genocide, massacres and assassinations.
- (d) In 1927, they (our Forebears) met in Paris and accordingly launched the Briand - Kellogg Peace Pact in 1928 outlawing use of force as a means of settling disputes at both national and international levels (J.L. Brierly, The Law of Nations. Oxford University Press, 1963, p.409).

- (e) The use of force was, however, only allowed for self-defence and for all other legitimate categories of self-defence which are retaliation, reprisals and intervention.
- (f) Either way, such means was required to be used with utmost prudence and care on condition that one would be required to submit a report to the League of Nations reasons why force had to be used at all. (Brierly, pp.407-408).

2. Declaration of Genocide-as a World Crime

- (a) In order to strengthen the Spirit of the Briand - Kellogg Pact against future use of force as a means of settling disputes at both national and international levels:
 - (i) The United Nations instituted additional measures to further prevent future atrocities similar to those of the Russian persecution of the Jews in Russia in the late 1880s, the Turkish persecution of Armenians in World War I and the Nazi German persecution of the 4-6 million Jews in World War II.
 - (ii) And in 1948, it drew up an International Convention declaring, genocide with a proven prima facie evidence of a crime, a World "Crime" (L. Oppenheim, International Law: A Treatise, Edited by H. Lauterpacht, Longman, 1974 p.750)
- (b) Hence, the legitimacy of the London and Nuremberg Trials (detailed in Paragraph (3) below):

3. The London and Nuremberg Trials (1945 -1949)

- (a) Its Genesis and Purpose:
 - (i) Even before the UN declared Genocide a crime in 1948, the Allied Forces (Powers) in World War II consisting of USA, Britain, France and the Soviet Union, who later became The Founding Fathers of the United Nations Organization in 1945, had already met in London in August of 1945 to try the Nazi German officials for the crimes of genocide committed against the Jews, soldiers of Allied Forces, and also for murder, looting, enslavement and waging war of conquest in violation of the Briand-Kellogg Peace Accord.
 - (ii) By 16 October, 1946, the International Tribunal handling the Trials had already convicted and executed or imprisoned all those found guilty. After these Trials, other Trials also followed later in the city of Nuremberg in Germany; and lasted from 1946 to 1949.
- (b) Its Rationale:
Whereas the purpose of these Trials was to try and punish perpetrators of crimes of genocide in Nazi Germany, their Rationale was to

strengthen the world concept of genocide as a crime; and also to save our generation and future generations from the horrors of war.

(c) Its Legal Short-circuit:

(i) Since these London-Nuremberg Trials were initiated immediately at the end of the War in 1945, three years before Genocide was declared a crime under International law in 1948, it was, therefore, argued by the critics of these Trials that the Allied Powers had jumped the gun against the Nazi Germans.

(ii) They insisted that these powers had no mandate from the World Community or any other powers from which to try the Nazi Germans or anyone else for Genocide since the latter had not yet been declared a crime under International Law.

(d) Its Significance Today.

In the end, the critics lost the case and the Nuremberg Trials became our Fundamental Corner-Stone of International Law for the prevention of Genocide and for the preservation of Mutual Peace and Dignity of our Civilization.

II. Its Expected Responsibility with Respect to the Rwanda Catastrophe

As also reflected in the sentiments of our Forebears contained in the Briand-Kellogg Pact of 1928, the Covenant of The League of Nations, the Preamble and Chapters VI and VII of The UN Charter, the Resolution of the International Convention on Genocide of 1948, and the like which individually and collectively motivated the signatories to institute various preventive measures against war and various undemocratic means of leadership succession, it is evident that our World Community has an indisputable inherent duty enshrined in our Civilization to prevent and avert Catastrophes. In short, the World Community is The Custodian of World Peace and Security! Accordingly, it is our submission that:

1. The World Community had all the rights and obligation to prevent or avert the April, 1994 Catastrophe in Rwanda in good time. THEREFORE, ONE MAY WISH-TO KNOW WHY WITHIN A FEW DAYS AFTER THE ASSASSINATION OF PRESIDENT HABYARIMANA WHICH SPARKED OFF WIDESPREAD HUTU-TUTSI INTER-ETHNIC (MUTUAL) GENOCIDE IN THE COUNTRY, THE WORLD COMMUNITY SUMMARILY REDUCED ITS UN PEACE KEEPING FORCES FROM 2,500 TO LESS THAN 500 OFFICERS THEREBY MAKING ITSELF TOTALLY UNABLE TO CONTAIN THE CATASTROPHE. (Reuter, Kigali, Thursday, January 19, 1995 in the Daily Nation of Friday, January 20, 1995, Nairobi); and most particularly, the recent Reuter's article, "UN Envoy Says World Still Ignoring Rwanda Crisis" in the Daily Nation, Wednesday, March 15, 1995 p. 8 where the said Envoy is reported to have recently admitted this mistake. In the Reuter's words, Mr. Shaharyar Khan said "UNAMIR had made mistakes, especially in the first days of the genocide, but added that the world had failed and was continuing to fail to provide him with support to get the job done" (See the the last page of the APPENDICES.
2. Countries such as the United States of America, UK, Japan, Canada, France, Germany and the like each had the sufficient capacity to come to the aid of

- Humanity in Rwanda in good time to prevent the Catastrophe at all costs. Unfortunately, this never happened; and as a result, over one million people in that Country lost their lives due to this deplorable inaction!
3. As the most interested party of all Continents, Africa had a duty to step in promptly and avert the situation. The paradox is that apart from Ghana and Nigeria which were still bogged down with the Liberian Civil War because of their commitment to the on-going peace-keeping efforts of the Economic Community of the West African States (ECOWAS) in Liberia, no single African country came Toward to the rescue of humanity in Rwanda before the situation got out of hand! -
 4. The major disturbing paradox of this matter is that the Catastrophe could not have occurred at all had it not been due to the key role played by certain EX T RANALITIES from the same African Region in collaboration with the RPF in the latter's recurrent invasions of Rwanda from Uganda. To call a spade a spade, we are astounded by the role played by Uganda in this Catastrophe! Uganda's affiliation with the RPF against the Habyarimana Coalition Government from 1st October, 1990 is indeed the main root-cause of both the shooting down of the Habyarimana plane and the Rwanda Catastrophe in toto. Hence our serious concern!
 5. Another major paradox of the Catastrophe is that although the entire World Community may not have been aware in advance that while the ARUSHA PEACE ACCORD SESSIONS were going on, the RPF was secretly preparing for a head-on collision with the Habyarimana Coalition Government. Our findings reveal that certain Members of the World Community did actually know what the RPF was doing. These countries included, for example, Uganda in its capacity as THE HOST and KEY COLLABORATOR of the RPF from whose territorial jurisdiction all RPF recurrent invasions originated against the Habyarimana Coalition Government. But, according to our findings, this was not all! We are also satisfied that Uganda had a lot to gain from the war because the RPF is a BRAINCHILD of President Museveni; and the RPF and the Uganda NRA are but two sides of the same coin politically and ethnically in that it was by the two joint forces that Museveni toppled President Milton Obote and ascended to the Presidency of Uganda and like Paul Kagame, he is also a Tutsi (but from the Hima clan.). Therefore, although Uganda's participation in the Catastrophe may have been to assist the RPF, the chances of EXPANSIONISM may not be ruled out.
 6. The same Members of the World Community such as Uganda who had prior knowledge of such preparation were also aware that the preparation was not only to topple the Habyarimana Government but also to exterminate its leadership together with the Hutu population which was its power-base. HENCE THE 1994 CATASTROPHE!
 7. The other paradox in the Catastrophe is that whereas such Members of the World Community-, were aware of this most dangerous plan in advance, none of them deemed it Ft to alert the the rest of the World Community for

appropriate action. Hence the unfortunate failure of the World Community to save the situation in good time!

8. When the World Community disarmed the Habyarimana Government (the army and gendarmerie forces) in accordance with the PROTOCOLS OF THE ARUSHA PEACE ACCORD as a First stage of the IMPLEMENTATION of the said Accord, and imposed an arms embargo on that Government, this action did not apply to the RPF. Consequently, when the World Community forgot to disarm the RPF, the latter exploited this opportunity to further arm itself and thus to gain a military edge over the Habyarimana regime. This is the main reason as to why the existing balance of power between the two conflicting parties was altered and the RPF was able to defeat the Habyarimana Forces and to run them out of Kigali.
9. Another serious paradox about the Catastrophe and the role of the World Community succinctly put is that when the Habyarimana Security Forces were disarmed by UNAMIR (acting on behalf of the World Community) in accordance with the ARUSHA PEACE ACCORD as a first step in preparation for a new Broad-Based national Government upon the return of President Habyarimana from his Peace Mission to Dar-es-Salaam, the mutual understanding in the said Accord was that peace and security in the Capital and Rwanda as a whole was now going to be under the World Community's Management. Accordingly, when President Habyarimana's plane was shot down over the Kigali Airport, in the evening of 6th April, 1994, Airport security was then being tightly controlled by the Belgian soldiers under the UNAMIR. This must, therefore, raise serious questions as to how on earth the Presidential plane could have been possibly shot down amid such tight security in the area! (ICPCRIA CONFIRMED THIS TIGHT SECURITY DURING ITS PRESIDENT'S VISIT TO THE AIRPORT IN AUGUST, 1994).
10. Since, no information has yet been made available to the World Community by those who were in charge of the Kigali Airport-Security as to who may have assassinated the President, one, therefore, wonders what might have transpired at that point in time in Kigali regarding the duty of the World Community for Justice in Rwanda. For example, what was up with UNAMIR's Belgian soldiers as UNAMIR was expected to safeguard Peace and Security not only in Kigali but also in the entire Country?
11. Serious concerns and doubts regarding these UNAMIR Belgian soldiers in terms of their degree of genuine commitment and attachment to their duty as Custodians of Peace and Security at Kigali Airport and in the Capital on behalf of the World Community is also borne out by the following nasty revelations about their attitude and behaviour in the course of their duties as peace keepers in Kigali:
 - (a) Some of them were recalled home to Belgium as a result of their unbecoming behaviour against the person of President Habyarimana in November - December of 1993 barely four months before the President's assassination! The said Belgian soldiers had, for example, grabbed an INSIGNIA of President Habyarimana from one of the President's party supporters in town and TRAMPLED it underfoot with

their boots in daylight and in public! (The meaning of this behaviour from a psychiatric point of view is clear and very grave indeed. The behaviour was an explicit manifestation of these Soldiers' ACUTE HATE of the President! and no more! It was not a mere joke or play at all! It was an explicit signal and manifestation of their hidden agenda against the President).

- (b) Immediately after the President's plane had been shot down, and even before this sad news had been broadcast to the nation and before any one had gone to the scene of the plane crash to ascertain whether the President was dead or still alive, the UNAMIR Belgian soldiers broke into a CHAMPAGNE MERRY-MAKING SPREE at the Hotel Meridian in Kigali. Many girl friends of UNAMIR soldiers were advised to quickly move their families from their homes to the hotels beginning at around 10 A.M. on April 6, 1994 and advice them to stay put in their hotels. These friends never understood what was actually going on.

Nota Bene:

In view of these revelations, the following serious questions are in order:-What was the Meaning and Purpose of this merry-making shortly after the plane shooting and the advice to the girls to move their families to hotels? and most serious of all, the destruction of the President's insignia by the said Belgian soldiers if at all these soldiers did not have any sinister motive against the President? We strongly doubt the contrary!

IN THE FINAL ANALYSIS, ICPCRIA is extremely dismayed! It finds the behavior of the UNAMIR Belgian peace keeping soldiers in Kigali not only too strange and questionable but, candidly speaking, also very much akin to the other strange behaviour of the Belgian colonial officers in the circumstances which surrounded the mysterious brutal murder of both the distinguished UN Secretary-General Dag Hammarskjold on 17th September, 1961 during a similar civil war situation in Congo; and the Congolese Prime Minister Patrice Lumumba on 17th January, 1961 during the same civil war. (Agola Auma - Osolo, "A Retrospective Analysis of the UN Activity in the Congo and Its Significance for Contemporary Africa", VANDERBILT JOURNAL OF TRANSNATIONAL LAW, Vol. 8. No. 2, 1975, pp. 453 - 459, particularly at p. 457 in the Cable of the Congo Central Government to the UN Secretary-General Dag Hammarskjold vehemently accusing Belgium for the civil war)!

HENCE OUR CANDID AND EARNEST REQUEST TO OUR WORDL COMMUNITY LEADERS WITHOUT PREJUDICE FOR APPROPRIATE ACTION. WE DO BELIEVE THAT OUR HUMANITY HAS ALREADY SUFFERED ENOUGH DUE TO THIS EXTREMELY STRANGE AND DANGEROUS BEHAVIOUR; AND, THEREFORE, THAT ENOUGH IS ENOUGH!

- 13. From our further investigations, it also appears that whereas certain World Leaders such as the USAID Administrator seem to have the prima facie view that such Catastrophe might have been necessary because Rwanda was already overpopulated to be economically viable, others (such as the Belgian Ambassador accredited to Kenya) seem to think that the Catastrophe may have been a necessity to pave the way for a new beginning of a healthy prosperous future in an ethnically balanced nation under the new RPF

Government. This latter school of thought also seems to have another prima facie view that the RPF and its Tutsi supporters were the victims of the Catastrophe while the Habyarimana Government and the latter's Hutu supporters were the criminals of the Catastrophe (Discussion on January 17th, 1995).

14. In such circumstances, one, therefore, questions what has happened to our World Community's concept of NATURAL JUSTICE and PROFESSIONAL ETHICS by such hasty conclusions making a victim look like a criminal and a criminal look like a victim thereby ending with a VICTIM in ,TAIL or DEATH ? as in the cases against Jesus Christ, John The Baptist, St. Peter, Prophet Mohammed, Galileo, Socrates, St. Thomas More, Kwame Nkrumah, Patrice Lumumba, Sekou Toure, Ben Bella, Dedan Kimathi, Mahatima Gandhi, Nelson Mandela, Abraham Lincoln, J. F. Kennedy, Malcolm X, Rev. Dr. Martin Luther King, Chief Albert Luthuli, Steve Bikko, Melchior Ndadaye, J. M. Kariulid, Salvador Allende Gossens, Samora Machel, Jomo Kenyatta, Dr. Julius Nyerere, Robert Mugabe, Kenneth Kaunda, R. Ouko, Bishop A. Muge, Augustine Mrema, this Author, etc., and also Gabrielle in the most moving "The Lady of the Rose" drama.

III. What action should the World Community take regarding the Rwanda Mutual Genocide for National Reconciliation and Recovery?

1. According to the New RPF Government in Kigali:

The official position of the RPF Government is:

- (a) That Rwanda case is akin to the Nazi Germany Genocide;
- (b) That in the same manner as the Nazi Germany Genocide case was treated as a crime, so must the Rwanda case also be treated as a crime;
- (c) That an International Tribunal must be set up right away to try and punish those who spearheaded Genocide in Rwanda;
- (d) That this Tribunal must be convened in Kigali;
- (e) That the Court's powers must be on equal footing with the powers of the Nuremberg Tribunal which tried and punished Nazi German officials who perpetrated Genocide against the Jews in Nazi Germany;
- (f) That the death penalty must of necessity be included among the Court sentences,
- (g) That more than 7,000 of the suspects are already being held in custody by the new RPF Government awaiting this Trial;
- (h) And that all refugees must leave their respective Refugee Camps and return to their homes of domicile in Rwanda.

2. The ICPCRIA's View

- (a) We are very pleased to note that the RPF Government fully accepts that all perpetrators of the Rwanda Mutual Genocide must be brought to book. We equally support the idea totally. Accordingly, since our findings confirm that the RPF committed more Genocide than the Habyarimana Coalition Government did, then the RPF and all its

supporters, e.g., Uganda Government must also be brought to book before the Tribunal.

