

RWANDA: GENOCIDE AND THE CONTINUING CYCLE OF VIOLENCE

HEARING
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS
SECOND SESSION

—————
MAY 5, 1998
—————

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

49-306 CC

WASHINGTON : 1998

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-057202-9

17461-121

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CONTENTS

WITNESSES

	Page
Mr. Richard McCall, Chief of Staff, U.S. Agency for International Development	5
Mr. Dennis McNamara, Director, Division of International Protection, U.N. High Commissioner for Refugees	19
Mr. Shaharyar M. Khan, Former Special Representative, U.N. Secretary General to Rwanda	24
Senator Alain Destexhe, President, International Crisis Group, Director, Institute for International Economics	29
Dr. Alison Des Forges, Consultant, Human Rights Watch/Africa	49
Ms. Kathi L. Austin, Visiting Scholar, African Studies Center, Stanford University	56
Ms. Holly Burkhalter, Advocacy Director, Physicians for Human Rights	60
Mr. Francois-Xavier Nsanzuwera, Former President, CLADHO (Federation of Rwandese Associations of Human Rights)	64
Mr. Jeff Drumtra, Policy Analyst, U.S. Committee for Refugees	66

APPENDIX

Prepared statements:

Hon. Christopher H. Smith, a Representative in Congress from New Jersey and Chairman, Subcommittee on International Operations and Human Rights	83
Hon. Donald M. Payne, a Representative in Congress from New Jersey ...	86
Mr. Richard McCall	88
Mr. Dennis McNamara	98
Mr. Shaharyar M. Khan	114
Senator Alain Destexhe, plus attachment "Outgoing Code Cable"	121
Dr. Alison Des Forges	128
Ms. Kathi Austin	137
Ms. Holly Burkhalter	156
Mr. Francois-Xavier Nsanzuwera	167
Mr. Jeff Drumtra	172
Mr. Lionel Rosenblatt, President of Refugees international	188
Additional material submitted for the record:	
<i>The New Yorker</i> , May 11, 1998, "The Genocide Fax", by Philip Gourevitch	191
April 24, 1998 letter to the President from Hon. Christopher H. Smith on Rwanda	195
May 5, 1998 letter to Hon. Benjamin A. Gilman from Senator Alain Destexhe on Rwanda	199
May 5, 1998, Update on the Screening of 80,000 Rwandan Asylum Seekers in Africa	202
May 1, 1998 Refugees International, "Recommended Actions and Policies Toward the Great Lakes"	203

RWANDA: GENOCIDE AND THE CONTINUING CYCLE OF VIOLENCE

TUESDAY, MAY 5, 1998

**HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.**

The Subcommittee met, pursuant to notice, at 10:05 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the Subcommittee) presiding.

Chairman SMITH. The Subcommittee will come to order.

Today this Subcommittee meets to hold its third hearing on Rwanda, a country whose people have been caught up in some of the most brutal events in modern history. The focus of this hearing is the role played by outsiders, the United States, European nations, and the United Nations and its affiliated agencies for good or for ill during the 1994 genocide and the ensuing cycle of violence.

On April 6, 1994, Hutu extremists began the systematic massacre of Rwanda's minority Tutsi population. They also killed many thousands of moderate Hutus who had refused to participate in the bloodshed. For the next 3 months, mothers and their babies were hacked to death with machetes and families seeking refuge in churches were butchered inside. People stopped at checkpoints were killed on the spot if their ID cards listed their ethnicity as Tutsi. Streets were littered with corpses, and literally ran red with blood. Estimates of the number of people killed ranged from 500,000 to 1 million.

The tragedy did not end there. After the Tutsi-led Rwandan Patriotic Front (the RPF), gained control of the country, 2 million Hutus fled Rwanda, leading to a protracted refugee crisis in which countless innocents died of disease, starvation and murder in what was then eastern Zaire and elsewhere.

Even today the fighting continues between the Government of Rwanda and the insurgent forces of the former genocidaires, the ex-FAR and the Interahamwe. Both the Hutu insurgents and the Rwanda Patriotic Army (RPA) continue to commit serious atrocities against civilians. The insurgents attacked and murdered Tutsi refugees, including women and children, and have attempted to reignite ethnic hatred against the Tutsi population.

Meanwhile, the Rwandan Army, according to our own State Department, has "committed thousands of killings of unarmed civilians in the past year, including routine and systematic killings of

families, including women and children." There are no clean hands among the parties to that conflict.

During his trip to Rwanda in March, President Clinton properly lamented the horrors of the 1994 genocide and stated, "The international community must bear its share of responsibility for this tragedy." His remarks were correct, as far as they went, but they left many critical questions unanswered.

Those questions can be divided into two basic categories. First, what did the United Nations, the United States, and other non-African governments do either to deter or to stop the 1994 genocide? President Clinton admitted that we did not act quickly enough after the killing began, but he did not address what the United States may have failed to do before the killings began that might have averted the disaster.

As recounted in the current issue of the *New Yorker* magazine, a high-ranking Rwandan informant had warned the U.N. leadership, including Kofi Annan, and the United States about preparations for killings 3 months before they began. The recipients apparently did not act on that information. Without objection, the full article will be made a part of the record.

[The information appears in the appendix.]

Mr. SMITH. Furthermore, the United States has been accused not merely of inaction, but also of obstructing preemptive multilateral efforts to quell the crisis. Some have alleged that, in the words of Refugees International president Lionel Rosenblatt, the ball was not only dropped by the United States, it was blocked by the United States.

The second category of questions concerns what the United States is doing today to affect the situation in Rwanda for the better. Have we really learned any valuable lessons from the horrors of 1994? The one lesson that the Clinton Administration has drawn is to back the current Tutsi-led Government of Rwanda. Whether or not this is the wrong lesson, it is at best a tragically incomplete lesson.

Somehow the international community, as it likes to call itself, has failed to learn the most important lesson of all. When we have information that suggests innocent people are about to be massacred, we must act on that information, rather than ignoring it and hoping that it will go away. Yet, in July 1995, not even a year after the Rwanda genocide, U.N. peacekeepers in Bosnia ignored all the warning signs and let the massacre at Srebrenica happen. As in 1996 and 1997, when Hutu refugees were being slaughtered by the thousands in eastern Zaire, the U.S. policymakers seemed more interested in disputing the number of refugees than in stopping the slaughter.

None of this is meant to suggest that there are not important differences between the participants in the Rwanda conflict. The recent killings by Hutu insurgents may well be motivated by the desire to complete the genocide they started in 1994, whereas the RPA killings may be motivated only by the desire for power and for revenge. The fact that the massacre is not genocide, however, does not make it any less of a massacre.

Moreover, the United States bears a special moral responsibility when it comes to those whom we are supporting, both symbolically

and financially, when they are killing thousands of innocent men, women, and children. An end to such killings must be an absolute condition on U.S. military assistance.

I must add that, despite continued attempts to get a complete picture of the nature and extent of that assistance, I still have not received satisfactory answers from the Administration about the military support the United States has provided to the RPA. Without objection, I would like to make my latest inquiry to the President a part of today's record.

[The information referred to appears in the appendix.]

Mr. SMITH. I hope that our witnesses today will suggest ways in which the United States might improve the behavior of both the Hutu insurgents and the Administration's chosen ally, the Rwandan Government. Any lasting peace in Rwanda must be based on reconciliation, and reconciliation must be based on democracy and respect for human rights.

Finally, I am disappointed that all but one of the Administration officials responsible for the U.S. policy toward Rwanda refused to be here today. Although I asked the State Department to send a representative to participate in this hearing some time ago, the Department turned down my request, citing an internal rule that State Department representatives are not allowed to testify while the Secretary of State is appearing elsewhere on Capitol Hill. That rule, which is a public relations gimmick, pure and simple—motivated not by policy but by spin control—has caused the State Department to be absent from numerous Subcommittee hearings. It is particularly irksome in this case because it turns out the Secretary of State will not be testifying on Capitol Hill this morning after all. As we all know, she is not even in the country.

The Defense Department initially agreed to testify, but then used the State Department's nonparticipation in this hearing as its justification for not attending. I would like to take this opportunity to publicly protest this practice, which elevates public relations over substance, and significantly obstructs efforts to hold the Administration accountable to Congress and, by extension, to the American people.

I want to thank, however, Mr. Richard McCall, USAID's man, for having the courage and the courtesy to testify before our hearing today.

Finally, I would like to thank my very good friend and colleague, Representative Cynthia McKinney, whose dedication and persistence has contributed mightily to this hearing today. I would like to yield for any opening comments she might have.

[The prepared statement of Mr. Smith appears in the appendix.]

Ms. MCKINNEY. Thank you, Mr. Chairman. After centuries of living together in relative peace, Rwandan Hutus and Tutsis were taught to fear and mistrust one another because of disparaging treatment at the hands of Belgian colonialists. The Belgians treated Tutsis as an upper class, providing them with an education and important government positions, while relegating the majority Hutu population to agricultural work and manual labor.

Furthermore, the Belgians began requiring Hutus and Tutsis to carry identification cards, further creating an atmosphere of fear and hatred. The strong animosity created by colonialists was main-

tained after independence as extremist Hutu leaders sought to strike back at Tutsis by removing them from all positions of power and refraining from punishing those who committed acts of violence against Tutsi civilians.

The ethnic cleansing of Tutsis in the early 1960's led to an exile population that was spread across Uganda, Zaire, Burundi and Tanzania. Persecution and expulsion of minority Tutsis and moderate Hutus continued through the 1980's and early 1990's until the tragic events unfolded that led to this genocide.

I provide this history, Mr. Chairman, to enlighten those who find it convenient to attribute the killings to the irrational tribal hatred and bloodthirstiness of Africans.

Rather, what subsequent investigations have revealed is that the killings were not spontaneous expressions of inevitable hatred, but a well-orchestrated pattern of genocide, planned for and prepared by extremists, indeed ethnic supremacists to be sure, but essentially extremists concerned with holding on to power and wealth that they had come to control after 20 years in power.

The tribal card was played by these extremists, who accused any Hutu who did not join in their cause of betraying Hutus, and used propaganda and fear, the twin tactics of Nazis and fascists in Europe, to intimidate many into joining the killing. Those who resisted, many being moderate Hutus, were themselves murdered.

What makes the genocide even more tragic, Mr. Chairman, is that the United Nations, as well as the United States and its allies, could easily have prevented the slaughter. After the death of 10 Belgian U.N. peacekeepers at the hands of extremist militias known as Interahamwe, Belgium decided to remove all of their troops. To keep from appearing as if they were acting alone, the Belgian foreign minister telephoned U.S. Secretary of State Warren Christopher and asked if the United States would call for the withdrawal of all UNAMIR troops. The United States agreed.

Despite the calls for additional assistance from General Romeo Dallaire, the U.N. Supreme Commander in Rwanda, the Security Council voted to withdraw all but a few of the peacekeepers. Most of the Interahamwe were armed with nothing more than machetes and clubs. Thus, a well-armed force of a few thousand strategically placed peacekeepers could have stopped or at least greatly reduced the killing.

In 1994, close to 1 million people were killed in a planned and systematic genocide. How did this carnage occur when the world declared after World War II that it would never again tolerate such violence? Who is responsible? Why did the international community fail to respond? How can we stop the continuing cycle of violence in the Great Lakes region? In this, the most inclusive examination into the Rwandan genocide ever conducted by the United States, I hope we can begin to find the answers to these and other questions. Regardless, eventually the truth will be known.

It is interesting that Secretary General Kofi Annan will be in Kigali tomorrow. Perhaps his visit will shed some light on the reasons why the United Nations and the international community abdicated its responsibility in 1994.

I would like to thank the witnesses, some of whom have traveled great distances to be here with us today. They have come because

of the tragedy that the world knows as Rwanda. They have come because they viewed this hearing as an important step in informing the Congress and the American people of what went wrong in Rwanda and how we can help to make it right.

But although these witnesses travelled great distances to be with us, I regret the U.S. State Department deemed a hearing investigating this tragedy, the death of 1 million men, women and children, unworthy of their traveling just across town. In the weeks leading up to today, State Department officials telephoned my office on more than one occasion expressing their displeasure with this hearing. One person actually raised her voice at my staff, asserting that this is completely unnecessary.

All of this opposition raises a question as to whether the State Department officials believe that today is simply unworthy of their participation, or perhaps there is another reason why they don't want this event to happen.

I do, however, welcome Mr. McCall from USAID. Formulating an effective policy can only be accomplished in learning from previous mistakes, from rehabilitation, so it must be clear that our purpose for asking how and why is not simply to condemn, but rather to ensure that "never again" means "never again."