(b) And whereas the official wishes of the RPF Government in Kigali have our total support, it is also ICPCRIA's humblest and candid view:

(i) That the Rwanda Mutual Genocide Question as well as all other Rwanda sensitive Questions such as Returning of Refugees back to their homes of domicile in Rwanda; and Resettling them before proof that proper security has been ascertained by World Community should not be misconstrued as matters essentially falling within the domestic jurisdiction of Rwanda under Article 2, paragraph 7 of the UN Charter; and Article 3, paragraphs 1-3 of the OAU Charter;

(ii) That because of their sensitive nature and possible serious consequences, these Questions (like all other similar highly sensitive international Questions such as the Nazi German Genocide Question (1945), the Korea Question (1951), the Congo Question (1960), and the Bay of Pigs Question (1991)), are now beyond the boundaries of Rwanda domestic jurisdiction' and must, therefore, be understood as genuinely international falling under the purview of the International Jurisdiction. (Agola Auma - Osolo, The Law of the UN As Applied to Intervention Within the Framework of Article 2. Paragraph 7 of the UN Charter. University of North Carolina, Chapel Hill, 1969; and "UN Peace-Keeping Policy: Basic Sources of Its Implementation Problems and Their Implications", California Western International Law Journal. Vol. 6, 1976);

(iii) That any attempt to the contrary may not be in the best interest of Rwanda's National Reconciliation, Reconstruction and Recovery process.

(iv) And that the following ICPCRIA's Advisory Opinion may be very useful for the purpose of our better understanding and treatment of this recurrent problem:

(1) In view of the on-going serious developments in Rwanda in the wake of the Mutual Genocide, such as recurrent massacres of Hutus by the Tutsis RPF Government as a retaliation against their genocide, it would be very suicidal for both Hutus and Tutsis if hasty action was to be taken by the World Community for the following reasons:

(a) The Rwanda Mutual Genocide Question is so sensitive, delicate and complex that it could easily explode with untold miseries and casualties in Rwanda if not handled, meticulously, step-by-step.

(b) Any hasty action would easily unleash another chapter of Mutual Genocide in Rwanda!

(2) In order for the World Community to appreciate the significance of this Advisory Opinion, it is our humblest appeal:

(a) That the World Community pays heed to the history and psychiatry of Rwanda and her peoples particularly to those microscopic psychiatric factors

such as the ACUTE longterm mutual hate embedded in their psyche arising from the perennial protracted warfare between the Hutus and Tutsis which has made it totally impossible for the two to enjoy any comfortable or genuine peaceful co-existence at all in Rwanda for several centuries;

- (b) That World the Community also pays heed to the electrifying impact of the assassination of the two Presidents of Rwanda and Burundi (both being of the Hutu tribe) as an immediate root cause of the genocide particularly to the speed with which the impact psychologically influenced the Hutu community spontaneously leading them to behave like a "mad-dog".
- (c) That the World Community further pays heed to the natural human instinct within the victim that "I MUST KILL THE ENEMY BEFORE THE ENEMY KILLS ME!" As it may also be noted from the History and Psychiatry findings on Rwanda under Sections (A) and (B) of this Chapter below, it is our humble submission that it was this hysteria which gripped the Hutu dominated Regime of the time in Rwanda and the Hutu Community Crowing everybody into a total confusion. All of them were held in a state of TEMPORARY INSANITY.
- (d) And that whatever they did at that material time vis a vis the RPF and its Tutsi and other supporters, was, therefore, beyond the control of their total sanity. Their ACTIONS could not be REINED because of this partial abnormal psychological factor. all of which could not have happened at all if the assassination had not occurred, and if the RPF had not been assassinating, torturing, and maiming Hutus since their invasion of Rwanda in October, 1990.:

(A) RWANDA HISTORY

1. Rwanda and Burundi are inhabited by two major tribes called Hutus and Tutsis plus a small one called the Twas also known as "Pygmies". Before the April 1994 Genocide, Rwanda alone had an estimated population of approximately 7,500,000 of whom 6,877,500 (or 91.7 %) were Hutus, 615,000 (or 8.2%) were Tutsis and 1,500 (or 0.1 %) were Twas (as per 1991 Rwanda Census).
2. Before the Tutsis came and settled in Rwanda and Burundi four centuries ago, Rwanda and Burundi were two separate Hutu kingdoms under one Federation. This traditional arrangement was disrupted (overthrown) by the Tutsi invasion.
3. In 1885, both Rwanda and Burundi were colonized by Germany which merged them into one colony called "Rwanda-Urundi" for its easier administration of the two.

4. After World War I, they were detached from Germany and placed under the League of Nations Mandate System with Belgium as the Mandate Administrator.
5. After World War II, they were inherited by the UN Trusteeship System again with Belgium who ruled Rwanda and Burundi on UN behalf through Tutsis as local administrators.
6. Rwanda and Burundi became two separate independent countries on 1st July, 1962.
7. However, it is our view that the following account is extremely important for our better understanding of the real root-cause of Rwanda Mutual Genocide of April, 1994 and the remedies prescribed thereto which we strongly consider to be essential for us in order to prevent or avert another Genocide in a nation like Rwanda that is already crippled:
 - (a) The Hutus and their counterpart Tutsis are described by Tom Stacey (a renowned expert on African History and peoples) as follows: The Tutsis are "spectacularly tall (many are over 6 feet 6 inches) and slender (Nilotic people) whose first home is presumed to have been the region of the Blue Nile headwaters, (who) drove their lyre-horned cattle Southwards into the green mountain land East and South-East of Lake Kivu some 400 years ago. Two waves of (Tutsi) invasion resulted in the two separate kingdoms of Rwanda and Burundi. The Batutsi almost effortlessly established an aristocracy over the humbler, smaller, less skilled and cattle-less Bahutu, a Bantu people, who became the newcomers' serfs. It is the legacy of this relationship that has to be resolved" (in Africa: A Handbook, edited by Colin Legum, Anthony Blond Ltd., 1965, p.149.)
 - (b) Further from the same source, it is self-evident that the recent grisly Rwanda Mutual Genocide of April 1994 is neither the first nor the only one in Rwanda History. It is just one of the many cases of Genocide, Massacres and Political assassinations in Rwanda History. For example:
 - (i) The November 1959 Genocide which was mutually inflicted on both sides with over 5,000 dwellings burnt. This Genocide resulted from the Tutsis' attack on the Hutus in retaliation against two new developments in Belgian Administrative Policy in the Rwanda-Urundi Trust Territory namely:
 - (1) Belgium's declaration that Rwanda and Burundi would become two separate independent countries by 1962 and 1961 respectively; and
 - (2) Belgium's decision to shift its existing support from the minority Tutsis to the majority Hutus in recognition of and conformity with the existing Democratic ideals of "Majority Rule and Minority Rights". Apparently, the Tutsis became very uncomfortable with this new wind of political change against the existing status quo in Rwanda-Urundi. In this regard, we do submit that this Genocide was triggered by Tutsis' provocation against the Hutus.
 - (ii) The December 1963 Genocide which occurred barely four years after the first one of November, 1959. Although this Genocide was also mutually inflicted on both sides, the Tutsis suffered the

most with casualties of up to 14,000 dead and thousands of Tutsi refugees fleeing into the neighbouring countries mainly Congo (now Zaire), Uganda, and Tanganyika (now Tanzania). As in the 1959 Genocide case, the Tutsis were, according to history records, again the aggressors. For instance:

- (1) They refused to accept the results of the July 1960 Elections supervised by Belgium in which the Hutu PARMEHUTU Party won 35 seats, Tutsi UNAR Party 12 and the Twas 2 seats. Through their UNAR Party, they argued that they would not accept the results because the elections had been rigged by Belgium in favour of the Hutus.
 - (2) After demanding for fresh elections under UN supervision, they again refused to accept the results of the new Elections held in September 1961 under UN supervision headed by Mr. Max Dorsinville (the Haitian Chairman of the UN Trusteeship Council) in which the Hutus again won with 35 seats against the Tutsis who got only 9 seats.
 - (3) When the electorate was asked to vote on the future of the office of the Mwami (the Tutsi King), the answer was a flat "NO!" by 75% of the total vote.
 - (4) Consequently, a Catholic newspaper editor, Gregoire Kayibanda, became President and Head of State; and on 1 July, 1962 Rwanda became independent.
 - (5) In retaliation against the Hutus' victory, Tutsi refugees in Kivu formed a guerrilla war militia called INYENZI (meaning Cockroaches) by which they invaded Rwanda on December 2021, 1962 for the purpose of REMOVING the Hutu Regime in Kigali from power.
 - (6) Thus, like the November 1959, the December 1963 Rwanda Genocide was also provoked by the Tutsis against the Hutus.
- (iii) The 1964 Mini-Genocide which was relatively on a smaller scale confined mainly in Bugarama - Cyangugu area. From the history records,
- (1) This massacre was triggered by the Tutsi refugees allied to the rebels in the Congo (now Zaire) headed by Gaston Soumialot.
 - (2) Thus, as in the 1959 and 1963 Genocide cases, once again, the Tutsis were the aggressors against the Hutus.
- (iv) The 1973 Genocide Cases followed unabated because of the long-lived determination by the Tutsis to oust the Hutu regime and the Hutus' determination to protect the same. Because of this mutual TUG-OF-WAR for Leadership in Kigali,
- (1) Protracted civil war became the order of the day between the two.
 - (2) The more each battled for hegemony over the other, the more Genocide cases resulted.

- (3) Starting with neighbouring Burundi, for example, the situation became increasingly chaotic as a result of massacres of Hutu intellectuals and political leaders initiated by Tutsis in April, 1972.
 - (4) By February, 1973, Rwanda was also engulfed in similar Hutu riots and reprisals against Tutsis which also ignited Hutu student riots from Butare University right up to primary schools against Tutsi students.
 - (5) By the time these riots were stopped in July 1973, many Tutsis including children had already been massacred in this wholesale Hutu reprisals (NB: From our interviews, it was discovered that all Hutu University students at the University of Butare, e.g., the present President Pasteur Bizimungu who was a student in the Faculty of Arts at that time, also participated in this Tutsi student massacre)!
- (v) The October 1993 Assassination of President Melchoir Ndadaye of Burundi (also of Hutu origin) together with that of several key Members of his Cabinet such as the Speaker of the National Assembly (H.E. Pontie Karibwami), the Deputy Speaker (Hon. Gilles Bimazubute), the Minister for Home Affairs (Hon. Juvenal Ndayikeza), General Administrator of National Documentation and Immigration (Hon. Richard Ndikubwami) and the wife of the Foreign Minister (Mrs. Eusebie Ntibantunganya) left the Hutus in DREAD of their Tutsi counterparts in both Rwanda and Burundi; and only served to worsen the situation in Rwanda immediately the Hutus learnt in the night of April 6, 1994 that their two other Hutu Presidents had also been killed (see under Paragraph viii below).
- (vi) The April, 1994 Genocide was obviously unlished in the wake of the assassination of the two Rwanda and Burundi Presidents (H.E. Juvenal Habyarimana and H.E. Cyprien Ntaryamira, both Hutus) and the following Burundian Cabinet Ministers who had accompanied them to Dar-es-Salaam e.g., Hon Bernard Ciza (Minister of State Planning and Reconstruction in Burundi) and H.E. Cyriaque Simbizi (Minister of Information and Speaker of the Government in Burundi) in the evening of 6th April, 1994 which was the culmination of the Tutsi actions:
- (1) The invasion of Rwanda from Uganda since 1st October, 1990; and
 - (2) The assassination of another Hutu Burundi President Melchoir Ndadave barely six months before (in October 1993) and various other violent acts of Tutsi aggression from Uganda against the Habyarimana Coalition Government.

8. IN THE FINAL ANALYSIS

- (a) The assassination of the two Presidents in a plane crash closely following the assassination of another Hutu President in Burundi in October 1993 was a function of the objective of recurrent protracted warfare between the two perennial mutual enemies.
- (b) Although the April 1994 Mutual Genocide was set into motion largely by the assassination of the two Hutu Presidents, it is also evident that this Genocide was partially a function of the October 1993 assassination of the Hutu President of Burundi; the deep seated hatred (Hutu-Tutsi) which had developed and crystallized overtime from all this protracted warfare before and after independence; and TUTSI-PHOBIA i.e., the Hutu ACUTE FEAR or dread of their Tutsi enemy's overt intentions to oust Hutu Leadership through violent means for political succession.
- (c) The 1994 Mutual Genocide, was therefore, a Hutu act of desperation, anger and TEMPORARY INSANITY precipitated by INSISTENT Tutsi aggression and the INCREASING INTENSITY of that aggression confirmed by Rwanda History.
- (d) Out of a total population of 7,500,000 (1991 Census), some 500,000 to 1,200,000 Tutsis and Hutus are estimated to have been killed or died of hunger, cholera and other factors during this genocide.

(B) PSYCHIATRY ON RWANDA PEOPLES:

- 1. In this context, "psychiatry" concept is not used here to mean "treatment of mental disorders" as it is traditionally used in conventional studies. On the contrary, it is used here strictly and specifically meaning a longitudinal inquiry into:
 - (a) Those microscopic behavioural factors embedded in one's psyche (which in this case is the Rwandese society's psyche) which may, therefore, have fully or partially contributed to one's conduct or decision (such as the Tutsi Genocide by those who did it); and
 - (b) Those persons who should, therefore, be held responsible and brought to JUSTICE for the act (see for example, Agola Auma-Osoio. Cause-Effects of Modern African Nationalism on The World Market, University Press of America, 1983, Chapter VI where the concept is exhaustively defined and used).
- 2. On the basis of the evidence gleaned from the Rwanda History above, it is ICPCRIA's candid view:
 - (a) That the 1994 Genocide crime occurred as a function of perennial absence of any genuine peaceful co-existence

between the most populous, humble and tolerant Hutus on the one hand, and the minority overly-proud and power hungry Tutsis on the other.

(b) And, that this is supported by the following psychiatric factors which had also led to the previous GRUESOME assassination of the Hutu Burundi President in October 1993; and that of two Hutu Leaders in the Habyarimana Coalition Government in February, 1994 followed by another SPINE-CHILLING assassination of both Rwandese and Burundian Presidents on 6th April, 1994 which, in turn, collectively set off mass Hutu hysteria and reprisals against the Tutsis:

(i) The Hutu and Tutsis have certain key distinct physical and ideological characteristics that make them significantly different from each other. The Hutus are many and are, by tradition, farmers while Tutsis are fewer and are, by tradition, herdsmen which therefore make them mutually parallel in profession and attitude.

(ii) In spite of Hutus being the most populous in both Rwanda and Burundi, the paradox is that they were, in the past, treated as slaves who raised crops for Tutsis. This image between the two today must not be taken lightly. It is a long-time "Master-Slave" trauma in the minds of Tutsis which is akin to the Pharaoh's Egyptian/Jewish dichotomy trauma in the Pharaonic Egypt, and which, therefore, makes the Tutsis incapable of accepting the Hutus on an equal footing. Hence, the unfortunate erroneous misconceptions about the Hutus which have always soured their relations and interactions; and which have rendered peaceful coexistence between the two virtually impossible!

(iii) Because of their distinct physical features, height up to 7 feet high, and their traditional dancing skills, the Tutsis portrayed themselves as a noble dignified people to the outside world especially the Belgians who administered Rwanda - Urundi Territory on behalf of the United Nations Trusteeship for over thirty years. The Tutsis tend to transfer this superiority complex into their inter-personal relationship with the Hutu by trying to marginalize them and thwarting their right to rule as a majority in Rwanda an act which the Hutus have always refused to accept ever since the 1959 civil war and which they regard as a Tutsi act of deliberate aggression against them that they must, therefore, collectively fight at all costs and at all times in defence of their Human and Civil Rights in their own Motherland.

(iv) Consequently, this trauma of "superior - inferior" relationship between the Tutsis and Hutus which has existed for generations, is a delicate and sensitive a factor between the two and Likely to ERUPT into further Genocide unless it is handled meticulously. For instance:

- (1) Even when Rwanda and Burundi were both still under the United Nation Trusteeship, mutual peace between the two had already proved delicate and difficult for the Belgium Administration to handle. In 1959, for example, all Hutus rebelled against Tutsis and a bloody civil war ENSUED between the two.
 - (2) This war forced the Tutsi King of Rwanda commonly known as "Mwami" to flee Rwanda with over 140,000 members of his tribesmen into the neighbouring countries such as Burundi, Uganda, Kenya, Tanzania, Zaire etc. as refugees.
 - (3) Even after independence in 1962, recurrent outbreaks of civil war continued through out the 1970s and 1980s. For this reason, Rwanda as well as Burundi have never enjoyed any genuine peace, and most of these refugees have not returned home till now. In any case, all Tutsis refugees vowed to return home only after a Government of their choice was in place.
- (v) This emotional scar between the two traditional archenemies plus their traditional trauma of "Master-Slave" image are two major factors that psychologically govern Tutsi perceptions of the Hutus and vice versa.
 - (vi) It is this same scar and trauma which underlie the Tutsis' continuous refusal to accept and respect all Hutus' Election victories ever since the 1959 Referendum; and also the Hutus' refusal to accept Tutsi arrogance. Hence the perennial Tug-of-War between the two archenemies!
 - (vii) In the final analysis, Hutus and Tutsis cannot easily co-exist because of persistent Tutsi HAUGHTINESS and MARGINALIZATION of Hutu Human Rights. This is indeed the major psychological reason underlying all cases of Rwanda Genocide.
 - (viii) The Arusha Peace Accord oversight of this fundamental factor significantly contributed to the Civil War and Mutual Genocide in Rwanda.

(C) UN NOBLE EFFORTS:

1. The UN assumed the administrative responsibilities of the League of Nations Mandate over Rwanda-Urundi in 1945 as a Trustee through Belgium which administered the country on its behalf until the country attained independence in July 1962.

2. In the Hutu-Tutsi ethnic war of 1959, the UN and; its Administrator (Belgium) played a very significant role as peace-makers in Rwanda.
3. At independence, both the UN and Belgium further played a significant role as peace-makers in Rwanda.
4. Throughout the post-independence period, the UN and Belgium acted as peace-makers in Rwanda. In the 1990s, the UN maintained an active arms movement monitoring unit along Rwanda-Uganda border to deter or contain arms infiltration into Rwanda likely to upset the existing military balance in Rwanda. As such, one wonders how the RPF-INKOTANYI arms managed to infiltrate into Rwanda with the presence of UN monitors along the Rwanda-Uganda border.
5. The UN imposed an arms embargo on the former Government with a view to minimising the possibility of Civil War in Rwanda. Unfortunately, this embargo did not apply to the RPF which, as a result, enabled it to gain a military advantage over its opponent (the Habyarimana Government Army in Kigali).
6. During the Catastrophe in Rwanda, it was the UN Secretary-General whose world-wide appeal moved all world leaders and relief agencies to come to the aid of Rwanda with food, medicines, shelter, security, orphanage, and other necessary aid.
7. The UN authorized France to bring in French peace-keeping forces following a Security Council plea. Many others such as Japan have also been authorized by the UN to assist.
8. The French intervention and the presence of UN Assistance Mission in Rwanda (UNAMIR). facilitated the movement to safe havens for thousands of HUTUS and protected them from RPF killing.
9. In spite of the unfortunate delay in preventing the tragedy and to possibly avert it before the havoc was wrought, the speedy contribution by the UN and France to Rwanda saved human lives in Rwanda. (Agola Auma-Osolo, "Rwanda Case Needs Cautious Approach", a SPECIAL REPORT in Kenya Sunday Times. Nairobi, October, 1994, pg.8)
10. The UN still keeps UNAMIR in Rwanda as a peace-keeping force. Initially, there was UNAMIR I whose duty was to act solely as a neutralizing agent between the RPF and the Habyarimana Coalition Government. It was expected to monitor security violations of ceasefire between the two in terms of the protocols of the Arusha Peace Accord. It was also expected to help the World Community in the patroll and administration of the Demilitarized Zone between the RPF and the Habyarimana Coalition Government and to report any violations including massacres. The Former Government Authorities now in exile claim today that numerous violations and massacres took place but no single report was made available by UNAMIR to the Habyarimana Coalition Government.

11. UNAMIR II took over from UNAMIR I. Its new duties are to protect internally displaced populations; to monitor the security situation within Rwanda; and to advise UN Secretary-General. Unlike UNAMIR I, UNAMIR II is allowed to use force to protect those displaced population. It initially maintained a force of 2500 UN men but later reduced the number to 500 men which, to ICPCRIA's view, drastically reduced UN geace-keeping strength in Rwanda as a buffer between the Former Regime and RPF - aregrettable act which proved costly to Rwanda security. Also it is ICPCRIA's view that had the UN's previous peace-keeping strength not been reduced, the status quo in Rwanda may not have been disturbed!
12. In the final analysis, it is ICPCRIA's belief that with the support of France and Japan in particular, the UN has PROVED THE MAIN SAVIOUR OF HUMANITY AND CIVILIZATION in Rwanda albeit various logistic deficiencies, e.g., the military strategic short-comings; the emotional scar; and Hutu/Tutsis dichotomous trauma among other psychiatric factors in Sections (A) and (B) v-vii of this Chapter above which apparently it failed to recognize throughout its administration of the Country from 1919 till independence on 1st July, 1962.

(D) OAU NOBLE EFFORTS

1. With the collaboration of the Heads of States of Zaire, Tanzania, Uganda, and Burundi, the OAU has tirelessly endeavoured from as far back as 1990 to console and reconcile the predominantly Hutu Government and the predominantly Tutsi Opposition Party called Rwanda Patriotic Front (RPF) through a series of Peace Talks, e.g., in Mwanza on 17th October, 1990; in Gbadolite on 26th October, 1990 and in Arusha in August, 1993. As a result of all these Peace Talks:
 - (a) The Coalition Government and the RPF Leaders mutually agreed in principle to form a new government in which power was to be rationally shared among all political parties and RPF.in Rwanda. Pursuant to these developments, the existing Hutu Leadership was to dissolve the Government and replace it with a new one of a Broad - Based National Character, for a term of two years before the elections were held.
 - (b) This new Government was to be led by a Hutu President appointed by the ruling MRND party of the late President Juvenal Habyarimana. The latter was to be assisted by a Prime Minister also a Hutu but appointed from another political party called the Rwanda Democratic Movement (MDR). The two leaders were also to be assisted by a Deputy Prime Minister from the RPF.

- (c) This new Government structure was to be preceded by a Broad-Based National Transitional overmment headed by The Speaker of the National Assembly to oversee this transition.
2. Unfortunately, this _new Arrangement failed to recognize and include Conflict Vaccination Program me first and foremost for the Elites of both sides which should have been a mandatory TREATMENT before this new Government was launched. Hence the demise of the OAU DREAM!
 3. The killing of the two Presidents GRIPPED the entire Hutu community both in Rwanda and Burundi. It shocked the entire World Community especially the OAU and those Heads of State who had tirelessly participated in the strenuous rounds of the Rwanda Peace Talks that had aimed at Lasting Mutual Peace for Rwanda.
 4. The price of their death cost Rwanda dearly. Like a petrol bomb fire, civil war erupted and engulfed Rwanda and many members of the Tutsi tribe and all Hutus who had supported the Tutsi RPF such as Prime Minister Agathe Uwilingyama were summarily killed en masse by the Rwanda Army and Militia in retaliation.
 5. The situation in-Rwanda became a grisly reminder to Humanity not only as a sign of the beginning of PESTILENCES in Africa but, succinctly, as to the true PICTURE and MEANING of Hell on Earth prophesied in the Holy Scripture! The the killings were exacerbated by the escalating death toll from cholera, hunger, malnutrition, malaria etc., obviously because of our Generation's disobedience to THE TEN COMMANDMENTS and the DESIRES of the UN Founding Fathers enshrined in THE PREAMBLE OF THE UN CHARTER! (see, for example, Prof. Gideon S. Were, Leadership and Underdevelopment in Africa (1983) and History. Public Morality and Nation-Building (1981); Blain Harden, Africa. Dispatches from a Fragile Continent (1994); Agola Auma - Osolo, "The West and East to be blamed for Africa's Ills", in the Weekly Platform of the Daily Nation, May 21, 1994 and also in The Standard of Friday, May ?0th, 1994; and again Auma - Osolo, "Objective African Military Control, A New Paradigm in Civil-Military Retaliations", JOURNAL OF PEACE RESEARCH, The Norwegian Institute of Peace Research, Oslo, Vol. 17, 1980).
- NB: We still recognize and share with appreciations the sentiments of serious concerns about the same issue, which has retarded Africa in Socio-Economic development for ages. presented by the Commonwealth Secretary-General, Chief Emeka Anyaoku, during his moving Address at the TOM MBOYA MEMORIAL- LECTURE, Hotel Intercontinental, Nairobi, 11th November, 1993. His sentiments which are significantly congruent to ours, did not last that long before they proved real in Rwanda in April, 1994. And, we may soon be faced with a similar catastrophe in Burundi and elsewhere in Africa if the World Community fails or delays to pay heed to the ACTUAL ROOTCAUSE of such horrors, e.g., MASSIVE ABNORMAL CORRUPTION and MISUSE OF PUBLIC COFFERS on WRONG EXPENDITURES such as

sophisticated war weapons for national selfdestruction in a leadership power-struggle by African political leaders all over Africa in contravention of International Law and the Principles and Normal Practice of Democracy! and also in a total disregard of the PLIGHT of the majority peoples of their respective countries faced with MASSIVE POVERTY, DESEASES (e.g. Aids, Malaria, etc), FAMINE, HUNGER, INFANT MORTALITY, ADOLESCENT DELIQUENCY, ILLITERACY, etc.!

6. However, it must not be forgotten that the 1994 Catastrophe in Rwanda could have been easily prevented or averted by THE OAU way back in October 1990 at the time of the initial RPF led invasions of Rwanda. Unfortunately, OAU was, by then under Uganda's Chairmanship, the very country from whence the invasions originated. Hence, the OAU's handicaps vis a vis the Catastrophe!

(E) POST-GENOCIDE EVENTS:

1. Throughout the post-Genocide period, numerous alarming reports of continuing massacres abound on Tutsi reprisals on both Hutu refugees returnees and members of former Regime arrested during the civil war or thereafter.
2. The situation has, in the recent past, become so alarming to the extent that the UN High Commissioner for Refugees was compelled to make an official complaint about it in October, 1994.
3. The situation has been further confirmed true recently by Amnesty International, and also by the current Rwanda President, Pasteur Bizimungu (Kenya Broadcasting Corporation Radio 7 a.m. News 3/11/1994) as well as his Prime Minister, Faustin Twagiramungu.

(F) IS THE RWANDA MUTUAL GENOCIDE A CRIME OR A REPRISAL?

1. Under International Law, the Rwanda case is automatically a First Degree Genocide.
2. But as to whether it must be treated as a crime or a reprisal, we strongly believe that the case must, first of all, be diagnosed with utmost prudence and care without rushing into abrupt conclusions as attempted by the new RPF Government and the London-based body "Africa Rights". (Daily Nation, Nairobi, Friday, 30 September, 1994).
3. In line with ICPCRIA's previous article on the issue, "Rwanda Case Needs Cautious Approach, Kenya Sunday Times of 16th October, 1994 at p.8, for example, we believe that:
 - (a) We must first know most especially from Belgian UNAMIR peace keepers duty-stationed at Kigali Airpor at the material time: who actually shot down the plane and whether the shooting was a Reprisal against the Arusha Peace Accord which had been

- signed on August 04, 1993 but left the RPF or any other party unhappy or whether the act was a pure Conspiracy
- (b) We must also know from every possible source(s) the reason why as a political party, the RPF was maintaining an army of its own known as "Rwanda Patriotic Army" given the fact that there is no single peaceful country which has both a Government army and an opposition army.
 - (c) We must further also know from the same source(s) the reasons why Tutsi refugees organized and lead by the RPF and INKOTANYI in Uganda invaded Rwanda against President Habyarimana's Government effective 1st October, 1990 shortly after a tripartite meeting had taken place between the Ugandan Foreign Minister, the Rwanda Foreign Minister and UNHCR in Kigali in July, 1990 during which it had been agreed:
 - (i) That Tutsi refugees outside Rwanda would now start returning to Rwanda;
 - (ii) That before doing so, they could first visit Rwanda to assess the security situation in the Country particularly on the degree of Tutsi refugee acceptance by the Hutu Community on their return and resettlement arrangements; and
 - (iii) That UNHCR would draw up a PLAN OF ACTION for their repatriation back to Rwanda and their resettlement.
 - (d) We would like an explanation as to why Tutsi refugees exploited and disrupted the tripartite peace arrangement efforts by invading Rwanda effective 1st October, 1990 for their own ends thereby rendering the tripartite efforts not only null and void but also a total waste of time and other resources of the three members of the TRIPATITE AGREEMENT if they were at all genuinely committed to a peaceful solution to the existing situation of mutual hostility in their Mother Country.
 - (e) In fact, from interviews with the former Government Authorities on this particular issue of Tutsi Refugee Repatriation, ICPCRIA also discovered that President Habyarimana and his Government were extremely shocked on learning on 1st October, 1990. that Tutsi refugees had already started invading Rwanda from Uganda in spite of repeated assurances from President Yoweri Museveni at various occasions between July and September, 1990 that his Uganda Government would not at all allow the refugees to do so from Uganda soil. For instance, ICPCRIA discovered:
 - (i) That during his meeting with President Habyarimana's Foreign Minister (Dr. Bizimungu) in Kampala in September, 1990 (the Minister then acting in his capacity as President Habyarimana's Special Envoy on this Refugees Repatriation Issue and the Tripartite Agreement on the same), the Ugandan Head of State conveyed his

Message to his counterpart in Rwanda through this Envoy confirming that as long as he was President of Uganda, he was not going to allow any Tutsi invasion of Rwanda from the Ugandan soil now that he had received assurances that the question of the Refugee Repatriation was now in the process of being resolved.

- (ii) That President Museveni had also reaffirmed his commitment to his Rwandese counterpart at several Dprevious meetings. for example, at Rwakitura (Uganda) and in Nyagatare (in the North Eastern Rwanda) between January-June, 1990, before the July-August, 1990 Tripartite Meeting of their two Foreign Ministers and the UNHCR in Kigali.
 - (iii) That President Museveni had further reiterated the same assurance directly to President Habvarimana in the ltit half of September. 1990 during. his meeting with both President Habvarimana and President Mobutu Sese Seko in Kampala.
 - (iv) And, that no sooner had few days passed after this assurance of September, 1990 than President Habyarimana found his Government and Countrv under: fire arising from Tutsi refugee invasion from Uganda soil effective 1st October. 1990.
- (f) Obviously, one must, therefore, wonder as to the true meaning of such repeated assurances from the Ugandan Head of State, and why his assurances were not simply meant to be ANESTHESIA on his Rwandan counterpart in order to prepare for easier Tutsi refugee invasion of Rwanda. A high degree of this possibility is borne out by the following facts:
- (i) The character of the Tutsi refugee activities before the invasion against President Habyarimana's Regime seem to suggest so. For instance,
 - (1) Immediately after this Tripartite Agreement on Refugee Repatriation, the RPF leadership did not want to visit Rwanda as planned. Instead, RPF Major General Fred Rwigyema, who had been one of the key military officers in President Museveni's NRA, hurriedly left Uganda for Europe on leave.
 - (2) No sooner had the General completed his leave in Europe than the RPF invasion of Rwanda begun thus proving that the General had travelled to Europe on a false pretence in order to secretly mobilize Tutsi refugees for the RPF invasion of Rwanda.
 - (3) Under no circumstances could this General have done all this without the knowledge and approval of President Museveni and NRA commanders in Uganda. We seriously doubt it.