The Great Lakes region has vast natural and human resources, offering enormous economic potential. Crafting an effective partnership with this region will benefit the people of central Africa and the United States.

Thank you, Mr. Chairman, for calling this hearing.

Chairman SMITH. Thank you for your very strong opening statement.

I would like to ask Mr. Richard McCall, who was appointed Chief of Staff at the U.S. Agency for International Development in May 1993, to present his testimony.

Before joining USAID, Mr. McCall was a professional staff member of the Senate Committee on Foreign Relations and the Subcommittee on International Economic Policy, Oceans, and the Environment. During the Carter Administration, Mr. McCall was the Assistant Secretary of State for International Organization Affairs.

Thank you, Mr. McCall. I look forward to your testimony.

STATEMENT OF RICHARD McCALL, CHIEF OF STAFF, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. McCALL. Thank you very much, Mr. Chairman.

Mr. Chairman and Members of the Subcommittee, I wanted to express my appreciation for your inviting me to participate in today's hearings. The manner in which the international community reacted to the Rwanda genocide before, during and afterwards, has led to considerable soul-searching among donors, both international and nongovernmental relief organizations.

The international community was ill-equipped to deal with the post-cold war world, particularly the emergence of complex emergencies, many of which have had as their underpinnings ethnic, religious, cultural and nationalistic roots.

This vexing reality has led to several informal meetings comprised of donors, international humanitarian organizations and NGO's. The most recent meeting was held on April 3 and 4 of this

year in Stockholm, Sweden, with some 40 representatives of these institutions participating. Swedish Foreign Minister Jan Eliason opened the meeting by raising five questions which were directed at the functioning of the international system.

One, have we sufficiently analyzed and adapted to the reality of today's conflicts? The answer is no.

Two, do we have comprehensive answers to those complex conflicts and do those answers reflect the realities on the ground? The answer is no.

Three, do we look at these conflicts within the totality of all interventions—military, political, humanitarian, and economic? The answer is no.

Do we have the mechanisms not only to mobilize effective resources, but also to ensure that those resources are used to ameliorate the root causes of conflict? The answer is no.

How can we maintain the integrity, let alone apply the principles of humanitarian law, when many actors are nonstate actors? That is a challenge we have faced not only in the Great Lakes, but in Bosnia and Somalia, as well, in recent times.

The primary focus of the Stockholm conference was a retrospective of the Great Lakes crisis. As I mentioned in my prepared statement, the issues raised by these questions have been more than amply documented by a number of assessments.

I have at length described Rwanda's recent past. Our challenge now is to chart a course for the present and the future which reflects the reality of that past. Genocide is a historical event that informs history from the day it begins and forever into the future.

We have a problem. The international community initiated its long-term engagement with Rwanda by accommodating violence, and we allowed the genocidaires to set up shop in the camps. Unfortunately, this contributed to the institutionalization of violence, rather than breaking the cycle of impunity which gave rise to the genocide in the first place.

The solution to that problem is to be unequivocally clear about the genocide and its perpetrators. The nature of the evil continuing to plague the region cannot be underestimated. Not only are the genocidaires committed to finishing what was left undone in 1994, but they continue to be willing to kill and sacrifice their own people to do so.

Another part of the solution is to take serious stock of the lessons learned. In my view, the stakes are high enough that only this kind of structural response will get to the root of the problem.

The Administration certainly has made clear its commitment in taking the lead and meeting this problem head on:

First, Secretary of State Madeleine Albright's speech before the Organization of African Unity in December, where she acknowledged our responsibility for not acting sooner to deal with the unfolding genocide in Rwanda;

Second, the President's recent historic trip to Africa, where a considerable amount of time was spent both at the Entebbe summit with heads of state and in Rwanda detailing the commitment of the U.S. Government in preventing a reoccurrence of the events of 1994. At the behest of the Administration, the U.N. Arms Flow Commission for the Great Lakes has been reconstituted in an effort

to cut off the supply of arms which is fueling widespread conflict in the region and the continued genocide in Rwanda.

The Administration is committed to taking the lead in the creation of an international coalition against genocide in the Great Lakes region. The Administration looks forward to working with you and other members of the legislative branch in securing funding for the Great Lakes Justice Initiative. In the case of Rwanda, that initiative will build upon work we are already doing with the government to strengthen the justice system, including the system of military justice.

Following the President's visit, resources have been made available to work with Radio Rwanda to develop reconciliation programs and to deal with the hate propaganda the genocidaires continue to promote.

One of the most significant achievements of the President's trip to Africa was a communiqué agreed upon by the heads of state who attended. All the leaders, including President Bizimungu of Rwanda, committed themselves to the protection of human rights, democratization and the promotion of the rule of law.

The Administration is committed to working with Rwanda and the region to accomplish the goals set out in the Entebbe summit. The Entebbe communiqué also committed the heads of state to deny extremist networks the use of their territory, postal services, airports, financial institutions, and communications systems. The heads of state called upon all states to implement tight controls over these networks abroad.

The heads of state also pledged to support the efforts of the OAU imminent personality study of the Rwandan genocide and the surrounding events.

The U.S. Government will be working closely with the Government of Rwanda in preparing for local elections to be held in a number of communities later this year. The goal is to begin building the processes of participatory democracy from the bottom up. One of our flagship projects in Rwanda is the Office of Transition Initiatives' "Women in Transition" program, designed to meet economic and social needs of women in Rwanda, Hutu and Tutsi alike.

We will be participating in meetings with like-minded donors later this month and in early June to work out a strategic framework for the Government of Rwanda to more effectively meet the economic and social needs of all Rwandans.

In sum, we are forging a comprehensive political, economic, and social strategy to prevent the recurrence of genocide and to promote a transition to a stable, inclusive, and peaceful Rwanda, and we are not doing it alone. We will be engaged collaboratively with other like-minded donors who share the same concerns and the same goals. We look forward to working with Congress and moving this process forward.

Once again, I want to express my appreciation for your invitation to testify today. Thank you.

[The prepared statement of Mr. McCall appears in the appendix.]

Chairman SMITH. Thank you very much, Mr. McCall.

Mr. Ballenger, do you have an opening comment?

Mr. BALLENGER. I would just like to thank everybody for having the hearing. I have no statement. I am here for an education, to be frank with you.

Chairman SMITH. Thank you, Mr. Ballenger.

Mr. McCall, let me ask you a couple of questions. First, I think you probably saw the article, which brought renewed focus, in the *New Yorker* magazine that has just been published, "The Genocide Fax, Annals of Diplomacy," by Philip Gourevitch. He makes the point, after pointing out that after the fax from the U.N. military commander on the scene in Rwanda, Dallaire pointed out that an informant had given incredibly incisive information about an upcoming mass slaughter. As a matter of fact, the informant was given the sad and sorry task of compiling names of Tutsis who would be then, according to him, executed systematically in a massive way.

The information goes on, it was given over the name of Kofi Annan, who is obviously the head of the U.N. peacekeeping operations, and the response back was to do nothing, apparently. Yet the information was told to be shared with certain ambassadors, including the U.S. Ambassador in Rwanda.

What was done with that information when it was received by the United States?

Mr. MCCALL. Mr. Chairman, I have no knowledge of that. What I know is what I have read. Early on, after the genocide took place, we established an interagency working group—and I don't know if this answers your question—to basically start looking at crisis early warning and melding that into a preventive strategy. And in one of the sessions that we had that included the State Department's INR Bureau, DIA, CIA, USAID, I asked the question.

I said, if you go back and look at the genesis of the Rwandan genocide, why didn't the red flags go up when the Interahamwe militias were being trained and armed? It was public knowledge. Everybody could see these exercises that were going on. The response from the DIA analyst was that our biggest problem is we have not adjusted to the post-cold war era.

The only concern we had was, who was arming the Rwandan military and who was training the Rwandan military? So within the context of an analytical framework, these things don't show up on the radar screen.

I have argued for some time, from the very beginning of this Administration—and it wouldn't have been just this Administration; I don't care who would have won the election 8 years ago or 5 years ago—the biggest challenge we had was to make the adjustment from the cold war era. We were not structured in a way to really look at information within the context of the types of crises that we now are experiencing, and the ones we are going to have to deal with well into the future.

This is not to apologize whatsoever for information that may or may not have been available and not acted upon. But the simple fact of the matter is we in the international community have been ill prepared to deal with this information and to act upon it.

Mr. SMITH. I appreciate that answer. Major General Dallaire, however, a person who obviously had information that was absolutely timely and was, according to this article and according to

other information that we on the Subcommittee have seen, ready to act very quickly, but got the word back from Kofi Annan, and by way of a memo or fax, apparently, the other international participants, especially the United States, had this information.

Again I want to echo what my good friend, Ms. McKinney, said earlier, we wanted to hear from the State Department. It probably would have the information that we seek as to what did we know, when did we know it, and what did we do with it. Not to listen to the head peacekeeper when he has information that is timely about a horrific potential massacre that is in the making is incompetent, at best.

Notwithstanding the post-cold war environment, hopefully we learned those lessons from Bosnia. I remember hearing General Brent Scowcroft, when I came back from Bukavu, telling me this is a post-cold war period. Let Europe handle it. Things will take place.

By the end of the Bush Administration, they had come to the agonizing realization that Europe had dropped the ball on it and the time for decisive action had passed. Hopefully, that lesson was learned in Rwanda or when the potential of a massacre was beginning to become apparent.

Again, to have such timely information seemingly was a godsend, because, as Ms. McKinney again pointed out, a well-armed action on the part of Dallaire might have stopped hundreds of thousands of people from being slaughtered.

I would respectfully request on behalf of the Subcommittee that we get that information from the State Department in detail as to what did we know, where were the decisions made, what kind of collaboration did we have with our other Western allies who, according to the fax back to Dallaire, admonished him—or advised him, I should say—to deliver this information to the French and the Belgian ambassadors. What did we do? Did we just put it on a shelf or did we at least take it seriously? It seems to me we need to know this to better get a handle on the situation.

We have received some reports that equipment purchased for the use of judicial personnel, particularly motor vehicles, have been confiscated by the military. Is USAID aware of such reports and what are we doing in response to that?

Mr. MCCALL. Just a second.

I am not aware of any.

Mr. SMITH. If you could—

Mr. MCCALL. We will look at that, yes.

Mr. SMITH [continuing]. And get back to us for the record, we would appreciate that.

In your opinion, what impact do the recent public executions of convicted genocide perpetrators, what impact does that have on the prospects for peace and reconciliation? Especially since, if the reports are correct, people were in an almost jovial, laughing mood. It reminds me of the pictures we see sometimes of the French guillotine during the French Revolution, of this almost carnival-like atmosphere.

Second, shouldn't those cases be handled by the War Crimes Tribunal as a better venue to adjudicate those cases?

Mr. MCCALL. OK, let me answer that in two parts.

I have been to Rwanda a number of times. We lost 18 of our foreign service nationals who worked for USAID during the genocide. Our people were evacuated; they weren't. Every one of the nationals that survived had family members who were lost in the genocide.

When I go back, I spend a considerable amount of time with the survivors, and I keep running through my own mind how fortunate I am that it wasn't my children and my family that were the subject of such horror. I have two sons and a wife who are the most important people in my life.

I will say love is a most powerful, if not the most powerful, emotion that anyone could experience. But when you lose someone under those circumstances, I wonder in my own mind what my reaction would be. What thin line is there between love and revenge?

I go back. I sit down with these people and they say, you know, we act as if life is normal. We act as if we enjoy our work. We laugh. But deep down the pain won't go away. You walk around that country and you can see the physical scars, the healed machete chops on faces and heads. But I will tell you one thing, the scars that will never heal are the emotional scars.

I can't judge in my own estimation, because I don't know what my reaction would be under similar circumstances. But all I know is that the executions did accomplish one purpose. It is like lancing a boil. And the end result is that what is happening now within the prisons in Rwanda is that people are starting to lay out confessions, and the plea bargaining process is under way.

It may not be something that we find particularly acceptable, but I can't judge something when I myself have doubts in my own mind how I would react under similar circumstances.

It may not be a good answer, Mr. Chairman, but all I can do is basically reach inside myself and ask myself the question, would I have reacted differently? I am not so sure I would.

Mr. SMITH. So is the Administration convinced that those who have been executed were guilty, that due process was followed?

Mr. MCCALL. I think for the most part. William Chavis, who is a law professor, I think at the University of Quebec, who has spent 5 years in Rwanda looking at the judicial processes, says early on a handful of defendants did not have benefit of attorney; but he also states that since a number of people have been acquitted, it is his sense that they are getting as fair trials as possible under the circumstances.

If you look at the tribunal, it has been 3½ years since the tribunal was established. Not one conviction yet.

I think from the standpoint of reconciliation and the ability of the Rwandans to start beginning to resolve this question, you need to see at least some semblance of justice finally being rendered.

I do think over the long term if we address what I think are the fundamental issues that have been laid out in the U.S. Committee on Refugees' recent report on Rwanda, the basic economic and social problems that continue to plague all sectors of that population; if we do not deal with the social and economic deprivation that is going on in that society that will continue to create tensions among the various groups; I think it will contribute not only to the con-

tinuation of the tensions, but also remain a major obstacle to reconciliation in that society.

Rwandans have to pull together, but they have to have the tools to pull together.

Mr. SMITH. Are you satisfied or dissatisfied with the War Crimes Tribunal?

Mr. MCCALL. I think the War Crimes Tribunal—after foot-dragging and administrative problems, is finally reaching the point where it should be. But it took far too long for it to get to where it should be.

Mr. SMITH. Could you tell me if USAID is funding and will continue to fund the U.N. human rights field operation in Rwanda? Is it the policy of the United States that this operation must continue to investigate alleged civil rights abuses by insurgents and by the Rwandan Government, as well as to provide tactical assistance to the Rwandan Government?

Mr. MCCALL. We support the human rights field operation in Rwanda. I think one of the things early on—and it is very, very important for that operation to begin accomplishing this—we felt that not only the monitoring and reporting was important, but they had to start building up the capacity and society to do that job themselves. And I think that is a major and still remains a major issue for them to focus on.

But they need to build up the indigenous capacity from the standpoint of respect for human rights, but also for people to, for the first time in their history, raise their hand and stay, stop, when it comes to threatening to kill somebody or killing somebody, stop. That is against the law.

Society has to be mobilized across the board if human rights over the long term are to be something that is cherished and respected in that society.

Mr. SMITH. Has there been any resistance by the Rwandan Government to the continued monitoring by international investigators of the U.N. human rights field operation?

Mr. MCCALL. Mr. Chairman, not that I am aware of. I heard there was a report a couple of weeks ago where the head of the human rights operation in Rwanda had expressed satisfaction that the Rwandan Government was responding very positively on the human rights side.

Mr. SMITH. Thank you.

Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman.

Mr. McCall, how much assistance does our government provide to Rwanda today and, in your estimation, do you think that is enough? And if it is not, what are the areas we should be involved in to help that country rehabilitate itself?

Mr. MCCALL. Our total assistance for this fiscal year is \$16.5 million. Our planned assistance for next year is \$7.5 million.

Ms. MCKINNEY. Planned assistance is going down?

Mr. MCCALL. Yes.

You are asking me a question that I am going to give my personal view—

Ms. MCKINNEY. OK.

Mr. MCCALL [continuing]. Which is sometimes one of the reasons they don't like me coming up.

I think we are clearly not doing enough. I think from the very, very beginning the problem inside Rwanda—and once again, you have to get an understanding of the sense of the government during this whole episode the past 4 years. I mean, we have poured hundreds of millions of dollars into the refugee camps in the case of Rwanda.

I attended the donor conferences. Pledges in the hundreds of millions were made. But the way donors operate within the context of post-crisis, very little disbursement of these resources was made in a timely fashion.

I firmly believe that unless the basic issues of economic deprivation, which include basic health services, education and job opportunities, are addressed, reconciliation will not take place in that society. You have basically, as the U.S. Committee for Refugees has detailed in their report, five different populations there—it is not a Hutu-Tutsi situation—five different populations that have different experiences that basically shape and influence their view of life inside Rwanda.

Our biggest challenge is, at the community level, to get people to come together around common problems and to assure that resources are there, quite frankly, for them to deal with and solve their common problems. We clearly are not doing enough.

This whole issue of debt and managing the external debt from the previous regime is a major, major obstacle from the standpoint of the government's ability to provide the resources to tackle some of these fundamental problems.

I might add that in the context of what we are planning to do next year, a significant portion of the Great Lakes justice initiative monies will be going to Rwanda. That is why it doesn't show up in the planned expenditures.

Ms. MCKINNEY. When the President went to Rwanda, he announced \$30 million in the Great Lakes initiative. However, that is money that hasn't even been authorized or appropriated yet. So that is not money that is on the table.

Mr. MCCALL. That is absolutely correct.

Ms. MCKINNEY. So that is engaging in public relations and not substantive contribution to the rehabilitation of the country as far as I am concerned.

\$2 million was announced for the survivors. Is that enough?

Mr. MCCALL. I think it is a start, and I think it will catalyze contributions from other donors as well. But, no, clearly it is not enough.

Clearly we don't have enough to do everything we are called upon to do in Africa. I think that is a major issue not only for the Administration, but for the Congress as well. Africa is going through transitions. Some of these transitions are going to be very, very messy. It is going to require us doing business differently than we have ever done before if we are going to be able to help mitigate the consequences of many of these transitions and prevent, quite frankly, violent transitions, that in the event we can't completely control it, at least to mitigate it.

That requires not only resources, but it also requires the ability of us to put people in the field. Our operating expenses right now will not allow us to adequately staff our programs in the field.

So these are the realities that we are going to have to address if we are going to be able to more effectively respond to these challenges. I think, quite frankly, despite the Rwandas, despite the Democratic Republics of the Congo and the like, the opportunities are there if we just demonstrate that we have the capacity, will, and resources to participate in taking advantage of these opportunities.

Ms. MCKINNEY. So could you remind us how much was spent on the refugee camps?

Mr. MCCALL. The estimates go up to \$2 billion.

Ms. MCKINNEY. \$2 billion?

Mr. MCCALL. Yes.

Ms. MCKINNEY. And our contribution next year is estimated to be \$7.5 million?

Mr. MCCALL. When I say \$2 billion, not the United States.

Ms. MCKINNEY. I understand. I understand.

Could you tell me who the leader of the rebels is? The leader of the rebels who are now continuing to fight in Rwanda?

Mr. MCCALL. I don't know who the leader is, and I don't consider them rebels; I consider them genocidaires. There is a difference between a rebel and a genocidaire.

Ms. MCKINNEY. Do you know who their leader is?

Mr. MCCALL. No.

Ms. MCKINNEY. Does anyone know?

Mr. MCCALL. I don't know.

Ms. MCKINNEY. Do you think a negotiated settlement is possible with a genocidaire?

Mr. MCCALL. No. In the history of this kind of murder, would anybody ask you to negotiate with your killers whose primary purpose in life is to finish the job?

Ms. MCKINNEY. It is my understanding at one time the U.S. Government was asking the RPF to negotiate with the genocidal leaders.

Mr. MCCALL. It certainly didn't come up in the context of any of the interagency meetings we had. I would have, since I have a volatile temper anyway in these meetings, you would have seen an explosion that would have ripped off the top of the building if it had come up.

I am not aware that that was ever done. But I find it totally offensive that we would even contemplate asking for something like that.

Ms. MCKINNEY. Finally, Mr. Chairman, I have one more question.

Mr. SMITH. Yes.

Ms. MCKINNEY. Has the Africa Bureau or State Department, to your knowledge, made any changes as a result of what happened in Rwanda so that at least its response time, its recognition that there is a problem of substance more than just a civil war kind of situation—what have we done to change the way we operate so that we can be better equipped in the future?

Mr. MCCALL. I think basically there have been changes, and I have tremendous respect and admiration for Susan Rice. I think she is very dedicated. And if there is one thing that she is very, very adamant on, this is not going to happen again, and we will focus our attention on resources in any way, shape or form, to prevent it from happening again.

Yes, I think it has changed.

Ms. MCKINNEY. That is with the culture that Susan Rice brings. Have any institutional changes been made?

Mr. MCCALL. I think changes are as much personality as anything, and I think from the top of the department on down, this is an issue that the people are not going to let go of. This is something that they are not going to sit back and basically say, well, there is only so much we can do. This is not something that people are going to allow to fade from their memories.

So I do think that from the standpoint of the commitment of the Administration, and it is from the President on down, I think it is reflected throughout the executive branch, there is a greater focus on the Great Lakes at every effort of the United States, at every level of the U.S. Government, than there ever has been before. So I think, yes, it has affected institutional changes.

I think a primary example is when hate radio broadcasts started once again, teams were deployed basically to get a handle on how we deal with it, and I think the issue of dealing with hate radio and propaganda and the need to work with the Government of Rwanda to deal with the reconciliation throughout that society, using radio, which is a major means of communication in that country, yes, does demonstrate a change and a more proactive stance on our part.

Ms. MCKINNEY. Thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much. Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. As I said, I am not terribly knowledgeable along these lines. Was there not a genocide that occurred here previously? I don't know whether Hutus attacked Tutsis or Tutsis attacked Hutus, but wasn't there sometime in the fairly recent past, 40 or 50 years ago? Or am I mistaken?

Mr. MCCALL. I am not familiar. Burundi has been—the neighbor to the south has seen massive killings that are ethnic-based over, particularly, the last decade.

In the case of Rwanda, in 1959 when Rwanda gained independence and the Belgians turned over the government to the then-Hutu majority, you had a number of killings which led to a massive exodus of Tutsis into the surrounding countries, particularly Uganda and Tanzania.

Many people who understand the history of this country say the genocide began in 1990 when 500 Tutsis were killed in the Ruhengeri area, which is the hotbed, the northwest is the hotbed of the genocidaires, when 500 people were killed. The people involved in the killings were identified, and when the case went to court, it was thrown out by the judge on a technicality.

So from the standpoint of history, 1959–60 and 1990 are kind of similar events that laid a framework for the ultimate genocide to begin in 1994.

Mr. BALLENGER. Again, just trying to educate myself on why this occurred. Was it not a position that the Tutsis supposedly were the superior race and Hutus were enslaved or something? Again, I am just remembering vague things that come out of the past to me.

Mr. MCCALL. Going back in history, before colonization, you had a Tutsi kingdom in Rwanda. You had Tutsi royalty, you had Hutus and Tutsis serving under that royalty, primarily as equals.

The dispute arose when the Tutsi kingdom, which the Army comprised both Hutus and Tutsis, expanded into what is now northwest Rwanda and into areas of the Kabus.

This was a system from a cultural standpoint that treated members of society, whether you are Hutu or Tutsi, the same under the royalty. They were equals; there were customs that basically rewarded each other for particular valor in combat. But it is the northwest where this kingdom was expanded that met the most resistance; and historically, it has been the northwest that has been the primary hotbed of radicalism.

In the post-independence era, when you had a Hutu Government, it wasn't a Hutu Government per se, it was comprised of an elite from the northwest. The southerners, southern Hutus, were treated as less than equals as well. There has been this north-south divide between Hutus historically, which is a reason why a lot of Hutus were killed in the genocide as well. They wanted accommodation with the Tutsis. They wanted to find a way to build a society that hopefully, ultimately would be a nonethnic society. But that wasn't to be.

Mr. BALLENGER. As you may know, I was heavily involved in both El Salvador and Nicaragua during their wars and in each case, a person, an individual stepped forward—I was thinking specifically of Mrs. Chamorro in Nicaragua, who was a person that both sides could support. She spent her whole years in reconciliation, because so many people killed each other.

Is there any kind of leadership like that available in this area, where somebody really cares enough to try to put it together?

Mr. MCCALL. I think the current government, which is comprised of Hutus and Tutsis alike, are committed to that, and I think, quite frankly, and it may be naive, there is a commitment to creating a nonethnic society.

One of the first things this government did was issue new identity cards that did not have the ethnic identity on the card. Those cards were cards that were developed during the Belgian occupation, as colonial powers—to make a distinction between Tutsis and Hutus; this government doesn't want a distinction between Tutsis and Hutus. Those cards basically became the death warrant.

Mr. BALLENGER. Do you personally have a feeling that there is a chance or a hope in this community?

Mr. MCCALL. Congressman, you have to. You cannot give up on the world, particularly this part of the world.

I think genocide has implications far beyond the area in which it happens. To not feel it deeply inside you—this has changed me. I never have experienced anything that has impacted on me personally as something like this. This is something I will carry to my grave because of the implications it has for humankind.

You can't get it out of your system. There is not a day that goes by that I don't think about it. But it is my obligation, and I think it is the obligation of all of us, to hold these feelings. That is the only way, in my estimation, as a public servant, that I can push when I see things that may be developing, that are reminiscent of this, that I push to make sure as a public servant, I carry out my moral obligation to ensure it doesn't happen again.

Mr. BALLENGER. Mr. McCall, thank you. I would say that I hope there are a whole bunch more people like you in the world. Thank you.