- (ii) Even if the validity of this possibility is open to question, the fact still remains that the NRA and the RPF leaders had always lived and worked together during their collective revolutionary activities in Uganda against President Milton Obote's Regime. Accordingly, it is evident that even before the beginning of the RPF invasion of Rwanda in October, 1990, the two were but two sides of the same coin. Therefore, there is no way the RPF plans for the invasion of Rwanda could have been worked out and executed without the knowledge and support of the NRA.
 - (iii) The October, 1990 invasion of Rwanda. may be equated to and understood better by the Bay of Pigs invasion of Cuba by Cuban rebel refugees in USA whose activities against the Castro Regime in 1961 were. the brain-child of the CIA. In the same manner the Cuban exiles were assisted by a foreign host Country (USA) to try to oust the existing regime of their mother country (Cuba), so were the Tutsi exiles also assisted by a foreign host Country (Uganda) to remove the existing regime in their mother country (Rwanda) (Ali A. Mazrui, "Is There An African Success Story in Rwanda Tragedy?" a-SPECIAL REPORT in Sunday Nation, Nairobi, September 4th, 1994p. 10).
 - (iv) But unlike the Fidel Castro Government in Cuba which had not yet agreed to open its doors for the Cuban refugees to return to their homes of domicile before the Bay of Pigs episode, the Habyarimana Coalition Government had already done so as evidenced by the TRIPATITE AGREEMENT in mid-1990 before the RPF-INKOTANYI invasion of Rwanda in October, 1990. Accordingly, we lack any rational reason why the RPF-INKOTANYI had to invade Rwanda!
- (g) Our candid answers to these serious questions will definitely lead us to the truth of Rwanda Mutual Genocide and whether or not the act must be treated as a crime or an accident.
 - (h) But, the story before the World Community is that this was a Tutsi Genocide committed by the former Hutu dominated Government and its Hutu militia. On the contrary, it is ICPCRIA's view:
 - (1) That in this terrible confusion, which begun in Rwanda from the time the plane was shot down on 6th April, 1994, the Hutus were psychologically forced by the human instinct to believe that it was again the same Tutsis who had actually shot down the plane since it had been the same elements who also assassinated another Hutu

President in Burundi H.E. Melchoir Ndadaye barely six months before (in October, 1993).

- (2) That in this regard, this Genocide was NOT a deliberate planned act other than a solely Hutu reprisal against their OVERT HABITUAL PRIMARY SOURCE OF AGGRESSION namely the Tutsis whom they fully held responsible for the assassination of these two Hutu Presidents and for the previous assassination of another Hutu President in Burundi in October 1993, as well as other forms of armed aggression against the Hutu Leadership in Rwanda since 1959.
 - (3) And, that in view of these facts, the purpose and rationale of the Hutu act were akin to but much more serious than those of the British-Canadian act in the CAROLINA CASE OF 1837 against the rebels which have now become internationally recognized grounds and justifications for SELF DEFENCE in our JURISPRUDENCE in that like the British-Canadian act in the Carolina Case, the Hutu act in this Genocide case was equally an act of:
"an instant and overwhelming necessity for self-defence leaving them no choice of means, and no moment of deliberation", J.L. Brierly, The Law of Nations, Oxford University Press, 1963, P. 407, emphasis added).
- (i) But, as to why the Tutsis could have done this, the answer is still a mystery because on the side of the Tutsis, the argument which has saturated the World Community through the Media (Press) during and after the Mutual Genocide in Rwanda, is that they (the Tutsis and their RPF Party) did not do it since they had no quarrel with the Arusha Peace Accord. They further claim that they were already happy with the new Broad - Based National Government arrangement with power sharing amongst all political parties in Rwanda as they had always wanted: and that the plane must have been shot down by the Hutu extremists who were against this power sharing scheme. In this regard, they further claim that President Habyarimana must have been considered as adopting too soft a line vis-a-vis the Tutsis by accepting the Accord.
 - (j) Whereas this RPF's position may be plausible, several nagging questions abound from a psychological point of view regarding the degree of its plausibility. For instance:
 - (1) Given the fact that all Tutsis headed by Inyenzi and the founders of the RPF and INKOTANYI had always refused to recognize every past LEGITIMATELY ELECTED GOVERNMENT in Rwanda headed by a Hutu who was not of their Tutsi choice ever since the First Elections of July 1960 how possible would it have been for them (RPF) to accept / recognize and live with or under any other LEGITIMATE GOVERNMENT such as the new one

which was also ping to be headed by the same Hutu Habyarimana (as .President) whom they had always hated and would not. therefore, want to accept or see of all as Head of State in Rwanda? Obviously this would have been a too bitter experience and an intolerable Acute Dissonance (i.e. severe self-blame) for the RPF to accept.

- (2) Given the fact (as per available information) that the RPF had all to gain by killing President Habyarimana, and since the RPF had clearly proven through their guerilla wars against the Habyarimana Coalition Government that they were not willing or prepared to accept Habyarimana as Head of State and they must, therefore, grab power by force, how can the RPF argument possibly be valid and reliable at all?
 - (3) In view of this potential threat of acute dissonance which no one including RPF themselves would have afforded to live with for all those two solid years of the the duration of the new Habyarimana transitional regime, according to the Arusha Peace Accord, prior to elections in Rwanda, it is inconceivable that RPF was truly happy and prepared or willing to accomodate the new Government under Habyarimana's léadership. We lack any reliable proof for such possibility.
 - (4) Further, from our Comprehensive Applied Peace Research Findings in CHAPTER TWO, Section III para 1 G), (m) and (o) of this Memorandum, we noted that the RPF leadership had sent several Death Threat Messages against President Habyarimana's life, e. g., on Sunday, 3rd April, 1994 saying that they were going to kill him (President Habyarimana).
- (k) In view of such serious nagging concerns against the RPF's contentions that it (RPF) was happy with the new Government arrangement, it is ICPCRIA's view:
- (1) That RPF's COMPOUNDED ACUTE HOSTILITY against the person of President Habyarimana inherent in and supported by the History of Rwanda could not have permitted the RPF to readily accept the new Habyarimana Government and to live with it for those two solid years as the RPF tends to claim.
 - (2) That because of the high degree of this doubt, any irrational or non-rational thinking (such as that of the RPF Leadership against President Habyarimana) may, therefore, have led the RPF or any other anti-Habyarimana elements to counter this acute dissonance in the two bitter years under Habyarimana's leadership.
 - (3) That this attitude was not limited to the RPF. It also held true among all pro-RPF Hutu political leaders such as Prime Minister Agathe Uwillingiyimana, Hon. Joseph Kavaruganda (Chief Justice), Hon. Frederick Nzamurambaho Minister of Agriculture

and Animal Husbandry and Hon. Faustin Rucogoza (Minister of Information) who were brutally killed summarily by angry Hutu militia because of their acute anti-Habyarimana attitude immediately it was learnt in Kigali that both President Habyarimana and his Burundi Hutu counterpart had been killed in a plane crash. Like Col. Kanyarengwe who had initially staged an unsuccessful military coup d'etat against Habyarimana regime in 1980 before fleeing to Tanzania and joining RPF, Prime Minister Agathe Uwilingiyimana had also held a secret meeting with some military officers in her office in Kigali with an agenda to kill President Habyarimana barely a week before the plane was shot down. It is, therefore, submitted that the ALACRITY with which the cruel, callous murder of Prime Minister Agathe Uwilingiyimana and several other Hutu political leaders who were also eliminated by their own fellow Hutu tribesmen must not be taken lightly. It lends credence to our explanation of the degree of ACUTE HOSTILITY that prevailed in Rwanda at the time between pro-RPF and anti-RPF forces in the Country!

OTHERWISE, there appears to be NO ANY OTHER logical and sound EXPLANATION to a civilized world such as our own as to why all those Hutu Leaders such as Prime Minister Agathe Uwilingiyimana were hurriedly hunted down on the UN premises in Kigali, arrested, dragged out and brutally murdered on 8th April in the presence of the UN personnel, by her own Hutus who, unlike her, were all anti-RPF, within two days after Habyarimana's assassination on 6th April 1994 (Daily Nation, Nairobi, Saturday, April 9, 1994). Obviously NO SANE person would have done this without any sound compelling reason!

(4) And, that such action on President Habyarimana's life may have been deemed necessary in order for the actor(s) to complete their original "Bay of Pigs" Style mission against the Habyarimana Coalition Government in Rwanda which had started on 1st October, 1990 but which had yet to be accomplished. The results, as we all now know, are that the said mission has now been successfully completed in the sense that the Habyarimana Coalition Government is out and the RPF Regime has now taken its place in Rwanda.

(I) But it is also rational to argue in retrospect that the culprit cannot be blamed alone. The World Community is equally to blame for the Genocide for the following reasons:

(1) We should have known better in advance when Rwanda was still under the UN Trusteeship that the Hutus and Tutsis could not peacefully co-exist that easily because of their long-lived "Master-Slave" trauma rooted in their tradition. Like the "Master-Slave" trauma between the ancient (Biblical) Egyptians and the Jews during the Pharaoh's times which could not permit mutual peace, the "Master-Slave" trauma between the Tutsis and Hutus which is rooted in their tradition has never permitted them and

cannot easily permit them to live together peacefully without a systematic comprehensive conflict vaccination and rehabilitation of both sides.

(2) We should have also known better in advance that it was because of this trauma that the two sides have always fought each other even when they were still under the UN Trusteeship. In 1959, for example the two had a bloody civil war which forced most Tutsis and their king to flee Rwanda to the neighbouring countries with a vow that they would only return when the Hutus were out of Rwanda. Even after Rwanda's independence in 1962, the king and his Tutsi tribesmen refused and, up to the 1994 Catastrophe, they still had refused to return home. This is exactly the reason why the two groups have always been at a state of war with each other ever since independence.

(3) We should, therefore, accept from this evidence That it was because of the SAME FACTOR that the two have throughout the 1960's and the 1970's. Periodically clashed with each other. in a POWER STRUGGLE and that this was also the reason why the Tutsis under the political party called "Rwanda Patriotic Front" (IRPF) CREATED an army (Rwanda Patriotic Army) of its own in full preparedness against the predominantly Hutu Government. Also this was the reason why in the late 1993 the 'Tutu dominated Regime also decided to train youth-wingers into a militia as an additional reinforcement to the regular Government Army. in order to counter the increased RPF invasions and assassinations of the Habyarimana Coalition Government Ministers and other Hutu Leaders. In our view, these were normal and necessary strategic measures by the two warring parties.

(m) In view of these facts, the Hutu MILITIA erroneously characterized as "INTFERAHAMWE" was solely for DETERRENCE of Tutsi Aggression but not for Tutsi Genocide.

(G) SIMILARITIES AND DISSIMILARITIES BETWEEN NAZI GERMANY GENOCIDE AND RWANDA GENOCIDE

1. The official stance of the new RPF Government in Kigali is that the two Genocide cases are similar and that the perpetrators of Rwanda Genocide must-also be brought to justice and punished on an equal footing with those suspects of the Nazi Germany Genocide.

2. Whereas we submit that both Rwanda Genocide and Nazi Germany Genocide may be similar, we also submit that the following account of both should shed more light on their similarities and dissimilarities. This will prove that the two are significantly dissimilar; and that they should, therefore, not be treated on an equal footing.

(a) NAZI GERMANY GENOCIDE

- (i) Was a one-sided racial killing of 4 to 6 million Jewish Germans by the Nazi Germans of the Aryan race who sought to exterminate the victim so as to preserve their Aryan race purity from what they considered a pollution by a non-Aryan race.
- (ii) There was no state of war between the two (the Nazi Germans and the Jewish Germans). Whereas the Nazi Germans were armed, the Jews (victim) were not.
- (iii) Before the Genocide, Jewish Germans had never proved a political or social threat to the Aryan Germans. On the contrary, they had played a significant role in socio-economic development of Nazi Germany. After World War II, those Jews who ended up in either Allied Powers jurisdiction or USSR jurisdiction when Germany was divided into two (West Germany under USA influence and East Germany under USSR) they played an extra-ordinary role in transforming USA and USSR into super powers because of their significant scientific contributions to the development of atomic and nuclear weapons. Without the contribution by these former German Jews, the USA and the USSR could not have become super powers.
- (iv) Because of their immense scientific talent, Jewish Germans had proved very instrumental to Nazi Germany industrial development and had, therefore, ascended to various high positions without posing as a real or potential threat to the Aryan Germans.
- (v) Immediately after World War II ended in 1945, most of them were repatriated from Nazi Germany to Palestine where they were re-settled by the Allied Powers into what is now known as THE STATE OF ISRAEL.
- (vi) This physical separation prevented any possible reprisals by Nazi Germans against the Jewish Germans who had caused members of their Aryan race that participated in the Genocide to be hanged.
- (vii) In spite of this physical separation, there has not been any explicit formal relation between the state of Israel in which the former Jewish Germans were re-settled and their former state of Germany, until a few years ago.

(b) RWANDA GENOCIDE

- (i) Was a mutual ethnic killing between the majority Hutus and minority Tutsis; the former being the main victim with a casualty of over one million dead, and the latter with a casualty of 200,000 (maxima) dead.

- (ii) According to our Comprehensive Applied Peace Research Findings, we are satisfied that, apart from the Tutsis who also became victims in the holocaust, the Hutus definitely acted in self-defence through two factors:- Immediate and Long-term Factors. The immediate factor was the shooting down of the plane killing both Presidents of Rwanda and Burundi, (both being Hutus) and the proceeding assassinations of other Hutu Leaders and increased RPF invasions of Rwanda effective October, 1990. The Long-term-factor being their long-term mutual antagonistic trauma rooted in their tradition (History). In their 1959 bloody civil war, for example, the Tutsi king and his thousands kinsmen who fled to neighbouring countries as refugees had vehemently vowed to return and topple the Regime of the Hutus.
- (iii) Before the Mutual Genocide occurred, there had been a clear state of protracted war and assassinations between the Government and RPF, with RPF's persistent demand for immediate dissolution of the existing Government dominated by Hutus and for the formation of a new one to be headed by one of the Tutsi choice.
- (iv) It is a historical fact that unlike the Hutus, Tutsis originated from Abyssinia. Therefore, the Hutus are the bona fide (actual) residents of both Rwanda and Burundi. The Tutsis, on the other hand, have been residents of Rwanda and Burundi only for the last four centuries.
- (v) But, unlike the German Jews and the Nazi Germans case, the Hutus and Tutsis had often fought bloody civil wars before and after independence in 1962, e.g.,
 - (1) They had fiercely fought in 1959 during the UN Trusteeship forcing the Tutsi King and many of his kinsmen to flee to the outside world as refugees.
 - (2) They had also fought on several occasions in the 1960's; and in the 1970s. And each was always fully armed for any eventualities from the other party.
- (vi) Also, before the said 1994 Genocide in Rwanda:
 - (1.) The Tutsis had emerged as a dominant factor in socio-economic sectors of Rwanda.
 - (2) The Tutsis had politically proved an explicit threat to the Hutus in that although the Hutus were the majority, their right to rule in accordance with the Democratic principle of "Majority Rule and Minority Rights" had proved very difficult. The Hutus leadership was despised, marginalized, challenged and sabotaged by the Tutsis.
 - (3) The same Tutsis formed their own opposition party called Rwanda Patriotic Front (RPF) which was not only a political party but also an Opposition Army called Rwanda Patriotic Army (RPA) poised against the Governing Army with a clear intention to either oust or wipe out both Hutu dominated-Government and the Hutu population that was its power-base in Rwanda.

- (4) And, it was because of this long range plan that Tutsis always carried out massacres, genocides, assassinations, etc., ever since 1959 and on a large scale effective 1st October, 1990.

(c) A COMPARATIVE ANALYSIS BETWEEN RWANDA GENOCIDE AND NAZI GERMANY GENOCIDE

- (i) Unlike the Nazi Germany Genocide which was only one-sided and purely racial without any prior explicit evidence of threat, marginalization or sabotage by the victim. (the German Jews) against the Nazi Germany Government leadership and policy, the Rwanda Genocide was mutual and purely ethnic motivated by numerous explicit evidence of perennial threat, marginalization and sabotage of the Hutu Government Leadership and policy by the Tutsis. Thus, the Tutsis always behaved like the Pharaoh Egyptians against the Jews in Ancient Egypt.
- (ii) Further explicit empirical evidence of dominance in various socio-economic sectors of the country gained during the foreign Trusteeship rule confirm the fact that the Tutsis had gained too much power over their majority Hutu counterparts.
- (iii) Because of this misconception vis a vis their Hutu counterpart in Rwanda, the Tutsis misjudged the Hutus, and disregarded Diplomacy and Natural Justice by abusing the Human and Civil Rights of the Hutus enshrined in Democracy and Democratic Ideals of our Civilization which consequently made Tutsi vulnerable to hostile response from the Hutus.
- (iv) Unlike in the Nazi Germany Genocide where the victim (the Jews) were neither armed nor at a state of war with the Aryan Germans, in the Rwanda Genocide, the victim (both Tutsis and Hutus) were practically armed and at a state of war with each other.
- (v) The two sides had been in a long protracted warfare before independence. In 1959, for example, they had fought a bloody battle forcing the Tutsi King and several of his supporters to flee Rwanda to the neighbouring countries. This situation was non-existent in the Nazi Germany Genocide.
- (vi) Like in the Nazi Germany Genocide where the Aryan Germans were the majority and the only bona fide indigenous residents of Germany while their German Jews originated from Palestine; similarly, in the Rwanda Genocide, the Hutus are also the majority and the bona fide indigenous residents of Rwanda and Burundi. Their Tutsi foes have their ancestral roots in Abyssinia.
- (vii) Since it was because of this reason that all surviving German Jews were evacuated to Palestine where they had their roots of domicile, it may also be cost-effective for us to borrow a leaf from our Forefather's prudent formula on Jewish German's Resettlement in deciding on what to do with the Tutsis who seem to have refused to co-operate and co-exist easily with the Hutus in Rwanda and Burundi.