Mr. SMITH. Mr. McCall, when the mass exodus into Zaire was occurring, and we had some timely information from people like Lionel Rosenblatt and others that another massive killing was occurring, what was USAID's response to that? Because Assistant Secretary Phyllis Oakley came and testified, and at that point the word from the Administration was in the not-too-distant future, almost imminently, there would be access so that the international humanitarian assistance could find a way to those who were suffering and dying.

Was the lesson learned applied there? Because I felt personally, as chairman, that we were being stonewalled there. Hutu, Tutsi, if a child is being slaughtered or hacked to death, I couldn't care less what their ethnicity was or what sins or crimes their parents may have committed. That person is in need of help, and a refugee is a refugee regardless of race or color and, as I said, regardless of whether Hutu or Tutsi.

Was that lesson applied there? Because many of us felt that we were being stonewalled, and as I said in my opening comments, we were getting back from our own representatives on the ground that they were unconvinced about the numbers that we were getting from the refugee community which has no ax to grind other than assistance. That is their whole *raison d'etre*.

Mr. MCCALL. Mr. Chairman, that is a good question. We didn't know what the numbers were. One of the big issues the summer before this happened was the unwillingness of the camp leaders to allow us into the camps. I talked to refugees who came back, in the repatriation working with NGO's, who basically walked away from the camps; and they said the reason they walked away from the camps was because of the morality of sustaining basically genocide there in the camp, but also there was double-counting going on in the camps, that a number of the identity cards to get rations, Zaireans were using them.

So from the standpoint of how many people existed in the camps, particularly in the Goma camps, we have no idea because there was an unwillingness—and they got very violent about it when the census takers tried to come into the camp. So I think there was a dispute as to how many were actually in those camps.

We sent a DART team out early on during this crisis when the alliance forces were moving against the camps to see if we could establish humanitarian aid corridors. It was just complete chaos at that particular time.

I would also like to give you a sense of the discussion on the multinational force. I would like to go back to October 1993 in Somalia when U.S. servicemen were killed in Somalia and the outcry in this

country about U.S. servicemen dying in a country where we have very few interests; and once again, I disagree with that.

I think humanitarianism is—probably from a morality standpoint and from a human standpoint and from the standpoint of the human community dealing with this problem is not something that you put down at the bottom of the priority list.

Mr. SMITH. And this was done in a totally bipartisan way.

Mr. MCCALL. I agree.

Mr. SMITH. You may recall the outcry that came from the Hill when Secretary of Defense Les Aspin and others within the Administration came forward and it became apparent that there was a refusal to provide the requisite backup to our men, that the killings of our servicemen were unnecessary because they did not have the kind of firepower that the commanders on the ground, a political decision was made, and that is where the angst was on Capitol Hill. I will never forget the meetings we had where Democrats and Republicans rose and took the Administration to task.

Loss of life is part of the sad equation when people are deployed in such hazardous areas, but when a political decision was made such as it was in Somalia not to back them up, that is when both sides of the aisles went ballistic.

The lesson of Somalia was, if you are going to make that kind of a deployment, do it in a way, as Colin Powell would say, so that you have a superior force to meet any contingency. And that was not done, because it wasn't politically correct or could not carry the day based on a calculation at the White House.

Mr. MCCALL. Let me complete what I was saying, Mr. Chairman.

Once again, I think from the standpoint of the international system it has to be restructured from the peacekeeping standpoint. Peacekeeping doesn't get you what you need in situations like this. You have to have within the international system the political will to implement it and the forces that will go in basically to do the disarming.

We are kind of caught betwixt and between, patching a system together. There has to be a consensus within the community and the countries comprising a multinational force, that is a primary responsibility of that force, to engage, to use force, and to be willing to take casualties in the name of dealing more effectively with these problems.

Mr. SMITH. Thank you, Mr. McCall.

Ms. MCKINNEY. Yes, I have one additional question, although I understand that we are operating under time constraints.

My question is that we have had some previous testimony at other hearings about the nature or the characterization of the current Rwandan Government as one of exclusion. Would you agree with that or disagree with that?

Mr. MCCALL. I disagree.

Ms. MCKINNEY. Would you explain?

Mr. MCCALL. You have a President who is Hutu. As I recall, I think the parliament, the national assembly, probably has more Hutus than Tutsis. I think it is a government that is committed to inclusion.

The fact that they want, from an economic standpoint, decentralization down to the commune level and focus on the political

and economic structures of the commune level, is not a government that is committed to exclusion. I mean, you are giving up power by wanting to decentralize control down to the local level, so I do not think it is an exclusionary government at all.

Ms. MCKINNEY. Thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Any other comments from the panel?

The gentlemen from New Jersey.

Mr. PAYNE. Let me first of all apologize for being late. My plane was delayed.

I didn't hear the testimony, but I certainly have had strong concerns about the behavior of the world community during the tragic time when the genocide took place. The fact is that the Western world, the U.N. apparatus and the member states found reasons not to get involved, and this was wrong.

We made appeals to our government to involve itself in this. There was a request for 50 armored personnel carriers. There were requests from us for our government to get involved—not our government per se, but for our representative to the United Nations to urge the United Nations to act, and we did not have that.

I will save most of my questions and comments for later. I went with Secretary Perry to the camps when cholera was taking many lives after the tremendous number of people went into the Goma camp. I went back several months later with a number of NGO's, with C. Payne Lucas from Africare, with Julia Taft, an NGO, and we visited the camps where at that time there was no disarmament going on. There were probably weapons starting to come into the camps. We urged that there be a separation of the refugees from the Interahamwe and the ex-FAR, but that never happened.

I will just conclude by asking to have put into the record three letters that I wrote the Administration and to President Clinton on May 4, 1994, requesting that we urge the United Nations to move, make a plea to Secretary General Boutros Boutros-Ghali, May 4, 1994, signed by the then-chairman of the Congressional Black Caucus, Kweisi Mfume and myself as the ranking CBC member and chair of the Congressional Black Caucus Brain Trust on Africa.

I have a second letter—of course, we got no response—that we sent again to the President of the United States on June 16 outlining three steps that we thought would help the situation. Those went unresponded too.

And I have a third letter that we wrote on July 20 to the President asking that assistance be given there.

I also would like to have in the record a copy of a tape from the MacNeil-Lehrer show when Ms. Albright was speaking about how ineffective the United Nations was, and I expressed my indignation and outrage that we would be questioning the U.N.'s ability to act effectively and, therefore, decided not to do anything; and it was wrong.

And I have a second tape from another show that I want to have put into the record.

And finally, I would like for the hearing that was held in June 1994 where the former Assistant Secretary for Africa, Mr. Moose, testified, where we attempted to see if the word "genocide" would be mentioned because we were wondering if genocide is going on,

shouldn't there be some international reaction, and the word "genocide" was never mentioned.

And so I would like for the transcript from that hearing, because once again it was abysmal, shameful behavior on the part of an Administration; and the entire world sat by for the first time on television to watch a holocaust. And I will have those submitted for the record.

Mr. SMITH. Those will be part of the record.

You want Secretary Moose's statement, just to be clear?

Mr. PAYNE. Yes.

Mr. SMITH. Without objection, those will be made a part of the record.

Mr. PAYNE. And also my questions to him.

Mr. SMITH. Sure.

And if there is something else, let us know.

[At time of printing, the material had not been received. The abovementioned letters, tapes and statement are filed in Mr. Payne's office.]

Mr. SMITH. Mr. McCall, thank you very much for your testimony.

I would like to have the second panel come to the witness table.

Mr. MCCALL. Thank you.

Mr. SMITH. The first panel is Dennis McNamara, who is the Director of the U.N. High Commissioner for Refugees, Division of International Protection. Prior to his current appointment, Mr. McNamara was director of the human rights component of the U.N. transitional authority in Cambodia, and he has served UNHCR in several capacities throughout Southeast Asia during the last 20 years.

Ambassador Shaharyar Khan is currently the chairman of Pakistan's Foreign Service Reforms Commission. From 1994 to 1996, Ambassador Khan served as the special representative of the U.N. Secretary General in Rwanda. In his 38 years of governmental service, he has served as Pakistan's Ambassador to Jordan and the United Kingdom and also as Pakistan's Foreign Secretary.

Mr. Alain Destexhe was appointed president of the International Crisis Group in 1997. As a senator in the Federal parliament of Belgium, he initiated the country's parliamentary commission inquiry into the Rwanda genocide in 1995. From 1991 to 1995, he was Secretary General of Medecins sans Frontieres International, and was directly involved in mobilizing relief operations in Rwanda.

STATEMENT OF DENNIS McNAMARA, DIRECTOR, DIVISION OF INTERNATIONAL PROTECTION, U.N. HIGH COMMISSIONER FOR REFUGEES

Mr. SMITH. Mr. McNamara, you may begin.

Mr. McNAMARA. Thank you, Mr. Chairman.

May I first say how much I appreciate the opportunity to be here. I thank you and Members of the Subcommittee for that opportunity, and may I express appreciation for your support, and that of your staff, on this difficult problem over a number of years.

Mr. Chairman, with your permission, I would speak to the formal statement that we have submitted which is rather lengthy. It is difficult for us, as for others, I am sure, to summarize in 10 min-

utes the complexities of the refugee aspects of the Rwandan tragedy. I will attempt to do so very briefly.

Because the Rwandan genocide and tragedy has also been a refugee tragedy, it has been one of the biggest refugee tragedies that UNHCR has faced since its creation nearly 50 years ago. I would like to concentrate on what UNHCR has attempted to do, what it has failed to do, and what it is trying to do in the Great Lakes region since 1994.

I would like to emphasize, at the outset, that UNHCR is, first and foremost, a refugee protection organization. It was created to be a protection agency. It subsequently became one of the major U.N. relief organizations, but its *raison d'être*, its primary role, remains protection of refugees.

A mass exodus from Rwanda followed the genocide. The mixed nature of the camp populations, the location of camps on Rwanda's borders, the nonvoluntary nature of the exodus and of the camp populations, in many respects, the lack of consistent and adequate international backing for refugee protection, among other aspects, have raised some of the greatest challenges and led to some of the greatest failures of refugee protection.

I would suggest, Mr. Chairman, that the debate that has taken place over the numbers of refugees who are missing, unaccounted for, has been largely unproductive and often not very scientific. But by any account we can still not account for many tens of thousands of persons who were previously in camps.

One of the lessons from this tragedy has been the inability of UNHCR and the refugee protection system to function properly in a lawless or semilawless conflict environment. It has raised fundamental challenges which have led to intensive soul-searching and reflection within our organization, as in many others.

If I may briefly summarize or attempt to summarize the main points of my statement, Mr. Chairman:

The mandate of UNHCR is to protect refugees, and parallel to that there are treaty obligations on states to do the same. One hundred thirty-two states are party to the Refugee Convention and Protocol worldwide, 43 states in Africa are party to the OAU Convention. I would emphasize that all states in the Great Lakes region of Africa are a party to the OAU Refugee Convention, and that Convention imposes state responsibilities, treaty obligations on the state's parties. Those treaty obligations are supposed to be supported and supervised by UNHCR.

The treaty obligations include defining who is a refugee entitled to protection, who should be excluded from refugee status for crimes against humanity or war crimes, which would include genocide, and when the refugee provisions of the treaty should cease to apply to those populations.

The fundamental underpinning of the system, as you know, Mr. Chairman, is the principle of "non-refoulement," nonforcible return to a situation where life or freedom of the persons concerned will be in danger. I would like to emphasize throughout, Mr. Chairman, the state responsibility, the treaty obligations that these instruments impose on states.

The exodus from Rwanda in 1994 overwhelmed the international system. It wasn't the biggest of all time, but it was the fastest

mass exodus that we had ever faced. A quarter of a million people entered Tanzania in 24 hours in April 1994, and that figure reached a half million a few days later. By July, 100,000 persons a day were entering Goma, into eastern Zaire from northwest Rwanda; and by late July, probably a million Rwandans had entered Zaire. And as Mr. McCall has mentioned, an indication of the overwhelming of the system was that 50,000, mainly women and children, died from cholera in the camps in Goma in the first weeks.

By August 1994 we had approximately 1.3 million refugees in Zaire, 200,000 in Burundi, and 530,000 in Tanzania.

The camps in Zaire, I would like to emphasize, were in unsuitable locations, too close to the borders, designated and insisted upon by the Government of Zaire. Already in the early months of the exodus there was an emphasis on trying to promote repatriation to Rwanda, and in fact, some 200,000 or 250,000 Rwandans did spontaneously return in August 1994 from Zaire.

When UNHCR tried to organize return convoys, our convoys were attacked by the leadership of the refugee population opposed to repatriation. There were also appeals from an early stage for separation of the ex-FAR, the ex-military, the militia, the Interahamwe, the genocidaire, the political leadership from the refugee civilian population. Those appeals started almost immediately after the exodus, including by UNHCR, and they were, by and large, ignored by the international community.

In October 1994, for example, the High Commissioner, Mrs. Ogata, publicly announced the risks in the camps by the control and the intimidation of the militia and the control of the assistance in the camps through the political-military leadership of those camps.

By the end of 1994, she had formally requested in New York to the United Nations for military support to ensure separation of the fighters from the civilians of the genocidaire from the civilians. By the end of 1994, the Secretary General of the United Nations reported that having approached some 40 governments without positive response, he could not follow up the recommendation for a security force to separate those elements of the population, and requested the UNHCR to attempt to make other arrangements.

As a result of that, UNHCR entered into an exceptional bilateral agreement with the government of then-Zaire for 1,500 Zairian elite troops to be made available under a civilian management system, which we organized to try to restore some security in the camps for humanitarian workers and to try to prevent some of the intimidation and harassment that was taking place.

In February 1995, at the Bujumbura conference, which was held with all parties attending, again there was an emphasis on the need for separation, relocation and repatriation. There were consensus proposals from that conference, Mr. Chairman, again not acted upon by the international community.

At the same time during 1995, there were reports of revenge killings within Rwanda, massacre of IDPs and generally displacement and insecurity in a number of parts of the country, also not unlinked to cross-border attacks by the exiled militia groups in Zaire.

In mid-1995, I think it is important to note that Zaire attempted to force back a large number of Rwandan refugees. They expelled 15,000 refugees, as a result of which 130,000 other refugees fled into the hills in Zaire to avoid being expelled.

Nevertheless, repatriation efforts continued throughout 1995, including, you may recall, an initiative by former President Carter with the Cairo conference pronouncing that some 10,000 refugees a week would return, but without any of the necessary details for that to take place.

1996 also saw a continuation of those efforts. In the middle of that year Burundi sent back 85,000 refugees from the camps in northern Burundi. The High Commissioner for Refugees, Mrs. Ogata, appealed to the Secretary General in New York in September and to our executive committee of governments in Geneva in October to take further action to deal with the "lethal quagmire," as she called it, of the mixed camp populations.

Following attacks on Tutsi minorities in the Masisi region of north Kivu, an announcement of similar action against Banyamulenge minorities in south Kivu, there were armed attacks led by the alliance forces of Mr. Kabila at that time on the camps starting in Uvira, working up through Bukavu and Goma beginning in October 1996. As a result of those attacks, some 600,000 Rwandans went back into Rwanda from Zaire, and a large number—in our analysis, over 200,000—fled west into Zaire.

You will recall the proposal for a multinational force, which Canada offered to lead, which we strongly supported in order to try and ensure humanitarian corridors, protection for humanitarian workers and protection for genuine refugees, endorsed by Security Council Resolution 1080. But again it failed because of a lack of agreement in the Security Council, a lack of support by key governments for what we believed was a crucial initiative at that stage.

As a result of that failure, we faced one of the most chaotic refugee situations we have ever tried to deal with in attempting to track, assist and protect scattered civilians, I would emphasize, civilian Rwandans, throughout Zaire as they moved westward.

We were finally able to arrange evacuation for a group of 63,000 Rwandans back to Rwanda by air, in addition to some 215,000 who went back on foot from Zaire into Rwanda. This is in addition to the 600,000 who immediately went back at the time of the attack. So total return from Zaire of Rwandans as a result of these initiatives by September 1997 had reached 880,000.

There were at the same time pressures by the Government of Rwanda on neighboring states to return remaining Rwandans. As a result, Gabon expelled 150 Rwandans, including recognized refugees, in August 1997; and the new Zairian authorities expelled some 600 Rwandans and Burundians from Kisangani in September 1997.

As a result of that action, Mr. Chairman, for the first time in the history of UNHCR, Mrs. Ogata announced to the Security Council in New York the suspension of UNHCR's activities in eastern Zaire for Rwandan refugees. We could no longer be assured of sufficient security for our staff, we couldn't be assured of access, and we couldn't be assured of basic protection of the persons that we were trying to assist. That suspension remains in effect today, and in

October 1997 we were asked by the new Congolese authorities to leave Goma, as were a number of other agencies.

If I may, in summary, Mr. Chairman, come to the current activities that we are undertaking, I should emphasize that in addition to the expenditures on refugees in Zaire which probably (we could give you exact figures) exceeded \$200 million from UNHCR but not by very much, during the same period we have spent or planned to spend in the region of \$180 million, inside Rwanda for reintegration, and returnee stabilization linked to reconciliation.

It is important, I think, Mr. Chairman, to recognize that the refugee population returning to Rwanda includes the old caseload, essentially Tutsi refugees who had left since 1959, estimated by the government to now number some \$1.7 million in total returns. And up to \$40 million of our program has been to assist those old refugees to reestablish themselves in Rwanda. The program that we had planned for this year was \$59 million for Rwanda. I regret to say, because of the very severe lack of support by governments for funding that program, it will probably have to be cut almost in half, and as a result of those cuts, we will not be able to undertake the sort of rehabilitation, reintegration linked to reconciliation projects, such as housing, which are desperately needed. The President of Rwanda has strongly urged the High Commissioner and recently our Assistant High Commissioner to continue for as long as we possibly can. The lack of financial support for this program is a major concern for us today.

Finally, Mr. Chairman, we have still, in our estimate, some 80,000 Rwandans scattered through 14 countries in the central African region, most of whom have refused to repatriate to Rwanda.

As a result of that refusal, last year we encouraged and supported the governments in the region to undertake a screening, a status determination to try and decide who among this population should be recognized as refugees and who should be excluded as perpetrators of genocide or crimes against humanity. It was an attempt to try to make that crucial distinction that was never made at the time the camps were established.

Today, over 4,000 Rwandans have been screened by the governments in the region; a large and difficult population remains throughout that region which still needs to have their status properly determined. In this process, we are cooperating closely with the International Criminal Tribunal for Rwanda, which is supportive, but unable to deal with large numbers of those who might be excluded, which is a problem; and through the International Criminal Tribunal we are trying to obtain all possible information on those persons among this population who might be perpetrators of the genocide.

Finally, Mr. Chairman, if I could emphasize that UNHCR, like many other agencies, feels that it has been unfairly left alone in the Great Lakes crisis. We have been too often unsupported politically. Today, we are underfunded and we have been unprotected. As a result, we have lost more of our staff members in the Great Lakes operation than in any comparable operation of our history. More than 30 of our staff, principally local staff, are missing or dead as a result of our operations in that region since 1994. And this, I would suggest, is inevitable if humanitarian agencies are

pushed into conflict areas and left unprotected by either the political or military support that we so desperately need.

Finally, Mr. Chairman, refugee protection also will only succeed if the states which drafted the Conventions and signed them and which created UNHCR and fund it give it the political backing necessary, particularly in these lawless conflict areas, for those functions to be carried out. We don't have that backing today necessarily, and as a result, we have had massive failures in refugee protection.

My final appeal would be for all steps, any steps that your Subcommittee could also take to support the need for institutions such as ours to be strongly and properly and consistently supported in these crucial and difficult areas of refugee protection in such situations.

Thank you very much.

Mr. SMITH. Thank you very much, Mr. McNamara, and thank you for the good work that you do, and you are speaking to the choir because we do believe very strongly in refugee protection on this Subcommittee, but it can't be stated often enough and I thank you for reminding us and encouraging us.

[The prepared statement of Mr. McNamara appears in the appendix.]

Mr. SMITH. Ambassador Khan.

STATEMENT OF SHAHARYAR M. KHAN, CHAIRMAN, FOREIGN SERVICE REFORMS COMMITTEE AND FORMER SPECIAL REPRESENTATIVE OF THE U.N. SECRETARY GENERAL TO RWANDA

Mr. KHAN. Thank you, Mr. Chairman. I am very grateful for the opportunity to state my views on Rwanda before this august house. I was the U.N. Secretary General's Special Representative in Rwanda between the 4th of July and the 19th of April, 2 years, and therefore, I witnessed the aftermath of genocide but not the build-up to it.

I assumed that the reason why I was selected as the U.N. SRSR was, I was completely distant from the theater of operations. My predecessor was an African, a Cameroonian who came under a great deal of criticism; and I was selected partly because I came from a distant land and partly because, I suppose, Pakistan has played a leading role in peacekeeping operations.

Mr. Chairman, I have selected four subjects because we have a shortage of time, and four questions which I have put before you, Mr. Chairman, and which I think are relevant, and they are:

First of all, were early warnings of genocide apparent? Were they given? And if so, could these early warnings have prevented the genocide that we saw after April 6?

My second question is, why was the international community so slow to respond to this crisis? Why was it so slow for a troop build-up in the theater of operations and why were the mandates not fitting the situation on the ground? This was the second question.

The third question I ask is, why were the refugee camps allowed to become hotbeds of militarization? Why was so much money poured into camps, knowing that they were controlled by what we now know to be the killers? And this went on for a long time, and

my colleague to my right has given a rational background. I think we need to probe further into that.

The fourth question which I think is relevant is the question of international justice and national justice. We know that in Rwanda there are over 120,000 people squeezed into prisons. The situation is horrendous and the process of judging these criminals has just begun. Thirty-three people were recently sentenced to death.

But we also have in Arusha an international criminal tribunal which generally has been felt to be too slow and too expensive, and therefore, we need to focus on that. So if you allow me, I will just answer these four questions very briefly within the 10 minutes that you give me, Mr. Chairman, and then pass on to my very distinguished colleague on my left.

Now, as regards the genocide, could it have been foreseen and, therefore, could it have been prevented?

With the benefit of hindsight, the answers to both these questions appear to be in the affirmative. So where did we go wrong? Where did the world go wrong? And I would venture to suggest the following points.

Against the backdrop of continuous ethnic strife, frequent violence, and mounting political tension in the region, it was evident that after the breakdown of the Arusha Accords—that was in autumn 1993—that Rwanda was heading for a civil war. This was very apparent. The vital failure of the international community was that it did not make the distinction between a civil war and a genocide. These are two qualitatively different situations, different crises.

We have seen about 30 civil wars since 1970 in Africa alone, but in this whole century, the whole of mankind has perhaps not seen three genocides. The whole question of what is genocide is perhaps beyond the comprehension of ordinary human beings.

I won't take your time, but I can describe the kinds of things that went on. Even today, one cannot believe that this kind of horror actually took place on the ground. You cannot believe that a family is entered in its house; its children are placed against the wall, the parents are made to watch while, limb by limb, each child is dismembered, and that is not enough, then the child is gashed here with a machete and the parents are told we want to see you watch the child die slowly.

Now, this kind of horror is alien to the human conception. You cannot forecast this kind of horror, this kind of genocide, but it happened. It happened. We were not prepared for it.

Why were we not prepared for it, I believe it is because the world was expecting yet another civil war, yet another clash between ethnic opponents, Hutu killing Tutsi, Tutsi killing Hutu. And this was the picture that came out from the media, there were massacres taking place, but very few people realized and much too late that we were engaged in seeing a much more horrendous exercise, and that was genocide. And the world didn't react.

The fact that genocide took place is no longer in doubt. The International Commission of Experts, the Special Rapporteur on Human Rights, the Secretary General himself have recognized genocide was committed in Rwanda. The crucial point was whether its planning was discernible. The RPF has maintained that be-

tween August 1993, that is when Arusha broke down and April 1994, it had repeatedly informed the SRSG, that was my predecessor, and the force commander and important ambassadors who were still in Kigali at the time, that genocide was being planned. The RPF leadership stated that houses of Tutsi and Hutu moderates had been marked, personnel identified and armed militia trained to start these executions at the appointed hour.

Mr. Chairman, there has been a lot of controversy about that Dallaire telegram. There has been controversy in Belgium, in France, and now here.

There is a telegram from General Dallaire, the force commander, stating that an informer had come and told him precisely what I have just said, that there was going to be a horrendous massacre of Tutsis, a planned massacre, and nothing was done about it.

I want to place on record the real perspective because I was asked by the United Nations at the insistence of the Belgian, the French and the U.S. Governments to see if the United Nations had actually reported these cases; and the Dallaire telegram was, Mr. Chairman, the only telegram in a mass of telegrams that were going from Kigali to New York. It was the only telegram which suggested genocide. All of the telegrams that I saw suggested a descent toward civil war, a descent toward rearming and military confrontation, of high ethnic tension. And certainly a civil war was imminent, but this was the one telegram that indicated that something worse was afoot.

So what are the reasons for this gap. The first is perhaps that the RPA leadership did not convey as emphatically as it now claims regarding the mass killings of innocent civilians. This is possible.