- (viii) While in the Nazi Germany Genocide the victim (German Jews) were innocent citizens who suddenly found themselves being DELIBERATELY harassed and herded into gas chambers for extinction, in the Rwanda Mutual Genocide, the victim (both Tutsis and Hutus) became a victim of Hutu TEMPORARY INSANITY arising from:
- (a) Hutu human instinct of a terrible fear that "I must kill my enemy before this enemy kills me"! which arose from the gripping news throughout Rwanda that their two Hutu Presidents had been assassinated by the Tutsis.
 - (b) Deep-seated Hutu belief that the Tutsis were their explicit arch-enemy who would one day kill all of them (the Hutus);
 - (c) And a Tutsi PRIOR DELIBERATE INTENT to exterminate both Habyarimana Coalition Government and the latter's primary source of support and power (i.e., Hutus)
- (ix) In view of these overwhelming empirical evidence of Tutsi unfortunate excessive pride, marginalization and provocation against the Hutus and the Hutu dominated Habyarimana Regime through recurrent warfare which were totally non-existent in the Nazi Germany Genocide, the Tutsi dominated RPF appears to be the primary root-cause of Rwanda Mutual Genocide. The RPF, therefore, has a much more serious case to answer for 1994 Rwanda Genocide than the Hutu dominated Habyarimana Regime.
- (x) Accordingly, we find this to be a Deliberate Act by the RPF and its-collaborators and a Reprisal in Self-defence by the Hutu-dominated Habyarimana Regime and its collaborators. Given the findings in this MEMORANDUM, we confirm that we are fully satisfied that the RPF and its collaborators namely INKONTANYI and the Uganda Government were all along the primary root-cause of the 1994 Mutual Genocide case. Although the root-cause stretches as far back as 1959 during the Hutu-Tutsi inter-ethnic war, this root-cause was further worsened later by vicious recurrent RPF wars of aggression against President Habyarimana's legitimate Coalition Government from 1st October, 1990 organized in and supported by Uganda. We further confirm that based on the above prima facie evidence, we are fully satisfied that RPF could not have possibly managed to carry out such aggression without the support of certain EXT RANALITIES particularly Uganda from within the African Region. We further again confirm that we are fully satisfied that both RPF and Uganda JOINTLY had a prior deliberate intent not only to topple President Habyarimana Government and replace it with an RPF Government but also to exterminate President Habyarimana power base which in this case were the overwhelming MAJORITY HUTU POPULATION in Rwanda.

(H) THE RWANDA GENOCIDE VERDICT

In view of this solid prima facie empirical evidence contained in our MEMORANDUM, which we also believe are admissible, under international Law, as sufficient reasons for any act of Genocide to be deemed a crime:

1. WE HEREBY confirm that the Rwandan Mutual Genocide act was also a CRIME beyond any reasonable doubt particularly on the part of the RPF and all its collaborators in the act namely INKOTANYI, the Ugandan Government and the UNAMIR Belgian soldiers in Kigali under the UN Flag.
2. And, based on the same prima facie evidence, WE ALSO HEREBY confirm, beyond any reasonable doubt, that the act was not a crime but SOLELY A REPRISAL on the, part of the Hutu-dominated Habyarimana Coalition Government and its Hutu collaborators since they collectively and individually retaliated strictly in self-defence motivated by no prior deliberate intent-but SOLELY by TEMPORARY INSANITY and a NATURAL HUMAN INSTINCT which naturally influence and force every human victim to fight back its elicited enemy by all means necessary within its reach and to even kill that enemy before the enemy kills it most especially if the victim thinks or believes that the enemy's motives is to kill the victim first.

This reality is an inborn (BIOLOGICAL) in that it does not only hold true to human beings but also universally to the entire ANIMAL KINGDOM. But, it was in this same spirit that a similar excuse / justification by Canada for the latter's act of Reprisal in Self-Defence against the victim (an American national) in the CAROLINA CASE of 1837 between USA (Plaintiff) and Canada (Defendant) that the Plaintiff agreed to fully concede to the Defendant's excuse in the case. Further, it was in this spirit that the said excuse later became a fully admissible JUSTIFICATION of all acts of self-defence under International Law, and the latter's CORNER-STONE and GUIDING PRECEDENT of/in all matters pertaining to disputable acts or cases of self-defence in Jurisprudence of/for our Generation and future Generations.

It is in view of this explicit prima facie evidence that ICPCRIA is also bound to believe that the act of the surviving members of the Hutu dominated Habyarimana Coalition Government and its collaborators in the April-July 1994 Mutual Genocide in Rwanda was SIMILARLY an act of Reprisal in Self-Defence against their explicit enemy namely the RPF and the latter's obvious collaborators such as the Ugandan Government and the UNAMIR Belgian soldiers stationed on duty at Kigali Airport and in the Capital.
3. Even if Uganda now chooses to plead innocence, that she was neither involved in the matter nor had any prior knowledge of the RPF's injurious plans against the Habyarimana's Coalition Government, the MANNER and MOOD in which President Museveni argued during President Habyarimana's "LAST SUPPER" (i.e., in the fateful Dar-es-Salaam Peace Accord Meeting preceding his death) doubting President

Habyarimana's genuine commitment to the Arusha Accord Implementation, IS our clear ramification of President Museveni's direct linkage with the RPF against President Habyarimana Coalition Government and the latter's source of support.

Accordingly, WE ARE fully satisfied, beyond any reasonable doubt, that Uganda has indeed a prima facie case to answer because, in the words of Prof. Oppenheim,

"... International Law imposes the duty upon every State as far as possible to prevent its own subjects, and such foreign subjects as live within its territory, from committing injurious acts against other States. A State which either intentionally and raucously or through culpable negligence does not comply with this duty commits an international delinquency for which it has to bear original responsibility. But it is in practice impossible for a State to prevent all injurious acts which a private person might commit against a foreign State. It is for that reason that a State must, according to International Law, bear vicarious responsibility for such injurious acts of private individuals as it is unable to prevent". (Oppenheim, p. 365).

CHAPTER FOUR: SUMMARY OF ICPCRIA'S FINDINGS AND SPECIFIC MAJOR FACTORS LEADING TO 1994 MUTUAL GENOCIDE

I. SUMMARY:

From the foregoing diagnosis of the Rwanda Catastrophe and the history and psychiatry data on Rwanda and her peoples, it is self-evident:

- (1) That the said Catastrophe was a first degree mutual genocide between the RPF and the latter's collaborators mainly minority Tutsis, INKOTANYI and Uganda on the one hand; and the Hutu-dominated Coalition Government of President Habyarimana and its majority Hutus , on the other.
- (2) That in this Holocaust, the Hutu community was the main victim with a casualty of over one million dead compared to their Tutsi counterpart with a casualty of 200,000 dead, due to a higher degree of preparations by the RPF and Tutsis in advance for the act, from 1" October, 1990.
- (3) That the act was a REPRISAL on the part of the Hutu-dominated Government and its supporters; and a CRIME on the part of the RPF and its supporters due to the PRIMA FACIE evindence available as proof of RPF's prior deliberate intent to exterminate the existing Regime and all sources of its support and power, i.e., the Populous Hutus.
- (4) That even prior to the recent horrors of the Mutual Genocide of April-May, 1994, there had been several other cases of massacres, genocide and assassinations in 1959, 1963, 1964, 1972-73, 1993 and February, 1994.
- (5) That in all these cases, the root-cause had always been Tutsi aggression against the Hutus. For instance:
 - (a) The Tutsis always refused to accept and recognize Hutu leadership every time the Hutus won an election.
 - (b) After realizing that they would not possibly win any election as a result of continuous electoral victories in 1960 and 1961 by the more populous Hutus (whom they habitually love to marginalize due to their historical psychological trauma). the Tutsis deliberately resorted to the GUN as now their most rational means for Leadership Succession against the Hutus.
 - (c) To achieve this objective Tutsi leadership created private militia units called "INKOTANYI" composed of Tutsi refugees residing in various foreign countries by which it carried out protected guerilla warfare against the elected Rwandese Government.
 - (d) In this process, several massacres and political assassinations occurred which included the assassination of a Burundian President also of Hutu ongin (H.E. Melchoir Ndadaye) in October 1993 barely six months before other two Presidents of Hutu; origin yiz: (H.E.Juvenal Habyarimana of Rwanda and H.E. Cyprien Ntaryamira of Burundi) also

- got assassinated in April 1994 together with two Burundi Cabinet Ministers who were on the plane to Bujumbura via Kigali (as already indicated in Chapter Two Sec III para 1(p) above, all Rwandese Ministers on this Mission had remained in Dar es-Salaam).
- (e) Even before President Habyarimana and President Ntaryamira were assassinated in April, 1994 other sensitive assassinations had just been carried out by the RPF on the following two key Hutu Leaders in February, 1994 (barely one month before both presidents were killed):
- (i) Hon. Felcien Gatabazi (Minister of Public Works, Water and Energy and Secretary - General of PSD).
 - (ii) Hon. Matrin Bucyana (Chairman of CDR, i.e., Coalition pur la Defense de la Republigae).
- (6) That this recurrent Tutsi aggression against the HUTU elected Leaders and the Government in Rwanda first began as a political scramble for Leadership; but it later on increasingly became so ethnically oriented (centred) that it eventually developed form an essentially inter-political party scramble for leadership between the Parmehutu (Democratic Republican) Party of the Hutus and Unar (National Rwanda Union) of the Tutsis into a wholesale inter-ethnic scramble for TOTAL supremacy and survival between the two tribes, with the Tutsis as the aggressor.
- (7) That being convinced that they were the only bona fide habitual residents of Rwanda and Burundi in accordance with their History and also convinced that they had all the legitimate right to rule because of their continuous election victories and because of the Democratic Principle of "Majority Rule and Minority Rights", the Hutus obviously had no other better option but to resort to "Survival of the Fittest" option and to seek for every necessary ways and means by which to defend both its Hutu Community and Leadership against what they perceived as a Tutsi foreign aggression.
- (8) That because of this legitimate reason and acute TUTSI- PHOBIA (Fear of Tutsi Aggression), the former Hutu-dominated Government had no other option but also to create and maintain a people's militia by training its Youth-Wingers called "INTERAHAMWE" in addition to the Government's standing Regular Army to act solely as a DETERRENCE REINFORCEMENT to the latter and also to act solely as a Hutu Community's self-defence weapon against the existing imminent threat of the Tutsi powerful RPF Army (which apparently had its roots in and support from a foreign neighbouring country (UGANDA) as also noted by Prof. Ali A. Mazrui, in his recent article: "Is there An African Success Story in The Rwandan Tragedy?" in SUNDAY NATION, Nairobi, Sept. 4, 1994), BUT NOT TO BE USED FOR TUTSI GENOCIDE.
- (9) That the root-cause of the recent Rwanda Mutual Genocide of April-May, 1994 is significantly related and similar to the root-cause of several other cases of previous genocide in Rwanda under Chapter Three, Section III (A) above.
- (10) That in view of all this empirical evidence in (1)-(9) above, it is the ICPCRIA's candid Advisory Opinion that the Hutu suspects of this 1994 Rwanda Mutual Genocide must have definitely acted under the influence of an ACUTE trauma

of perennial ethnic hate between the two mutual arch-enemies (the Hutus and the Tutsis) and the Natural Human Instinct of "I must kill the enemy first before I am killed by this enemy" drove the Hutus into a mental state of "TEMPORARY INSANITY" and to behave as wildly as they did during the Genocide. Thus, whereas both Hutus and Tutsis are equally ACTORS of this civil war in Rwanda, the Tutsis are to blame for this war and Genocide due to their continuous gross marginalization and gross provocation of the Hutus by deliberately rejecting Hutus' democratically elected leadership ever since 1960 Elections.

- (11) That in this regard, it may also be necessary to conclude using the famous words of the US Secretary of State Daniel Webster during the CAROLINA CASE of 1837 that unlike Tutsi act against Hutus, the Hutus' act against the Tutsis' aggression was also justified under International Law in that like in the CAROLINA CASE , it was also a case of:

"an instant and overwhelming necessity for self-defence leaving (them) no choice of means, and no moment of deliberation". (emphasis added, J.L. Briery, The Law of Nations, Oxford University Press, 1963, p.407).

- (12) That, as already proven exhaustively in the preceding findings in this Memorandum under Chapters II and III particularly III C. 2 (h), and unlike their Hutu counterpart whose Genocide was solely an act of REPRISAL IN SELF-DEFENCE against Tutsi aggression, Genocide spearheaded by RPF's INKOTANYI and the Ugandan Government, against the Hutus was a pure crime deliberately planned in advance effective 1990 by the said perpetrators.
- (13) That after the Mutual Genocide, escalating acts of genocide against the Hutus continued as reprisals by the new Tutsi dominated Government. These atrocities are still going on in Rwanda against the innocent HUTU civilians who had dared to return to their homes from refugee camps in response to the new RPF Government's call. The acts proved so bad that the UN High Commissioner for Refugees in Geneva had to complain about it late last year.
- (14) That the World Community is equally to blame for not having recognized in good time the danger of this "Master-Slave" stigma between the two tribes; and to use every necessary means to cleanse them of this danger first before their Country was granted independence in 1962. (This is also the root-cause of protracted warfare in Burundi ever since the country's independence in 1962).
- (15) That in order for us to prevent this series of Rwanda Genocide, a systematic Conflict Vaccination programme should have been carried out for each of the two before Rwanda was declared independent in 1962. (The same should also have been carried out in Burundi before independence).
- (16) That through this programme, the two could have been property rehabilitated; and their mutual peace would have been ensured.

- (17) That this action could have enabled them to get rid of their mutual negative perceptions and attitude against each other in the same manner Saul was rehabilitated into St. Paul and became a great pillar in the Christendom.
- (18) That, whether the Rwanda Army and Militia or the RPF must be responsible for this Genocide in Rwanda, it also appears that all of us equally have a case to answer because of our failure to realize the need of this treatment and to rehabilitate them first before granting them independence in 1962.
- (19) That this Mutual Genocide could not have occurred at all in Rwanda had we been honest and willing to help quickly. This is borne out by these evidences:
- (a) As noted in the APPENDICES of this Memorandum, the ICPCRIA had promptly alerted the World Community as early as 1993 of the increasing deterioration of peace and security in Africa particularly in Rwanda and Somalia due to newly emerging activities of militia training and preparedness for war by both the Government and RPF. But all of us did very little!
 - (b) Also, when the war broke out, the World Community could have easily averted it in good time. But it was too slow and did very little although we were able to promptly send peace-keeping forces and humanitarian aid to Bosnia in good time.
 - (c) Candidly, the World Community's assistance to Rwanda was too marginal and far too less compared to Massive assistance given to Bosnia, and in good time.
 - (d) It was because of this lack of immediate interest from the World Community and the increasing magnitude of the Mutual Genocide in Rwanda that the UN Secretary General Boutros Boutros-Ghali urgently appealed to the World Leaders for prompt assistance to Rwanda.
 - (e) It was not until this Mutual Genocide had already been committed that the World Community now woke up and begun rushing aid to Rwanda. The truth is that HAD WORLD REACTION BEEN PROMPT ENOUGH AS IN POINTS (a)-(d) ABOVE, IT WOULD HAVE SAVED BILLIONS IN US DOLLARS AS WELL AS MILLIONS OF LIVES AND UNQUANTIFIABLE PROPERTY IN RWANDA.
- (20) We thus need to evaluate our strengths and weaknesses and improve our weak points for the good of Humanity, and so that such a Catastrophe does not recur in Rwanda or elsewhere.
- (21) The OAU must be commended for its insistence that the new RPF Government must be re-structured into a new Broad - Based National Government as so recommended in the ARUSHA PEACE ACCORD. Thus, it must also include members of the previous Ruling Party (MRND) for peace and security in the country as so spelled out in the PROTOCOLS of the ARUSHA PEACE ACCORD.

- (22) However, whereas this power sharing in a Broad-Based National Form of Government is very necessary for Mutual Peace and Good Governance, ICPCRIA is confident that this arrangement cannot succeed unless it is supported by a Comprehensive Hutus - Tutsis Conflict Vaccination from Top-Down as so prescribed here below in Chapter V, Section 2, Paragraph 4.
- (23) Short of this Exercise, another Chapter of Civil War and Mutual Genocide is likely, and may be worse than the recent one.
- (24) Hence, our recommendations below for possible ways and means to avert or prevent this potential danger in Rwanda.

II. SPECIFIC MAJOR FACTORS LEADING TO APRIL 1994 MUTUAL GENOCIDE

And, from our meticulous analysis and synthesis of the findings contained in this Memorandum, we, therefore, confirm that we are fully satisfied and convinced that the holocaust of the 1994 Mutual Genocide was caused primarily by THREE CRITICAL MACRO-FACTORS viz: HISTORICAL, POLITICAL AND ETHNIC SYNTHESIZED into the following 9 Specific Micro-Factors:

1. Unfortunate Administrative Omission by Belgium in Rwanda during ÜN Trusteeship, e.g.
 - (a) Belgium's unfortunate favouritism to minority Tutsis through whom Belgium ruled Rwanda on behalf of the League of Nations Mandate System and the UN Trusteeship till independence on 1st July, 1962, thereby creating an ACUTE RELATIVE DEPRIVATION trauma against the Hutu Community's Human Rights and which, in turn, triggered Hutus' ACUTE FPUSTRATION and VEHEMENT RESENTMENT against such treatment.
 - (b) 1957 Hutu Manifesto petitioning Belgium and UN for better treatment on equal footing with the Tutsis so that they (the Hutus) may also now be free from this ACUTE RELATIVE DEPRIVATION problem.
 - (c) Tutsi vehement opposition against the Petition urging Belgium and UN not to recognize it, an act which sparked off Hutu anger against Tutsis.
 - (d) Belgium's Declaration recognizing the Manifesto in order to appease the populous majority Hutu Community for this decision which, in turn, sparked off Tutsi anger against the Hutus.
 - (e) Belgium's further Declaration of Rwanda and Burundi as two separate independent countries under a Hutu majority rule again before preparing the Tutsis for such a Drastic Decision.(This materialized only in Rwanda but failed in Burundi).
 - (f) In short, Belgium's administrative omission to properly prepare both Rwanda and Burundi for independence was significantly akin to her administrative omission also committed in Congo

which, in turn, precipitated a bomb-shell of civil war, massacres and loss of two Prominent World Leaders namely Prime Minister Patrice Lumumba on 17th January, 1961 and the UN Secretary-General Dag Hammarskjold on 17th September, 1961 while the latter was on Peace Mission in Africa to seek a solution to the crisis.

2. Tutsi Persistent Deliberate Rejection of Democracy and Democratic Ideals in Rwanda, e.g.

- (a) Tutsi rejection of and opposition to the 1957 Hutu Petition, urging both Belgium and the UN Organization against the Petition. Obviously, it was because of this undemocratic tendencies and conduct that the Tutsi act, in turn, sparked off acute anti-Tutsism and Tutsiphobia by the Hutu Community, on the one hand; and anti-Hutuism by the Tutsi Community on the other.
- (b) The November 1959 Genocide precipitated by Tutsi aggression characterized by Tutsi attack on Hutu Community in retaliation against:
 - (i) The said Manifesto;
 - (ii) Belgium's Declaration in support of the Manifesto against Tutsi sentiments; and
 - (iii) Belgium's Decision to grant independence to both Rwanda and Burundi under a Hutu Majority Rule. (Although Belgium decisions to do so were in good faith and in keeping with standing democratic principle of Majority Rule and Minority Rights enshrined in our present civilization and covenants, the said decisions were intolerable to the Tutsis).
- (c) Tutsi VEHEMENT DEMANDS that they must be the ones either TO RULE in both Rwanda and Burundi or TO DECIDE as to who should rule in these two countries.

Nota Bene: This persistent Tutsi ANTI-DEMOCRACY and DEMOCRATIC IDEALS is also well evidenced by the on-going events in Burundi today:

- (i) Where the Tutsis have totally refused, through their Tutsi dominated political party called "Unity for National Progress (UPRONA) headed by Mr Charles Mukasi, to ACCEPT and RECOGNIZE MR JEAN MINANI (a Hutu) as Speaker of Burundi National Assembly notwithstanding the fact that Mr Minani had actually been democratically elected by a majority vote of the same Assembly;
- (ii) Where the same UPRONA party has ALSO forced for an immediate resignation of Prime Minister ANATOLE KANYENKIKO using general strike and sporadic killings of innocent civilians to push through their demand. (Reuter, Bujumbura via Daily Nation, Nairobi, Saturday, 4 February, 1995 p.g. NB: Mr. Kanyenkiko had to resign on 15th February, 1995 in order to save Burundi from another Rwanda-style Catastrophe);

- (iii) And, where Tutsi still continue to believe that although they are a MINORITY, it must be them and them alone who should control the National Army. They did this after first physically eliminating most key Hutu army officers in that Army as they had once physically eliminated most key Hutu intellectuals and political leaders in 1972 in Burundi which led to a rampage of Hutus in 1973 against Tutsis in Rwanda (also see No. (f) below).
- (d) The December 1963 Genocide also precipitated by the Tutsi Community against the Hutus as follows:
 - (i) Tutsi refusal to recognize two consecutive Hutu Victories of July, 1960, and September, 1961 Elections supervised by Belgium and the UN respectively, demanding for leaders of Tutsis' own choice;
 - (ii) And invasion of Rwanda by Tutsi guerrilla war militias called INYENZI (meaning cockroaches in English) on 20 - 21 December, 1963 with an aim to topple the Hutu elected majority Government, demanding for a government of their own choice. (For details, see Chap. IE.A.7.b.ii(1-6).
- (e) The 1964 Mini-Genocide ALSO precipitated by Tutsi invasion of Rwanda mainly in Bugarama-Cyagugu area by Tutsi refugees and rebels residing in Congo (now Zaire).
- (f) The April 1972 MASSACRES of Hutu INTELLECTUALS and POLITICAL LEADERS in Burundi by Tutsis sparked off en masse massacres of Tutsis in Rwanda in reprisals by the Hutu community including Hutu civil servants and even students from Butare University and all Secondary and Primary Schools from 12th February, 1973 before the reprisals were finally quelled in July, 1973 by the Rwanda Government.
- (g) In October 1990, the Tutsi INVASION of Rwanda from Uganda was followed by recurrent acts of EXPLICIT AGGRESSION against the Habyarimana Government in Kigali contrary to both INTERNATIONAL LAW AND EXISTING DEMOCRATIC IDEALS enshrined in:
 - (i) The Briand-Kellogg Pact of 1928;
 - (ii) The UN Charter and The OAU Charter, e.g., under Article 3 paras 4-5 of the latter; and
 - (iii) The TRIPARTITE ACCORD between the Two Foreign Ministers of Rwanda and Uganda and UNHCR on the Rwandese REFUGEE Repatriation Question.
- (h) The October 1993 ASSASSINATION of a Hutu President of Burundi (H.E MechioNdadaye) by Tutsi Army officers scrambling for Tutsi Leadership (Supremacy) in Burundi contrary to Briand-Kellogg Pact of 1928; the OAU Charter under Article III, paragraphs 4 and 5 which individually and collectively require every member-state to settle its disputes peacefully and to totally refrain from assassinations and subversive acts as a means of leadership succession.

- (i) The April 1994 ASSASSINATION of two Hutu Presidents of Rwanda and Burundi (H.E Juvenal Habyarimana and H.E Cyprien Ntaryamira) also scrambling for leadership Succession in Rwanda in contravention of the August 1993 ARUSHA PEACE ACCORD under Article 8 which like Briand-Kellog Pact and Article 3 of OAU Charter also outlawed use of coups and assassinations as a means of Leadership Succession specifically in Rwanda.
3. Hutu Temporary Insanity, i.e.,
Hutu Temporary Insanity precipitated by this acute tutsiphobia amongst Hutus.
 4. Natural Human Instinct to Overpower an Explicit Advancing Deadly Armed Enemy, i.e.,
The natural human instinct to kill the advancing hostile enemy in self defense which gained ground among the Hutu community as a result of the assassination of the Hutu Presidents and other leaders, and also the continued killings of Hutu civilians by the same enemy since the Tutsi invasion of Rwanda before and after October, 1990.
 5. The World Community's Unfortunate Oversight on Rwanda's Perennial Inter-Ethnic Hostility and Bloodshed ever since the UN Trusteeship, e.g.
 - (a) The unfortunate oversight by the World Community to properly recognize these long-term accumulated grave symptoms of potential threat to humanity in Rwanda in good time before this mutual genocide took place.
 - (b) The unfortunate failure by the World Community to act promptly to stop invasions of Rwanda by the RPF, INKOTANYI and Uganda beginning October 1990.
 6. Absence/Lack of Conflict Vaccine:
Till today, our recently discovered Vaccine (as both a Curative and Preventive Means), as presented in ICPCRIA's Recommendations in Chapter Five for perennially mutual hostile trauma in individual leaders, ethnic or tribal communities, political parties and nations alike in order to free them from this TRAUMA AGAINST EACH OTHER, had not been known to the World. Hence, the inevitable recurrent INTER-ETHNIC hostility, massacres, assassinations and genocide cases in Rwanda and Burundi. Also, this is the reason why rampant civil war cannot be easily brought to an end in Somalia, Angola, Sudan, etc.
 7. Absence of a Credible World Deterrence Body:
The unfortunate absence of an African Military Command at the disposal of the OAU Chairman and Secretary-General to act as a deterrent and containment mechanism against such eventualities in Africa.(Agola Auma-Osolo, "Aretrospective Analysis of the UN Activities in the Congo and its Significance for Contemporary Africa", Vanderbilt / Journal of Transnational Law, Vol 6, 1975, pp. 471-2)

8. Extraneous:

- (a) In life, there are generally three types of extraneous: A Positive Extraneous whose overt and covert acts are for the well-being of the target (affected party); A Negative Extraneous whose acts are for the good or benefit of the self (actor) at the expense or destruction of the target; and A Neutral One. (Agora Auma-Osoto, "The Goals of the Nations of Africa Reconsidered", Pan African Journal Vol.6, No., 1973); and "UN Peace-Keeping Role and the Passions of the UN Self-Seeking Member States", PEACE RESEARCH, Canadian Peace Research Institute, Vol. 8, 1976; also in PEACE RESEARCH ABSTRACTS JOURNAL, 1976)
- (b) In this regard, it would be totally wrong and unjust on ICPCRIA's part to allege or conclude that Rwanda did not have any positive extraneous before the said Catastrophe. The UN in general, as well as OAU, played a very noble positive multi-lateral role as peacekeepers in Rwanda before the Catastrophe. This recognition does not, however, prejudice ICPCRIA's concern about UN's deplorable withdrawal of 2000 peace keeping soldiers out of its total of 2,500 soldiers at the beginning of the 1994 Rwanda Catastrophe arising from President Habyarimana's assassination thereby rendering its peacekeeping strength in the area totally unable to avert or prevent the deteriorating situation; our concern as to why the same UN also failed in its arms movement surveillance role along the Rwanda-Uganda border; our concern why the UN chose to disarm only the Habyarimana Coalition Government but not the RPF; our further concern as to why UNAMIR failed to effectively protect President Habyarimana against the assassination; and several other similar concerns.
- (c) In addition to positive Multi-lateral Extraneous, we also confirm that Rwanda had some positive Bilateral Extraneous such as Zaire, France and Kenya whose aims were antithetical to the Catastrophe.
- (d) But, as also fully documented in the preceding Chapters of this Memorandum,
- (i) the NEGATIVE OVERT and COVERT CONDUCT and ACTIVITIES in Rwanda particularly by UNAMIR Belgian peacekeepers duty-stationed in the Capital and at Kigali Airport in particular, and also by the Government of Uganda in general were one of the MAJOR CONTRIBUTING FACTORS to the said Catastrophe of April, 1994.
- (ii) Similarly, at the time the 1960 Congo Catastrophe which culminated in the mysterious and brutal deaths of UN Secretary-General Dag Hammarskjold and the Congolese Prime Minister Patrice Lumumba, the Belgian Colonial Officers were also one of the major factors in the Holocaust (Agora Auma - Osoto, "A Retrospective Analysis of the UN Activity in the Congo and Its Significance for Contemporary Africa", VANDERBILT JOURNAL OF TRANSNATIONAL LAW, Vol. 8, No. 2, 1975, pp. 453-9 particularly at p. 457 regarding the Cable of the Congo Central

Government to the UN Secretary-General accusing Belgium as the root-cause of the Congolese civil war).

- (iii) THEREFORE, it is self-evident that the conduct of the UNAMIR Belgian Officers in the Rwanda Catastrophe and the conduct of the Belgian Colonial officers in the Congo Catastrophe are CONGRUENT.

COROLLARY:

- (1) Because of this prima facie congruency between the Belgian acts in Congo and Rwanda and the appalling magnitude of their devastation to Humanity and Civilization in those two countries respectively, in total disregard and disrespect to International Law, the corollary of this continuity is that had the World Community taken appropriate action in its capacity as the Supreme Custodian of our Humanity and Civilization against perpetrators of criminal acts in the Congo commensurate with the degree of the crime, obviously the Belgian UNAMIR Soldiers in Rwanda and all other EXTERNAL perpetrators of Genocide such as the Uganda Government would not have repeated the same mistake!
 - (2) Succinctly, the Rwanda Catastrophe would not have occurred at all; and millions of lives and property of immense value in various foreign currencies in relief support would have been easily saved in Rwanda.
- (e) Accordingly, it is ICPCRIA's humblest prayers to the World Community, the Supreme Custodian of our Humanity and Civilization, not to repeat the same error if it has to sincerely and effectively intends to protect this and future generations from the scourge of war in accordance with the WISHES of our Forebears reflected in the Preamble of the UN Charter, the Protocols of the International Convention on Genocide, the Briand-Kellogg Pact, inter alia.