What is also possible is that if these indications were given, they were regarded as huge exaggerations. Human beings cannot behave in this manner, human beings fight each other, and in this fight you have a lot of terror, you have a lot of massacres, a lot of bloodshed, but this kind of genocide was perhaps seen as an exaggeration. It so happens, wrongly, it was not an exaggeration.

And the third reason was the concept of genocide is beyond human comprehension as we know it, and perhaps it was these reasons that led to the international community, the main actors, that is the Security Council, the neighbors, the African countries closely involved. It led to them feeling that yet another civil war was afoot and that they did not anticipate the genocide coming through.

Now, this is an explanation that I offer. It is not a perfect explanation, it may not even be a good explanation, but it is, as I see it, the reason why the world did not react faster to this horror, because whereas the world can get sick and tired of civil wars, no country in this world is going to turn its back on preventing genocide, and this distinction was not made. I belabor this point because I think it is important to accept that there were two syndromes interlinked into one blurring the fact that the two are separate syndromes.

Let me try and answer the second question, Mr. Chairman, very quickly; that is the peacekeeping force. Why was it so slow and did it deliver?

The United Nations was represented in Rwanda in three distinct phases, first, as a watchdog ensuring the implementation of the Arusha Agreement; next, when Arusha broke down, it tried to keep the "warring opponents" apart and stop the violence; and third, when the collapse came, it was there actually to protect human life. But on all three of these crises that developed, the United Nations was not able to muster enough troops on the ground to give a proper mandate to the U.N. troops on the ground to be able to perform the very function that they were supposed to perform.

For instance, I will just give one example. When, after April 6, the plane crash took place, we were supposed to have over 1,500 troops on the ground, the 6th of April. In fact, we had only 444. What could one do with 444 troops when genocide had been unleashed.

If we had had 1,500, as the letter says rightly, we might have been able to do something on the ground, but we didn't have the mandate. We had a Chapter VI mandate, we could only fire when fired upon; we didn't have a Chapter VII mandate, and therefore, those troops were found to be inadequate. And our friends in Rwanda rightly feel that the United Nations had let them down. There should have been more people. There should have been protection. There wasn't the protection that was demanded.

And then much too late after 6 weeks when the United Nations decides that genocide is taking place and, instead of 444, there should be 5,500 people there, it takes the United Nations 6 months to build up to that force of 5,500. It wasn't until October that we had that 5,500 with equipment, with all of the various accoutrements that the United Nations has in place in order to fulfill our mandate, but at that point, even if we had 5,500, it was too late.

It was too late because the RPF had won. It had brought peace, relative law and order, and now those 5,500 troops were protecting the humanitarian convoys, but they were not enabled. They were not allowed by the mandate to perform a peace-building role.

Everything, Mr. Chairman, was shattered in that country. Every shop, every house, every hut was broken. Every bridge was blown up. There was nothing. There was no water. There were no telecommunications. There was no food. There was no hospital. There were no schools. There was no government. Nothing. Absolutely smashed. And here was the United Nations with 5,500 troops who were not mandated to rebuild and to help reconstruct this country.

Now, as Special Representative I thought that was very sad. I will just pinpoint, Mr. Chairman—I am probably going to overshoot my time, but I thought I would mention this—that the mandate was not sufficient for our needs.

Third, the question of refugees. As my colleague has said, the return of refugees was seen rightly as the fundamental point of reconciliation. The refugees in the camps we divided into basically four categories.

One was the leaders, the top people, the Prime Ministers. There were 1,228 of them.

Next was the Army people who wore the uniforms.

The third were the criminals, the Interahamwe.

But by far the largest majority, by far, 80 to 90 percent, were the ordinary folk who had just gone along with the people who told them to go because otherwise they would be killed.

Now, it was these people that we wanted to bring back. And sadly, we were not equipped with either funds or mandate to show to those people in the camps that life is coming back to normal. That schools are opening. That roads are built. That they can go and find a job in their villages, that reconciliation can be brought about. But not to the criminals, they would have to go through the process.

Unfortunately, what happened was that vast sums of money were spent in the camps, and I frankly state that within Rwanda for the survivors there was barely a trickle. So you got this imbalance of about \$2 million—at the height, \$2 million a day being spent in the camps and practically a trickle coming through, rather reluctantly, into what I have just described, a totally shattered country. And so this imbalance certainly inhibited the return of the refugees.

Last, Mr. Chairman, the question of international justice, national justice. I know that there is a feeling that the international criminal tribunal on Rwanda which is operating in Arusha, it has now 23 prisoners; and generally there is a feeling that it has been too slow and that it has been too expensive and really it doesn't deliver where it should. Although these sentiments are true, I cannot honestly see how we can hasten this process. How can we put this process in a pressure cooker so that it comes out cheaper and faster in future situations?

Perhaps the formation of a permanent international criminal tribunal is a direction that we need to follow, but this is something that we should consider and look forward to in the future. For the present, let us be satisfied with the 23 that are there.

But the national process of justice is equally in a critical period because 120,000 prisoners is something that is abhorrent. It is abhorrent because I have seen the prisoners, and although the Rwandan Government has increased the space in the prisons, nevertheless putting 120,000 people, packing them close together like sardines, and the horror of being in that prison is something which is unbelievable.

I do urge and hope that now that the process of justice has started in Rwanda that the Rwandan Government will implement the degrees of culpability that it itself made known. The people who are most culpable, the people who are secondary, and the third who went along with the crowd, who perhaps did something that they regret now, it is this third group, having served 4 years in those prisons, I reckon have served their sentence, and if they can be put out on probation and start life again, it will be a step toward reconciliation and a humane attitude toward people.

I will stop here with these four questions. I just wanted to pinpoint. Obviously there is a great deal that one can discuss. I have even tried to write a book, which is not yet published, but in 10, 15 minutes, one can only flag the issues and put out the main points that one has felt all along over Rwanda.

Thank you very much.

Mr. BALLENGER. Thank you.

[The prepared statement of Mr. Khan appears in the appendix.]
Mr. SMITH. Mr. Destexhe.

STATEMENT OF ALAIN DESTEXHE, PRESIDENT, INTERNATIONAL CRISIS GROUP, AND DIRECTOR, INSTITUTE FOR INTERNATIONAL ECONOMICS

Mr. DESTEXHE. Thank you, Mr. Chairman, Ms. McKinney, gentlemen. Thank you for this opportunity to present my view on the Rwanda genocide. I will also shorten my statement in order to deliver my speech within 10 minutes.

During the 1994 genocide, I was the Secretary General of Medecins sans Frontieres which is known as Doctors without Borders in America. In 1995, I became a Member of Parliament in Belgium and was the initiator of the Belgian Senate Committee of Inquiry of the 1994 Rwanda genocide which released its final report in December last year.

Today I would like to sum up the main finding of this Committee, but, Mr. Chairman, my main objective here today is to try to convince you that a similar investigation to the one that we have conducted in Belgium and the one currently taking place in France is necessary both in the United States and in the Secretariat of the United Nations.

Two main questions were addressed by the Belgian Committee:

One, before the genocide, were the Belgian authorities and others aware of the fact that a genocide was under preparation?

Two, after the genocide started on 7 April, 1994, why did the United Nations decide to withdraw almost all of its forces from Rwanda?

Concerning the period before the genocide, our Committee concluded that, at the latest, in mid-January 1994, the Belgian authorities had a series of relevant information regarding if not the preparation of a genocide, at least the preparation of large-scale massacres.

Several actors, the United Nations, other states, had the same type of information, but did not give it the necessary importance.

Although the Belgian Committee decided not to be more specific about the other states, this is clearly a reference to France and the United States. We based our conclusion on various evidence, in particular, several documents found in the archives of the Belgian Ministries of Defense and Foreign Affairs.

Here, I should voice some disagreement with the presentation of my predecessor, Mr. Khan, because the evidence we find is not based on one single document but on a wide range of evidence. Among others, we find 19 documents in which there is mention of either a Machiavellian plan of destabilization or large-scale massacres likely to occur.

In two of these documents explicit mention is made of the possibility of a genocide. In two others, similar suggestions are made.

We also discovered a telex from the then Belgian Minister of Foreign Affairs, dated February 25, 1994, mentioning the possibility of a genocide. And last but not least there is that cable which was published this week in the *New Yorker*, sent the 11th of January, 1994, almost 3 months before the genocide started by General Dallaire, the commander of the U.N. forces in Rwanda to the U.N.

headquarters in New York, based on information provided to him by a key informer. This cable revealed a fairly detailed plan explaining how the genocide was organized in Kigali.

The cable, which you will find attached to this speech, mentions that the principal aim of the militia of the President's party is now to register all Tutsis living in Kigali. The informer says he suspected that this was for an extermination. He also quotes that in 20 minutes his personnel could kill up to 10,000 Tutsis.

Now, this cable is crucial, and its importance cannot be underestimated. I would like to ask the Committee and also the U.N. Secretary General, how many times since 1945, did the United Nations in New York receive a fax from its force commander in a country warning of the likely possibility of an extermination?

I fully agree that the reason for the mistake which was done by the international community was the failure to make the distinction between a civil war and genocide. I wrote a chapter in my book on that specific issue. But that mistake should not have been made based on the information which was available to the U.N. Secretary, out of the United Nations, and also to the Belgians, the French and the U.S. Governments.

In this cable, General Dallaire, the U.N. force commander, announced his intention to take action within 48 hours and requested protection for his informer. The U.N. headquarters answered that the action he was planning to take was not authorized because it was not within the U.N. mandate.

General Dallaire was instructed to contact the three ambassadors from Belgium, France and the United States in Kigali, and ask them to intervene with President Habyarimana of Rwanda. He was also instructed to request from these countries protection and asylum for his informer.

At that time, Boutros Boutros-Ghali was Secretary General of the United Nations and Kofi Annan, the present Secretary General, was director of the Department of Peacekeeping Operations. We find in the files of the Belgium ministry that the information provided by the informer was shared with the Americans, the French and the Belgian ambassadors in Kigali.

Now, Mr. Chairman, at that stage, I would like to react to the comment made this morning in the *New York Times* and in the *Washington Post* by Secretary General Kofi Annan saying that this cable is an old story. I think this comment is insulting for the victims, because when we are talking about the genocide, it is never an old story. I mean, 50 years after the genocide of the Jews and the Holocaust, we still think it is a very important story. And the Secretary General, as anybody else, is accountable for his decisions and his behavior.

The fact that this information was passed to the Belgian defense and U.S. Ambassador doesn't mean that the U.N. Secretary General has no responsibility in what happened in Rwanda.

There are several other pieces of evidence, but many questions remain that should be addressed concerning the role of the United States and the United Nations, among others:

Protection and asylum were not given to the informer, and after a while the contact was lost with this informer. Why?

It seems that the U.N. Security Council was not informed of the gravity of the situation by the U.N. Secretary General. Why?

And why did the Secretariat of the United Nations not authorize General Dallaire to go ahead with the mission of arms recovery he proposed to carry out?

The 1948 U.N. Convention on Genocide puts a legal obligation on all signatory nations to take all possible steps to prevent genocide. Wasn't it the role of the Secretary General to do everything in his power, both on judicial and moral grounds, to prevent the slaughter of close to 1 million people in Rwanda?

Finally, even if some key member states of the United Nations were reluctant to act, was it not the Secretary General's role to warn the Security Council, or even to go public and speak of the genocide about to be committed in Rwanda?

I strongly believe that if General Dallaire's cable had been published on the front page of the *New York Times* or the *Washington Post*, the genocide could have been avoided.

I should also mention that both Boutros Boutros-Ghali and Kofi Annan refused to testify before our Committee, the latter claiming immunity for all U.N. staff.

Once the genocide began, the Security Council decided to withdraw all but 270 soldiers from Rwanda. This decision remains very difficult to understand, particularly in light of information which was available to the Belgian, French and U.S. Governments months before the genocide.

So in light of all these questions and concerns, I am calling for a full investigation on the role of the United Nations and the United States before and during the genocide.

We should remember that up to 1 million people were killed in less than 3 months. We should also recall that the Rwandan genocide is only the third or the fourth unquestionable genocide in the 20th century. I fully agree with what Mr. Khan says on that, and to try to be brief and to explain why we should speak of only three or four genocides in the 20th century, I would like to say the following:

What makes the characteristic of a genocide is the systematic extermination of mothers and children in order to avoid the perpetration of a group defined on ethnic or religious grounds. That is why we could basically speak of only three genocides in the 20th century.

In Rwanda, the Hutu opponents were killed because they were opponents to the regime, but their children and their wives were not killed as such. On the other hand, in contrast, the Tutsis were systematically wiped out, men, women and children. That is what makes this a genocide.

So a crime of that nature and of that scale deserves full investigation.

The role of Belgium in this tragedy has been fully examined by the Belgian Senate Committee. The role of France is currently being investigated in the French Parliament. The victims, but also humanity at large, deserve to know the full truth concerning the two other major international players, the United States and the United Nations.

To conclude, Mr. Chairman, I would like to note the welcome initiatives of the Clinton Administration to prevent further genocide and bring justice to the Great Lakes region. I would like to make four brief recommendations.

First, the past should be taken in account. Peace and reconciliation cannot be built if the lessons of the past are not learned. The 1994 genocide remains a central issue and a benchmark to understand the situation in the Great Lakes region. Perhaps an initiative to do something akin to the Cambodia genocide program is necessary for Rwanda.

Second, justice is crucial. No reconciliation is possible in Rwanda as long as justice is not done and also seen to be done by survivors and the larger population. Justice is also necessary to break the cycle of violence and impunity which continues to fuel conflict in central Africa.

There is no political alternative to the present Rwanda Government. Its legitimacy still comes from the fact that it defeated a criminal regime that organized a genocide.

Third, foreign aid, which is still far from the levels which were given to the criminal regime, needs to be boosted.

Fourth, the military threat at the border between Rwanda and the Democratic Republic of Congo should be seriously addressed. For the Tutsi, survival is at stake. I think it is very difficult to ask the Rwandan Government to be really serious about human rights as long as they face destabilization from abroad by the same people who carried out the 1994 genocide and whose dream is openly to finish the job.

My book on Rwanda, written in 1994, and also the official report of the Belgian Committee, is at your disposal, Mr. Chairman. Thank you very much.

[The prepared statement of Mr. Destexhe appears in the appendix.]

Mr. SMITH. Thank you very much, Senator. I would like to begin the questioning. I would like to first begin with you, Senator, or maybe Ambassador Khan.

Senator Destexhe has just indicated they tried as a parliamentary committee to obtain the testimony of Major General Dallaire and were rebuffed in that request. He also made, and he does so in this article, a very poignant statement when he says, I would like to know if ever before, in the years prior to 1995, the United Nations received a fax or cable announcing an extermination.

In the article in the *New Yorker*, Mr. Risa, who actually signed the cable, according to this report which was over Kofi Annan's name, mentions that we get hyperbole in many reports, adding that in the months that followed incidents continued, but there were no signs to corroborate Dallaire's warning.

Does the United Nations usually take the recommendation coming from its chief military officer in a U.N. peacekeeping mission as something in need of corroboration, and did you yourself see any signs that a potential extermination was about to begin?

Mr. KHAN. Mr. Chairman, the telegram, of course, was sent on the 11th of January, if I am not mistaken, and these events took place several months before I took over.

My responsibility was to look at all the telegrams that were sent, and I will describe to you very briefly what the process is.

The process is that normally when there is an important political development, that the SRSG, the chief of the peacekeeping operations, sends a highly secret confidential telegram addressed to the Secretary General, giving his views on various topics and events. These telegrams are seen by the Secretary General, and certainly by his staff, and naturally they have a certain importance, and usually the reports from these telegrams are shared with members of the Security Council.

There is another group of telegrams which is what we call open or en clair or non-secret telegrams which are sent for information for various other instructions, and when we looked at all the telegrams that we could find from August 1993 right through to the time that the genocide took place, we found no evidence whatsoever in the secret telegrams of a mention of genocide or of planned massacres.

What did go through was a telegram from Dallaire to the head of the military, which was, of course, repeated to the political side, in which he gave the information that has been referred to. And, of course, with hindsight, we know that this information was accurate and what you might call very hot. But, unfortunately, it was not contained in a confidential telegram. It was contained in an open telegram to the chief of the military.

Now, I wanted to mention this because clearly there are very strong feelings, and rightly so, that the signs of genocide were not picked up. But I would at the same time add that for reasons that I have already mentioned, the main assessment of the people on the ground, as well as the embassies, was that a horrible civil war was about to take place. There was no indication in these assessments that genocide was about to take place.

Now, they were wrong. They were wrong. But I think to pick out that one telegram by Dallaire and to state that this is what was actually happening, why didn't the United Nations react, I think it is going a little out of perspective. This is my own feeling.

Mr. SMITH. I understand. With all due respect, Ambassador Khan, according to the report, Major General Dallaire was ready to—within what he perceived to be the parameters of the U.N. rules of engagement—within a 36-hour period raid an arms cache, believing that if you nip it in the bud, you might prevent any horrific outcome. As a matter of fact, if the scenario as described by the informant is accurate, and it seems to have been very accurate, it was a very plausible, a highly plausible set of potentialities. Again, he took it very seriously.

Why is it that the responding telegram, the fax, if you will, is not made public? This Subcommittee would like to see it. Why would we be denied the opportunity to see Kofi Annan's response back to General Dallaire?

Mr. KHAN. I can only hazard my own assessment, Mr. Chairman, and that is that Dallaire aimed to defuse this germ, this cancer, that was about to overtake Rwanda, and he sought the mission to be able to take preemptive action.

This permission, to the best of my knowledge, was denied to him on the grounds that the mandate that he had was a Chapter VI

mandate and not a Chapter VII mandate, and, therefore, he could not, according to the mandate, move in that direction. Therefore, in a sense, his hands were tied, and he could not act on the basis of that mandate.

May I say that 6 weeks later, a mandate was given that Operation Turquoise was to begin, to France, and that operation was under a Chapter VII mandate, and France landed its very significant force in Rwanda, in the southwestern corner, and there they were able to get 2,500 troops, 100 APCs, helicopters, Jaguars, Mirages; within 8 days they were organized and ready on the ground, because it was a one single country operation, and they were sitting there in the southwestern corner ready to do the task that they had been given and a Chapter VII mandate.

So you had the extraordinary situation where in Rwanda you had one group that was operating under Chapter VII and which would act on its own to do the kind of things that Dallaire had asked for, didn't even have to seek permission from headquarters, it could go ahead and take action; whereas in the rest of Rwanda, UNAMIR was acting under a Chapter VI mandate and unable to respond to critical situations, as we saw on the ground.

When questions are asked at headquarters, well, according to the book rightly they said no, you are not permitted, according to the mandate.

Mr. SMITH. What I find so baffling, General Dallaire obviously is a man of perception and credibility, who has an informant with a very credible story at great risk to himself and his family, has been told to compile lists of Tutsis for the purpose of extermination, at least as far as he can tell, with the Interahamwe doing the killing, and yet it is either disbelieved or shunted aside or perhaps, because of the bulk of cable traffic, not given the weight that it deserves. But he was willing to take action.

Then, in what has the appearance of a cover-up, General Dallaire cannot present his testimony to the Belgian Parliament, if I understand that correctly. We and the Belgians and the other interested governments are not privy to the fax that was sent back, which would at least document what was said from New York back to Rwanda.

I would ask you if we make the request as a Subcommittee to hear from Major General Dallaire and to receive that fax that was over Kofi Annan's name, would we receive it?

Mr. KHAN. I do not think I am able to fully answer that question, but let me state that I worked with General Dallaire for 4 months. I had a very high opinion of his professional qualities and of his political judgment.

I do know that he had an opinion that differed with that of the SRSG at the time, and there was, therefore, if you like, a divergent view of how they both saw the situation on the ground.

Naturally, Dallaire had to defer to his senior, and this was one of the reasons, perhaps, why my predecessor became controversial in Rwanda. He was not seen as being neutral, and therefore you can imagine that there was at the higher level a difference of view that reflected itself in the reports that were going up to the Security Council.

One other point, Mr. Chairman. Everyone wonders why the Security Council, why the international community, was not sensitive to the fact that massacres were on the cards. I think one of the reasons was that by pure coincidence, Rwanda itself was on the Security Council.

Now, you imagine that here is a situation where every mission has left Kigali, every diplomatic mission. No one is there to report except a few diehard U.N. people. The U.S. Embassy, the Chinese Embassy, the Russian Embassy, the French Embassy, they are all closed down, everyone is gone. Genocide is taking place.

Dallaire with 444 soldiers is on the spot, and there is the SRSG with his small staff. That is all.

So how does the Security Council form an opinion of what is happening on the ground? CNN, BBC? Perhaps. They, too, are indicating a two-sided massacre. But the "only" information coming to the Security Council, the representative of the Rwandan Government itself, who happened to be the representative of the FRG, and he is saying to his colleagues, and I can imagine this, that the situation is that one side is killing the other, it is a horrible civil war, don't interfere, et cetera, et cetera.

So I think the discoloring of the situation in the Security Council, which is not taking up a position to react quickly to this horror situation, is partly due to this distortion and partly due to the experience of Somalia and other peacekeeping operations in which countries feel they had enough of civil wars and they stand back.

So this is my explanation. Whether it is a valid one or not, I cannot say.

Mr. SMITH. Do you believe it was prudent, according to the story that we understand to be correct, for Kofi Annan and his shop to advise the informant and the governments, the U.S. Government and others, to tell the Rwandan Government from whence this plan seems to have been hatched? It is like—you have a whistleblower who comes out to say, there is going to be a genocide, extermination, call it whatever you will, and you go tell the people who are planning it.

Mr. KHAN. In my discussions, Mr. Chairman, and I am leaving aside the telegrams and other evidence, my understanding is that the head of peacekeeping, who was Mr. Kofi Annan, and his colleagues were briefing the Security Council regularly about the increasing horrors that are taking place in Rwanda, and they are, in fact, putting into the report that the Security Council must have a much larger force, I think this is there on the records, in order to prevent a deterioration.

But the Security Council itself withdraws from this position. It withdraws—in fact, it withdraws a number of people in Rwanda and decides, as my colleague on my left has said, to actually reduce the number of forces in Rwanda after April 6th.

So to answer your question, I understand that Mr. Kofi Annan and his colleagues were regularly informing in their informal contacts that the situation was quickly going out of hand and something should be done. This is my impression.

Mr. SMITH. Would you join us, would you support this Subcommittee in asking that General Dallaire be permitted to testify before the Belgians—

Mr. KHAN. I would say that it would clear the situation.

Mr. SMITH. It sure would. You would be in favor of that?

Mr. KHAN. Certainly. I feel that General Dallaire should be heard and asked. I agree with that view entirely.

Mr. SMITH. In addition to that, that the stolen fax, I think is the way it is reported in the papers, the information that went back from over Kofi Annan's signature, be made public?

Mr. KHAN. I would say that the more light that is thrown on this critical issue, the better, whether it is through investigations or subcommittees. I feel greater light should be thrown on it, and a balance and perspective should be brought to what actually happened. Because, Mr. Chairman, let's face it, this is the most horrifying thing that has happened to humanity in the last 50 years. It deserves to be investigated thoroughly.

Mr. SMITH. Senator.

Mr. DESTEXHE. Mr. Chairman, with your permission, the whole question, as my neighbor just said, as we are talking about the genocide, I think the world deserves to know the full truth. To know the truth on that, we cannot rely exclusively on your judgment, because as a member of Parliament, you know very well that any administration or any bureaucracy facing difficult questions has a tendency to protect itself and should not give answers. In Belgium, in the beginning when we were asking questions of the Belgian Government, we got the same kind of answer, nothing special, and everything was under control, and it was impossible to say that the genocide or large-scale massacres were happening. After investigating for 600 hours, we find a totally different conclusion.

So I am just calling for an independent investigation by Parliament or by some judges. But I think, as you said, this cannot be refused, particularly because it has been done in Belgium, and it is being done now in France. So there is no reason why the United States and the United Nations should escape that.

Now, concerning the appearance of General Dallaire, I think there is some double standard, because I remember very well myself watching on CNN live General McKenzie, who was a U.N. General, the first U.N. Commander in Sarajevo, Bosnia, when the conflict broke out in Bosnia in 1992. I remember watching General McKenzie live on CNN testifying before the United States. So I suppose he was authorized to testify at that stage.

Kofi Annan refused the appearance of General Dallaire, but he is both judge and party because he is involved in that process, there is no reason why General McKenzie could appear and General Dallaire not.

Last, the answer to that fax is really critical, because General Dallaire in the field got the feeling that he could do something, intervene, within the mandate, and Kofi Annan got the feeling that no. But General Dallaire, he is not an academic, he was the head of the U.N. military mission in Rwanda, and his feelings were that he could go ahead with the arms recovery operation.

Last, it is my second last, I apologize, but if Kofi Annan is so confident with the whole process, I think there is no reason not to disclose all the correspondence between Kigali and the United Nations in New York. Again, we are talking about genocide. There is no na-

tional interest or international interest that could be evoked. There is no secret concerning genocide. We should know the truth. I think that is another point.