9. Nebuchadnezzarism of certain Members of the World Community

- (a) In addition to the Extranality Factor, our evidence also reveals that there are certain Members of the World Community from within the African Region whose acts before this Catastrophe appear to be akin to and a SIGN of the RESURRECTION of the political virus of the Biblical Nebuchadnezzar, Alexander the Great, Adolf Hitler and Chaka the Zulu during their respective conquests and expansionism.
- (b) Therefore, although Uganda's role in the Catastrophe may have been essentially to support the RPF, Uganda's objective may not have been free of this virus, contrary to International Law under the Briand-Kellogg Pact, and the OAU Charter provisions particularly Article 3 para 1-5 of the Charter which requires all OAU Member States to adhere to the Principles contained in the said paras as follows:
 - (i) to recognize and respect each other's sovereign equality (para1);
 - (ii) to refrain from interfering in the internal affairs of each other sister states (para. 2);

- (iii) to respect both sovereignty and territorial integrity of each other Sister States (para. 3);
 - (iv) to settle their disputes peacefully other than resorting to violence and other undemocratic methods as means to their ends (para.4);
 - (v) and to refrain from political assassinations and subversive activities in each other Sister States (para. 5).
- (c) Uganda's violation of these five (5) fundamental principles of the OAU Charter, the Briand Kellogg Pact of 1928 and the UN Charter did not only enhance success of RPF's "Bay of Pigs"-like activities against the Habyarimana Coalition Government in Rwanda in the AFRICAN REGION. It is also a prima facie proof of a Nebuchadnezzar type of expansionism causing a HAVOC OF ABNORMAL DEATH TOLL (casualty) of approximately 1,200,000 lives; IRREPARABLE HUMILIATION and DAMAGE to the PERSONALITY and DIGNITY of our African Leadership in the Community of Nations; and further Damage to our Mother Africa's HERITAGE and TABERNACLES in Rwanda, including PROPERTY of unknown millions of US Dollars that Rwanda will not be easily able to restore for several decades to come. What a shame to our Mother Africa and to World Civilization! Hence, ICPCRIA's serious concern! and earnest appeal for World Leaders' PROMPT INTERVENTION to solve this CRITICAL Issue in Rwanda, and the ON-GOING similar case in Burundi in accordance with its Recommendations in Chapter 5 below, so that the Rwanda-type abnormalities may not recurr again in Africa, or elsewhere.
- (d) Further to ICPCRIA's submission in Chapter Three, Section III G. para (c) above, WE wish to REITERATE with a HIGH DEGREE OF CONFIDENCE that even if the Uganda Government now chooses to disown its own brain-child (the RPF) and to plead that it was NEITHER directly or indirectly involved, NOR have any way of knowing or restraining the RPF's injurious intentions against the Habyarimana Coalition Government, the Uganda Government still has a prima facie case to answer by virtue of the following facts of law:
- (i) "...International Law imposes the duty upon every State as far as possible to prevent its own subjects, and such foreign subjects as live within its territory, from committing injurious acts against other States. A State which either intentionally and maliciously or through culpable negligence does not comply with this duty commits an international delinquency for which it has to bear original responsibility". (Oppenheim p.365).
 - (ii) Similarly, under the same International Law, Uganda, like every other State or Country, is expected to know that apart from this original responsibility defined by Prof. Oppenheim, she is also bound to accept and respect VICARIOUS RESPONSIBILITY for every INJURIOUS ACTS committed to another or other State(s) without her knowledge so long as such acts are or were carried out by individual(s) residing in her territorial jurisdiction in the manner RPF did. (Oppenheim, p.365)!

CHAPTER FIVE: ICPCRIA'S RECOMMENDATIONS FOR SOLUTIONS AND REMEDIES TO AVERT AND PREVENT A SIMILAR SITUATION IN RWANDA

1. From Chapter One to Chapter Four of this MEMORANDUM, we have endeavoured, using relevant inter-disciplinary methodology available, to diagnose the Rwanda Catastrophe and to prove whether or not the situation befits the conventional definition of the Genocide concept. Thereafter, we sought to diagnose the situation further with a view to identifying and analyzing its real root-cause as a pre-requisite for our identifying possible remedies with which (and in order for usj to avert or prevent another untold sorrows of nauseating humiliation of Genocide, massacres and assassinations in Rwanda to our Mother Africa and the entire World Community and Civilization,.
2. In Chapter Four in particular, we have summarized all our findings on the actual root-causes.
3. In this Chapter Five. It is our humblest prayers to submit our RECOMMENDATIONS to The UN Secretary-General, The OAU Secretary-General, The Commonwealth Secretary-General and other World Leaders on what we (ICPCRIA) strongly trust to be a VIABLE CURE to the prevailing perennial socio-political virus in Rwanda once and for all on behalf of our Mother Africa and the entire World Community and Civilization:

I. DURING PRE-INDEPENDENCE:

As already indicated in our Summary above, it is ICPCRIA's view that, given the World Community's awareness of the perennial mutual hate trauma between the Hutus and Tutsis during the period of the UN Trusteeship, these Two Options should have been heeded to before the two mutually hostile ethnic groups were granted independence in order to spare the horrors of the recent genocide and billions of dollars now being spent on the tragedy in their country:

1st Option: The World Community should have borrowed a LEAF from the Nazi Germany Genocide case and physically separated the Hutus from the Tutsi. One of them should have been resettled in Burundi and the other in Rwanda in conformity with the Principle of "PREVENTION IS BETTER THAN CURE": However, this arrangement could not have been safe. Because of the inherent Hutu/Tutsi mutual hate trauma, they would still have fought across their common border between Rwanda and Burundi. Therefore, the only ideal solution would have been to separate them by re-settling one of them in a far distant place as our Forebears did to surviving German Jews by taking the latter to ISRAEL.

2nd Option: Alternatively, the World Community should have administered to them a COMPREHENSIVE CONFLICT VACCINATION" as follows:

- (i) For the Leaders of each side as a SHORT TERM PRIORITY:
 - This strategy entails re-educating or rehabilitating the Leaders on the concept and importance of PEACEFUL CO-EXISTENCE for the sake of National Development.
 - This action was necessary in order to TAME their mutual hate trauma developed over-time (for severe generations).
 - Short of this Vaccination Exercise, mutual peace between the two is totally impossible; and any other peace efforts to make them peacefully co-exist would all be futile.
 - This should have been carried out using Leaders' Conferences, Seminars, etc.

- (ii) For the Masses (Grass-roots):
 - Unlike the programme for the Leaders, the Vaccination programme for the masses was to cater for the grass-roots as a LONG-TERM PRIORITY due to the scope of the masses.
 - This should have been carried out using public rallies, mass media, churches, schools and the Leaders to also re-educate their followers on the concept of PEACEFUL CO-EXISTENCE in Rwanda.

II. DURING POST MUTUAL GENOCIDE

For the World Community's maximum/optimum net-gains for the benefit of the people of Rwanda whom we now seek to assist, it is ICPCRIA's humblest Advisory Opinion and Recommendation that the Rwanda Genocide Question should not be handled piecemeal but in totality with other crucial issues which include:

1. Resettlement of Refugees in their habitual homes of domicile in Rwanda by the-World Community is necessary in accordance with our Recommendation in (2) below in order to ensure maximum security for the returning Hutu refugees against possible reprisals by the Tutsis (RPF and INKOTANYI).

2. Genuine Security for Refugee Returnees: In view of confirmed reports of recurrent Tutsi reprisals against Hutu refugee returnees leading to mounting Hutu refugee fears and suspicions in the camps of Tutsi INKOTANYI and the RPF authorities. with the end result of the refugees not wanting to return home, it is, therefore, ICPCRIA's humble submission and ADVISORY OPINION that, in order for the World Community to overcome this obvious psychological hurdle among those refugees who may be interested in repatriation, these refugees would require the following BASIC NEEDS (assurances):-

- (a) GENUINE SECURITY by the World Community through a Care-Taker Administrator that refugees would be safe in their homes and that nobody including Tutsis would, therefore, harm or bother them.
 - (b) Assistance not only in their repatriation but also:
 - (i) in their RESETTLEMENT, and
 - (ii) in the RECOVERY of their property which was lost or destroyed during the recent civil war emergency.
 - (c) A Comprehensive REHABILITATION programme in No. 3 below in order to enable them to recover from their recent stigma of bitter memories of untold sorrows of human sufferings they have encountered and survived throughout the holocaust in 1994 Mutual Genocide. (This mode of treatment is different from the treatment in No. 4 below).
3. The Rehabilitation of these Refugees is necessary before and after resettlement in order to enable them to overcome of their trauma of Genocide. This maybe carried out as follows:
- (a) Leadership Rehabilitation Seminar for about 3-4 days; and
 - (b) Mass-Grass-root Rehabilitation Exercise using:
 - (i) Churches, schools, mass media, etc,
 - (ii) Political Leaders at Public Rallies, etc.
4. Conflict Vaccination of All Rwandese as follows:-
- (a) ,A long-Term Leadership Conflict Vaccination n for both Hutu and Tutsi leaders against standing mutual hatred trauma. This would make them to be born again; and to also impart their new life concept of be born again love and peaceful co-existence to their grass-roots using face-to-face contact, public rallies, mass media etc.
 - (b) A long-Term Grassroots/Mass Conflict Vaccination for both Hutus and Tutsis against mutual hate trauma. Most important agents for this exercise should be Hutu and Tutsi Leaders using public rallies, mass media etc. to enable their followers to accept this new life of mutual love and peace between the mutually antagonistic tribes.
5. Power-Sharing Government: A stable and reliable Government is totally impossible unless it honours the existing ARUSHA PEACE ACCORD of Power-sharing Arrangement signed in Arusha in 1993. Accordingly, based on the overwhelming empirical evindence identified so far and contained in this Memorandum on the failures of Democracy in Rwanda ever since 1959, it is self-explanatory:
- (a) That the entire Tutsi community plus its RPF political party are the ACTUAL ROOT-CAUSE of the failures of Democracy in Rwanda;
 - (b) That the two would, therefore, NEITHER be a suitable NOR be reliable agents to facilitate, cause to facilitate, or likely to see to it that the Democratic Aims contained in this ARUSHA PEACE ACCORD succeed;
 - (c) That the reality of the Tutsi as a stumbling block to Democracy - in Rwanda is not unique to Rwanda only as it is also a true phenomenon in Burundi where Tutsi are now vehemently opposed:

- (i) to the Democratically elected Hutu Speaker of the National Assembly (Mr Jean Minani) from taking Oath of that Office demanding that they and they alone are and should be the ones to decide on who should be the Speaker of the Burundian National Assembly; and
 - (ii) to the Democratically elected Tutsi Prime Minister, H.E. KANYENKIKO simply because he was opposed to arrogant Tutsi demands to oust the Speaker of the National Assembly on totally unfounded reason.
- (d) And, that in Rwanda in particular, it would be erroneously dangerous to assume that the current Tutsi dominated RPF Government subscribes to the spirit of the Arusha Accord of Power Sharing because of these obvious reasons:-
- (i) Tutsi efforts to include Hutus in Parliament, Government and in the Army is essentially an ANAESTHESIA deliberately intended by RPF to fool the World Community of their true character of anti-Democratic Ideals and Behaviour in Rwandan political life.
 - (ii) Hutus who have recently been accepted in the political institutions in Rwanda have been appointed by RPF but not by the people of Rwanda. These Hutus are not representatives of MDR, PL, PSD and PDC political parties. Accordingly, they do not represent the Hutu population of which 90 percent is in exile.
 - (iii) In this respect, it also follows that apart from the Prime Minister, all Hutus who are now in the present R.PF Government NEITHER represent their Hutu population NOR do they fulfill the Requirements of the POWERSHARING concept of a BROAD BASED NATIONAL GOVERNMENT as so prescribed in the ARUSHA PEACE ACCORD of August, 1993.
 - (iv) Further, we are certain that in spite of the positions they may hold now in the RPF Government, such Hutus are virtually powerless as they must be directed by the Tutsi Leadership who control the RPF as to what to do and what not to do and also when!
In this respect, they are no more than essentially window-dressing, items whose aim is simply to lure the public and the World Community for sympathy in a bid to get political and financial support!

CONCLUSION:

In view of these overwhelming evidence against the Tutsi community in both Rwanda and Burundi as the root-cause of the perennial critical illness affecting democracy in those two African Countries, it is again ICPCRIA's humble ADVISORY OPINION that in order for the World Community to successfully implement the ARUSHA PEACE ACCORD, it would need, first of all, to recognize THREE FUNDAMENTAL PREREQUISITES as follows:

- (i) First and foremost to DISMANTLE the existing RPF Regime in Kigali with a view to REPLACING it with a totally FOREIGN IMPARTIAL AGENT which shall solely act as a care-taker administrator charged with the following specific TASKS:
- (1) To promptly set up a new administrative machinery to facilitate the day-to-day functions in Rwanda while negotiations and other reconciliation processes are continuing to put an end to the existing perennial conflict in Rwanda and to put the needed Broad-Based Government of National Unity in place.
 - (2) To disarm all soldiers and militias of both present and former Rwanda Regimes with a view to creating an Army of National Unity.
 - (3) To Repatriate and Canton both present and former Armed Forces in accordance with the protocols of the ARUSHA PEACE ACCORD.
 - (4) To arrange for Repatriation. Resettlement and Rehabilitation of all 1994 Rwandese civil war refugees to their original homes of domicile and to assist them in the recovery of their property. For other Rwandese refugees, the Arusha Accord should apply.
 - (5) To arrange for a country-wide programme of Comprehensive Long-Term CONFLICT VACCINATION pursuant to our Recommendation in (4) above.
 - (6) To prepare the necessary logistics for setting up this required Broad-Based-National Government in accordance with the Protocols of the ARUSHA PEACE ACCORD which stipulate that the key positions of the new structure shall be shared as follows:

<u>Political Party</u>	<u>Post</u>
National Republican	
Movement for Development and Democracy (MRND)	President
Rwanda Democratic Movement (RPD)	Prime Minister
Rwanda Patriotic Front (RPF)	Deputy Prime Minister

- (ii) To accord these SPECIAL TASKS to one of the following (3) non-African FOREIGN COUNTRIES:

<u>NAME</u>	<u>RATIONALE</u>
GERMANY	Which already has better previous administrative experience in both Rwanda and Burundi in her capacity as the first colonial power of both countries before Belgium and the League of Nations.
JAPAN	Which, until the end of December, 1994, maintained a peace keeping force in Goma, Zaire under the UN Flag; and the only one from the East Asian Region a with the necessary experience about Rwanda..

U.S.A. Which has always proved a leading and unifying Force amongst all UN Peace-Keeping Forces in the World since the creation of the UN Organization in 1945 as a Custodian of World Peace and Security.

- (iii) To accord the appointed CARE-TAKER ADMINISTRATION an AMPLE time of at least two years in order to enable it facilitate the smooth implementation of the TASKS in (a) - (f) above.

NOTA BENE

In this spirit, it is our prayer that the World Community will give the appointed Care-Taker Administrator total support in its efforts to carry out these challenging Tasks.

6. Total Amnestv for 1994 Mutual Genocide:

- (a) It is our humble belief that the Rwanda Mutual Genocide was caused by the trauma of the Hutu-Tutsi LONG-TERM ACUTE MUTUAL HATE. On one hand, it was a Hutu Reprisal triggered by the sudden assassination of two Hutu Presidents on the evening of 6th April, 1994 close on the heels of the previous assassination of another Hutu President of Burundi in October, 1993. And, on the other hand, it was a Tutsi led and planned intention to exterminate Habyarimana and his Hutu supporters because of the Tutsi ACCUMULATED FRUSTRATION and HOSTILITY as refugees outside their Mother Country effective 1959.
- (b) This Mutual Genocide, in turn, further provoked continued Tutsi reprisals against Hutu refugees who had dared to return to their homes after the April-July 1994 holocaust resulting in another chapter of Hutu genocide by the Rwanda Patriotic Army. As such, whereas both Hutus and Tutsis took part in this Mutual Genocide, its is self-evident:
- (i) That the Tutsis-dominated RPF killed over a million Hutus while the Hutu-dominated Government killed not more than 200,000 Tutsis;
- (ii) That even now, Hutus are still being killed by the new Tutsi-dominated R°F Government especially Hutu returnees;
- (iii) And that, unlike Hutus, the Tutsis and their RPF leaders and INKOTANYI had a previously hatched deliberate intent to topple Habyarimana Coalition Government and to exterminate its Hutu supporters in Rwanda.
- (c) Further, because of their act of reprisal in self-defence in this Mutual Genocide, it may be logical on and admissible by International Law on the STRENGTH of the PROVISIONS of CAROLINA CASE OF 1837 and Briand-Kellogg Peace Pact of 1928:
- (i) that while Hutus acted out of desperation for self-defence: their Tutsi counterpart acted with a pre-planned intention to eliminate Hutus.
- (ii) that bringing the culprit before the Tribunal may, therefore, be the most logical and just way for the good of Rwanda.
- (d) HOWEVER, it is also our view that while respect for NATURAL JUSTICE is necessary, Total Amnesty for the CULPRIT may be our

most RATIONAL CHOICE so that the martyred Rwanda Nation may be properly RESUSCITATED. Hence, our humble prayers to the World Community and its Respective Leaders!

- (e) But should this professional advice not be heeded and adhered to, and the Tribunal to go ahead without taking this ADVICE into account, it is also our humble advice that the same Tribunal should, first of all, carry out exhaustive inquiries into the actual role of the Tutsis and RPF prior to the 1994 Mutual Genocide and after taking over power in Kigali in July 1994. Otherwise, any action by the Court short of this account shall be considered a one-sided action contrary to our concept of and belief in NATURAL JUSTICE and PROFESSIONAL ETHICS!
- (f) It is ICPCRIA's further view that the two have better potential to be born-again and become good neighbours if the World Community is fully committed to assist them in the endeavour. Otherwise both of them are ironically capable of totally annihilating each other and the CIVILIZATION in Rwanda as they recently tried to do during the Mutual Genocide episode of 1994 were they to be left alone to handle the issue of the 1994 Mutual Genocide on their own and other questions such as refugee repatriation, security and resettlement as they are trying to do on obviously dangerous recommendations by AFRICAN RIGHTS and other bodies without due regard to the serious side-effects of such advice and recommendations!
- (g) It is also ICPCRIA's humblest view that the second Chapter of Rwanda Genocide may be worse than the First One.

7. Exhaustive Trials of All Cases of Massacres Genocides and Assassinations effective 1959

In the event that our Peace Centre's Proposal No.6 above is not acceptable to World Community, and that instead the Trial of those who are now being falsely accused of the 1994 Mutual Genocide is preferred, then it is also our Peace Centre's humble submission:

- (a) That, in the interest of full Natural Justice, a piecemeal approach should be avoided at all costs. In other words, all those who also perpetrated previous cases of genocide and assassinations of 1959, 1963, 1964, 1972-73 and 1993 should also be tried by the same Tribunal; and
- (b) That this Court be kind enough to look into the reasons as to why the Tutsis have always refused to recognize democratically elected Governments in both Rwanda and Burundi ever since 1960; and why they are now eager to give a ruling on appropriate course of ACTION to be taken against them; and as to who should rule in Rwanda and Burundi!

8. Regional Federal State:

As a long-term solution, consideration should be given by the International Community to the possibility and pros and cons of creating a larger regional federal state to encompass Rwanda, Burundi and any willing neighbouring

state in which new communities would now serve as neutralizing agents of the existing hostile relations between the Hutus and Tutsis in both Rwanda and Burundi which has permanently made peaceful co-existence totally impossible in those two countries.

9. Complete Physical Separation of the Hutus and Tutsis

- (a) Thus, if the first 1-8 Options above are deemed impossible, it is also our humblest Advisory Opinion that complete physical separation of the two may be the only answer.
- (b) In this regard, it may be logical to re-draw both countries' boundaries for ease of the separation of both communities based on their respective numerical strength with one capital for each community.
- (c) This would be in keeping with the Allied Powers' Option in 1945 in order to avert or prevent another Chapter of Jewish Genocide by Nazi Germany. In this respect, the Jewish Germans were promptly and systematically separated from the Aryan Germans and re-settled far away in Palestine which is now THE STATE OF ISRAEL using this far distant physical separation as the only most effective protective weapon for the Jews against their hostile Nazi German aggressors.
- (d) While it may be a prudent and cost-effective idea to borrow this NOBLE LEAF from the UN Founding Fathers, serious concerns persist. For example,
Given that Kigali would be reserved strictly as a capital for one community and Bujumbura for the other, can the two hostile ethnic groups peacefully co-exist as good neighbors? The chances are that the two may not easily do so. They would continue to Fight across the borders. Therefore, this option may not be cost-effective unless it is reinforced with:
 - (i) A Comprehensive Conflict Vaccination both vertically and horizontally as so recommended by ICPCRIA in Option No. 4 above; and
 - (ii) A Berlin Wall-type border between the two would be very necessary to ensure maximum guarantee of security to both sides. Otherwise, it is ICPCRIA'S humble submission that unless the World Community promptly intervenes right now to guide and steer the mutually hostile Hutus and Tutsis on the right course of action in Rwanda, the two are most likely to go back to the battle held for a second chapter of civil war and genocide that may possibly lead them to a total self-annihilation and the destruction of Humanity and Civilization in both Rwanda and Burundi since the two Countries share common historical roots and experiences.

10 Security, Equity & Natural. Justice for International Tribunal on Rwanda Genocide

Under Chapter III. C. para 1 (4) of this Memorandum, the official wish of RPF Government is that the Internal Tribunal which is intended to try the genocide suspects be convened in Kigali. But recent press reports (e. g., Daily Nation of December 20, 1994 p. 8) state that the newly appointed Prosecutor, Justice Richard Goldstone, who has been visiting Kigali and holding meetings with

RPF Government officials, is of a view that the Court be convened in Arusha Tanzania. This has now been endorsed by the UN Secretary-General. Accordingly, it is ICPCRIA's view:

- (a) That as an international judicial issue, such decision as to where the Court should be convened cannot be entrusted to one person or party to the issue-but to the entire World Community including the two parties to the Rwanda conflict so as to ensure maximum security, equity and natural justice for those to be tried.
- (b) That, to this end, while both former and present Governments have the right to be consulted, it is our humble recommendation that OAU, the Economic Community of West African States (ECOWAS), Preferential Trade Agreement (PTA) Members and other African regional organizations including the Commonwealth Secretariat also be consulted for their input to the decision-making in the interest of the security, equity and natural justice for those to be tried.
- (c) And, that, pursuant to our recommendations above, the Trials should not be handled in a hurry and piecemeal fashion. Otherwise the end results may be counter-productive as detailed in our previous publication. (Agola Auma-Osolo, "Rwanda Case Needs Cautious Approach", Sunday Times, Nairobi. October 16, 1994, p. 8). To call a spade a spade,
 - (i) It is our humblest view that one of the parties implicated in this Catastrophe (the RPF) according to the evidence contained in this MEMORANDUM should also be required to appear before the Tribunal for acts committed since October, 1990 and before.
 - (ii) Also, it is our view that the entire Tribunal with the Prosecutor included, should endeavour to the best of its abilities and professional ethics to avoid bias; to stop treating any of the parties as innocent; to stop refusing to consult with all relevant parties on an equal footing on matters pertaining to the Court plans; and to stop harassing other parties to the case that culprits and innocents have already been identified. If the Court fails to pay heed to the above natural concerns, then it would have compromised its role as a Custodian of Natural Justice in Rwanda for the World Community.

EITHER WAY, it is also ICPCRIA's candid submission that, NO MATTER what the World Community now decides to do with or without our PROFESSIONAL SCIENTIFIC ADVICE about the Rwanda Mutual Genocide Question through the proposed International Tribunal, it may not be able to achieve or have a SIGH OF RELIEF on Africa's chronic civil strife cases unless it cares to take time to pay HEED TO PROFESSIONAL SCIENTIFIC ADVICE. And, in the numerous on going agonizing and humiliating cases of civil strife in Africa such as Rwanda, Burundi, Somalia, Sudan, Liberia and Angola, for example, we strongly believe that NO LASTING PEACE and STABILITY is going to be possible without a COMPREHENSIVE CONFLICT VACCINATION vertically and horizontally in each country. We, therefore, REITERATE that NEITHER the Gun NOR Detentions. Life Jail Sentences, Executions, Dictatorship including elections and International Tribunals, Human

Rights and Refugee Relief Agencies can be and will ever be a RELIABLE CURE of such acute cases short of this CONFLICT VACCINE!

Signature  Date 25th March, 1995

Prof. Agola Auma-Osola
PRESIDENT/ ICPCRIA

**FOR APPENDICES
(See overleaf)**



The International Center of Peace
And Conflicts Reconciliation
Initiative for Africa (ICPCRIA)

Our Ref: AID/93/3

PO Box 47288 Nairobi - KENYA
Tel. 334673.....(Off.f)...565366 (Res)
Fax
Telex
Date 11th June, 1993,

Your Ref:

H.- Dr. Boutros Boutros-Ghali,
Secretary General,
United Nations,
UN Plaza ,
New York. N.Y

1. OUR CONDOLENCES

2. OUR SUPPORT TO UN's DECISION TO USE FORCE IN SOMALIA AND ELSEWHERE TO RESTORE PEACE

Your Excellency,

On behalf of the international Centre for Peace and Conflict Reconciliation Initiative for Africa (ICPCRIA), I wish:

1. To register our CONDOLENCES for the 'loss of the 23 Officers of the UN Peace Keeping forcee in Somalia and for all those officers who were injured there and elsewhere in the course of their Ofriicali-duties; and
2. To further register our support to the UN's current decision to use force in Somalia in order to arrest and bring the culprits to book, because of our strong belief:
 - (a) In the Rule of Law and justice; and
 - (b) In the fact that whenever and wherever peaceful means are found to have failed to bear fruit it is equally legitimate under jus naturale jus rationale and jus getium to resort to the use of force for the purpose of not only restoring law and order but also for the purpose of saving human lives and property from further scourge of conflict and destruction in the area.

Your Excellency, with this in mind, I wish to reiterate our earlier submission to the UN that ICPPCRRIA is still very much eager and ready to assist :our Excellency in your peace restoration and maintenance efforts in Africa and elsewhere using our (3)

methodologies indicated in our proposal already submitted to you through UNDP in Nairobi some few weeks ago.

As our Excellency will not from our proposal, we strongly, believe and are fully convinced that inspite of its impressive quick results in peace restoration, military force can not be a reliable means for a durable peace. It is only useful force storing peace temporarily. In order to have a durable peace in the area, all underlying root-causes must first be meticulously identified and examined using a psychiatric methodology known as "APPLIED PEACE RESEARCH". And in order to identify a viable cure t these root-causes, a comprehensive "RE-EDUCATION OF SOCIETY" methodology is also very necessary.

Also known as "Conflict Vaccination" methodology, Re-Education of Society is extremely necessary because its aim is to pluck out those ethnocentrism trauma (the anti-peaceful co-existence attitude) from the Society's psychic which do generate .racism, tribalism, partisanism, etc as in the case of tribalism in Somalia; the case of faith-based hatred in Sudan; and most critical of all, the apartheid case in South Africa where the racism trauma is acutely crystallised in the white society's psychic as a result of early childhood training and experiences enforced by white families' homes, whit_ churches (Dutch Reformed church), white schools, white clubs, etc.

Your Excellency, it is RCPCRIA A's humblest belief that this .rauma is indeed the real major underlying root-cause or civil war in Somalia, Sudan, Angola and in every country in Africa which is founded on many different culteres. the danger in South Africa in particular, is so extremely acute that unless a prompt. serious thinking and action is taken by the UN to Re-Educate the white society on the ESSENCE and IMPORTANCE of peaceful co-existence between all races in South Africa so as to eradicate the existing acute racism trauma, bloody civil war and untold sorrows of human tragedy and loss of property a.inevitable in South Africa between the minority, whites and the majority Blacks either before or immediately after political leadership of South Africa is handed over to the majority Blacks. your Excellency, it is our prediction that our failure to take action on this recommendation., the situation in South Africa is most likely to be worse than, any situation Africa has ever experienced in her history of civil wars!

Your Excellency, it is, therefore, our sincere hope and expectation that you will take cognizance of this potential danger and Grant us tne-mandate to assist t UN in its efforts to prevent this. eminent potential danger from materializing in Somalia South Africa, and elsewhere, using those three methodologies indicated in our proposal.

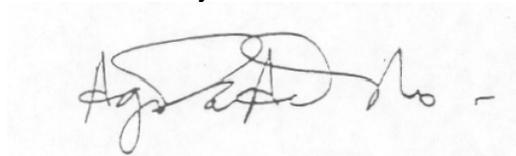
As a first step in our treatment efforts against this trauma in Africa, we are now in a process of preparing proposal 'LEADERS' CONFERENCE ON THE ESSENCE AND IMPORTANCE OF PEACEFUL CO-EXISTENCE IN THE NEW MULTI-PARTY DEMOCRACY POLITICS IN AFRICA FOR NATIONAL DEVELOPMENT.' This Conference is aimed at bringing togetner the leaders from both sides of the government and the opposition for series of short key-note addresses on the SUBJECT by, e.g UN Secretary General, Carnegie Endowment of International peace, Former Presidents Obasanjo and Nyerere, Commonwealth Secretariat OAU Secretary general, and International

Peace academy president. We plan to start in July - August 1993 subject to availability of funds; and the conference is to be held country -by-country in Africa.

We definitely have a tedious task before us For the sake of peace for ourselves; our children and our grand children to come.

Your Excellency, please accept the assurance or my highest consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gola Auma-Osolo', written over a light-colored rectangular background.

PROF. GOLLA AUMA-OSOLO
SECRETARY GENERAL-ICPCRIA

NATIONAL NEWS

Centre planning talks on good governance

THE International Centre for Peace and Conflict Reconciliation Initiative for Africa seeks to hold an urgent leaders' conference to assist governments and the people of Africa find a solution to politically-motivated ethnic clashes that pose a major threat to good governance.

The proposed conference will address itself to "The Essence and Importance of Peaceful Co-existence in the New Difficult Era of Multi-party Democracy Politics in Africa for the Sake of Good Governance and Development of Each African Country". It is intended to focus on the Kenyan situation first before other countries in the continent.

The Nairobi-based non-governmental organisation seeks to have President Daniel arap Moi deliver the keynote address.

Standard Reporter

Among the guests to be invited will be the United Nations Secretary-General, Dr Boutros Boutros-Ghali, the president of the Carnegie Endowment for International Peace, based in New York, Dr Thomas L. Hughes, and former United States President Jimmy Carter.

In the proposal by the secretary-general of the Nairobi-based organisation, Prof Agola Auma-Osolo, Chief Emeka Anyaoku, the Commonwealth Secretary-General, and the president of the International Peace Academy based in New York, Dr Otunjo Olara, are also listed as speakers.

They have been invited to speak on the "Role and Impact of the Government and the Opposition in the new era of Multi-Party Democracy".

Other distinguished personalities expected to attend include former Tanzanian President Dr Julius Nyerere, former Zambian President Dr Kenneth Kaunda and former Nigerian Head of State retired General Olusegun Obasanjo.

The three are expected to address themselves to the "Role and Impact of Political Leadership and Followers in the new era of Multi-party Democracy Politics in Africa".

The organisation also hopes to invite US civil rights leader the Rev Jesse Jackson, United Nations Children's Fund

(UNICEF) Executive Director Dr James Grant, Archbishop Desmond Tutu of South Africa, and World Bank vice-president for Africa Region Dr Edward Jaycox.

Locally, the Vice-President and Minister for Planning and National Development, Prof George Saitoti; the official Opposition Leader, Jaramogi Oginga Odinga; FORD-Asili chairman Mr Kenneth Matiba, Democratic Party chairman Mr Mwai Kibaki, KANU secretary-general Mr Joseph Karuho, heads of security and church leaders will be invited.

Also expected to participate are leading academicians and representatives from the professional community and donor agencies.

KENYA BRIEFS

Officials moved

EMBU — Kenya National Union of Teachers Embu branch executive officer Mohammed Gakinya and treasurer Elisha Njeru who had been admitted to Kyeul hospital have been transferred to Kangaru hospital. The two KNUOT officials had been hurt in a road accident on Thursday night while travelling from Mukouri market to Runyenjes trading centre.

Kikuyus speak

MARALAL — Kikuyus living in Samburu District yesterday disassociated themselves from calls for GEMA revival in a bid to secure more attention from the local administration. Speaking to the press in a Maralal hospital councillor James Kamera (DP) said local DC Muli Ndambo had been sidelining local Kikuyus because they voted him (Kamera) on an opposition ticket.

Man jailed

OYUGIS — Oyugis Resident Magistrate S.N. Riech has sentenced a man to four years imprisonment for being in possession of firearms without a certificate. Before the court was George Otieno Ojoku charged that he had 800 Kalashnikov sub-machine guns in East Kapsipul location in East Oyugis division. Hon. B. M. Njoroge was present.

BBC marks 30 years of world service

Standard Correspondent

BBC World Service's encyclopaedia of the air — Postmark



Taxis: 'No port bias'

By Buff Mshamba

THE management of Kenya Ports Authority has denied that they were discriminating against African taxi operators and favouring Asian ones.

Reacting to the accusations by the chairman of the Vehicle Owners and Drivers Association (VODA) Mr Nasibu Hussein, a spokesman for the authority said yesterday that all taxi operators were being treated equally and there was no discrimination whatsoever.

Early this month, the authority withdrew port services from the