Let me read two short abstracts of some facts sent by the predecessor of Mr. Khan which were sent to the United Nations in New York. One is after the meeting of the Ambassador, when they explained that there was a problem. The predecessor of Mr. Khan, Mr. Booh Booh from Cameroon, reported the following: The President of the party seems unnerved and is reported to have subsequently ordered an accelerated distribution of weapons. It may force them, meaning the political party of the President, it may force them to decide on alternative ways to jeopardize the peace process.

Another fact, this is the second of February, 1994, so that means almost 3 weeks after that cable. So the predecessor of Mr. Khan wrote to Kofi Annan, each day of delay in authorizing the arms recovery operation will result in an ever-deteriorating situation and may, if the arms continue to be distributed, result in an inability of the United Nations to carry out its mandate in all aspects.

I mean, these are strong words. These are very strong words. I think it is necessary to know the full truth.

Mr. SMITH. Senator, I agree, and I think it is important, because judgments can be replicated. For example, many of us are concerned, and still the jury is out as to whether or not the negotiated interim settlement with Saddam Hussein was actually a carefully worded document that will lead to the destruction of the weapons of mass destruction presumably owned and capable of using by Saddam Hussein. Judgment is extremely important.

Let me ask you, before yielding to my distinguished colleague from Georgia, to deny an important witness to your investigative body or to this Subcommittee or any other parliamentary body, namely for General Dallaire, denying an important document, the fax or other documents, do you or any of you suggest that that might be suggesting of a cover-up? This isn't the Manhattan Project. We are talking about a genocide. We want to know what happened, who knew what when, and the judgments that were made. We need to know so they are not replicated again.

Mr. DESTEXHE. I think there is no rational explanation. Obviously it seems to be a cover-up. I don't know if it is a cover-up. But obviously the fact to refuse to appear before a committee for such an important matter would raise more questions about what do we try to hide by refusing to appear before a committee.

Now, you should know that General Dallaire has personally said many times that on a personal basis, he was ready to appear before any committee if he has the authorization of the United Nations. So General Dallaire personally would be happy to appear before your Committee, if he can.

Mr. SMITH. Ambassador Khan.

Mr. KHAN. Yes. I don't get the impression, Mr. Chairman, that the United Nations is wanting to brush something under the carpet or to not have an inquiry or not to bring to light the various factors. There is, I believe, a very strong feeling in Belgium, especially after the loss of those nine soldiers, that an inquiry ought to take place.

I repeat that it would help in placing a focus on an event which has horrified the human conscience of the time, and I see no reason why bringing facts and faxes and telegrams and assessments to light would be harmful to anyone, because I honestly believe that Kofi Annan and his colleagues in peacekeeping, and my experience of them, has been that they were very, very professional, that they were very sincere in preventing bloodshed, and that they could only act as a result of what the international community gave them.

They presented all the facts before the international community, and by that I mean the Security Council. It is the Security Council that did not give them the authority to act in the manner that they thought fit. It was bizarre that you had in Rwanda a Chapter VII operation on the one hand, and in the same country a Chapter VI operation, and it was something that I feel came out of the strange tensions that were taking place in the Security Council at the time.

So I would say that not only should all these documents be brought to light, but also let us look at why the Security Council itself did not give that mandate to the Secretary General and then onwards down to the field. I think the whole syndrome needs to be looked at, not simply whether one or two civil servants in the United Nations did not react.

Mr. SMITH. If this report in the *New Yorker* is correct, Mr. Riza says that there was no sign to corroborate Dallaire's warning. Now, again, why your chief military person who presumably has intelligence assets at his disposal would be dissed simply because there is no diplomatic or some other corroboration on the ground, it seems to me this is the person you listen to, because he should be your eyes and ears about what is going on militarily.

Mr. KHAN. I did not read the report. I was made aware of it this morning that there was such a thing. I just arrived in this country. So I really cannot react to what has been stated there without seeing it.

But I would say that the response that is given by officials in the United Nations, as far as I am aware, has always been to look at these issues in an objective manner and to ensure that no exaggeration is given one way or the other to the positions that have been repeatedly stated, particularly with regard to the Dallaire telegram. So I don't really want to comment on that without seeing all the statements that have been made on this issue.

Mr. SMITH. It does, however, with all due respect, beg the question of cover-up when vital, absolutely linchpin information, is withheld, when it has been requested. Again, that is something this Subcommittee will pursue, and I am sure there will be a parallel effort with the Senator.

Mr. DESTEXHE. To date there is no proof that the Security Council as such was informed about the gravity of the situation. They may have been informed, they may not have been informed. The next panel may have some information about that; Alison Des Forges, because she spoke with different U.N. Ambassadors at the time.

We are sure that the content of the faxed information was shared with the Belgian, French and U.S. Ambassador. We are sure it was taken seriously and there was some discussion in the following

weeks. But there is absolutely no evidence that the Security Council was warned about the gravity of the situation.

A major question to be addressed, we shouldn't forget the whole thing started with this informer. The informer requested protection and asylum for himself and for his four-member family. That protection was not granted, neither by Belgium, nor by France, nor by the United States. And believe it or not, Mr. Chairman, the contact with this informer was lost. We spent a lot of time in the Belgian community trying to investigate that, and we spoke with all the Belgian officers who were in touch with him. The contact was lost.

So, you know, that means you get a key informer who comes to see you with the plan of a genocide, and then you are never to provide him with protection, and after a while you lose the contact. That means you become in a way blind to understanding what is going to happen.

So, again, these questions should be addressed, because maybe if the protection would have been granted to the informer, we would not only have one fax, as you said, but much more information which would have been available to the United Nations and the world about what were the preparations.

Mr. SMITH. Is the whereabouts of the informer known today?

Mr. DESTEXHE. No, because the contact was really lost.

Mr. SMITH. Ms. McKinney.

Ms. MCKINNEY. Mr. Chairman, I would just like to state for the record that our office did call Dallaire in Canada, and we spoke with him. He indicated that if he were given permission to appear before us today by the United Nations, that he would come. Of course, that permission was not granted, and therefore he is not here.

I would agree with you, Mr. Chairman, that we need to follow up with that and make sure that our Subcommittee and the Full Committee follow up and make sure we get Dallaire to the United States.

I would also like to request, Mr. Chairman, of the information that Senator Destexhe has brought with him, how is that going to be made available to the public? Will it be submitted on the record?

Mr. SMITH. I would ask the Senator, is there an executive summary? We could make copies available, but that would exceed probably the hearing record itself of this Subcommittee.

Mr. DESTEXHE. Well, unfortunately, there is no executive summary. I don't know if there is a possibility to translate at least three chapters which are chapters 3,6, which is all the information available concerning the genocide, and 3,8, which is all the information concerning the withdrawal of the United Nations; 3,6 and 3,8.

Now, there is also an index, which is a summary of all the evidence found in the files of the Belgian Minister of Defense and the Belgian Foreign Minister. I should say we were quite critical of our own country, and we considered because it was a genocide, we shouldn't respect the general rules concerning the protection of the people. We were not allowed to make photocopies, but the 15 Members of our Committee were allowed to consult these documents.

So we may keep in touch, and I can check in Belgium if it is possible to translate the chapters.

Mr. SMITH. We will ask the Library of Congress. They have expert translation specialists to do so. At the end of the hearing, if we could go through all of the relevant chapters you feel are necessary.

Mr. DESTEXHE. This is for you, by all means.

Ms. MCKINNEY. I would also like to just suggest that if we think that the United Nations, by continuing to pull these no-shows, may have something to hide, then it certainly doesn't stand the U.S. State Department in good stead that it would also pull a no-show today. It then leads to the question what does the U.S. State Department have to hide and those in charge of this country's foreign policy?

Mr. Khan, I would like to ask you to explain the divergence a little bit more between Mr. Booh Booh and Dallaire in more detail.

Mr. KHAN. The second part of your question?

Ms. MCKINNEY. If you could explain the divergence. You talked about the divergence.

Mr. KHAN. Yes, yes, yes. My predecessor and General Dallaire were known to have divergent views. I think basically I was aware of the fact, and this has to be stated, frankly, that in Africa particularly, there is this surprising and extraordinary division on francophonie and anglophonie. For an Asian, like myself, it is extremely surprising to find the depth of this division. One comes to recognize it as time passes, and you become part of that syndrome, that this is something that goes deep. It is not superficial.

I come from a country which, if you like, belonged to the British Commonwealth, but we in South Asia never have this feeling of anglophonie, francophonie. There isn't this rivalry in Asia. We are not part of it.

But in Africa it is very real, very real, and it impinged on the Rwanda situation because the RPF, who were mainly—not entirely—were living in Uganda and brought up speaking English, apart from their own language, of course. The reason for that was that for the last 20 years, they had been located in Rwanda. Now, when they come into Rwanda, which is essentially French-speaking, there is this clash that emerges, and, as I said, it goes deep.

As a result, this tended to some extent color the attitudes of various people operating within Rwanda, even civil servants. And although I cannot say for certain that there were differences of approach that I was aware of later between my predecessor and Dallaire, I am not saying based on francophonie and anglophonie, but there were differences, and these differences were, broadly, that Dallaire was nearer the RPF position, which was that a terrible disaster was about to take place, whereas my predecessor felt that, no, we are descending into the usual syndrome of a civil war.

I mean, I do not want to assume points that he held, but I get the feeling from the telegrams that this was the point of divergence, and it reflected itself in assessing the situation on the ground.

Ms. MCKINNEY. Let me pursue that just a little bit more with a question about the OAU. It is my understanding that the OAU had mobilized 5,000 African troops but lacked financial and logistical support.

Why would the U.N. apparatus not support the OAU initiative, but support Operation Turquoise from the French?

Mr. KHAN. The Operation Turquoise took place at the very strong initiative in the Security Council of the French Government. I believe the French Government felt the humanitarian situation was descending into a complete disaster, and the Security Council sanctioned the initiative taken by France by sending or by giving France a Chapter VII mandate.

The OAU, I was not aware, had actually offered to send in a troop contingent. What I was aware of was that among these 5,500 that I have spoken of, there were a number of African countries, but not the OAU. There was Ethiopia, Nigeria; Ghana was already there. There was Malawi, and these countries maybe coordinated with the United Nations to send their troops.

The problem was that although the troops were ready to come, the equipment was not there, and it was really, if you like, the developed countries, the donor countries, who were to provide the equipment. United States, Holland, France, Belgium, these were the countries that had the logistics, the communications, the APCs, et cetera.

Now, there is no point in the troops coming in without the logistics being there. So the matching up took a long time. As I said, it took until the end of October for all of them to be in place, and by then it was much too late for them to carry out the mandate that they had.

They should have been given the mandate to rebuild, to restructure a completely shattered country and a completely shattered people. Now, that wasn't there. It was my frustration to live through that and to see vast sums of money being poured into the camps, and nothing coming through to rebuild the totally shattered economy and structure of the country itself. It was appalling, frankly. I made it known. But here, I have to again state that what I stated was conveyed to the international community. There were no buyers. No one came forward.

Ms. MCKINNEY. Mr. Chairman, one last question, observation perhaps, and that is about the francophonie/anglophonie illustration that you gave. I am just wondering if we should, if we could, look at that as a possible explanation for how the Security Council operated as well, and with the Secretary General being from Egypt, being a part of the francophonie and having a particular point of view and closeness to the Habyarimana Government, that would also have skewed the behavior of the U.N. Secretariat and the Security Council. What are your thoughts on that?

Mr. KHAN. I think it was an important factor, particularly if you could imagine that in Rwanda itself, except for a few NGO's, a Representative in Congress from and they were one of the best, I would give them any medal for the work they did, despite the horrifying conditions there, the ICRC, but except for these people, I have to state that there was no basic rational evaluated data going back to the Security Council.

Let me just state that the Security Council, apart from the five members, has ten others. Now, out of those ten, only two had embassies in Rwanda: Egypt, and there was one other, I forget. Now, all these seven embassies had gone. They were not there. The in-

formation coming in was, therefore, very strongly colored. And I know, because I went to the United Nations for a briefing, and who should brief me but the Ambassador of the FRG Government.

Naturally he was doing his job, he was doing it well. He was putting across a point of view, which was that, look, we have been through these wars several times. We are the majority. The minority wants to come and wrest power away from us. We are stopping them from doing it. This is undemocratic, et cetera, et cetera. I can quote to you. But the fact that he was able to project a coloring that was not counted by any other source seems to me to be a very important factor in the assessment.

I would go one step further. I think the United Nations has learned a number of lessons from the experience in Rwanda. We have been through an exercise several times, and if you look at the document that has just come out, and I have been reading it last night, from the Secretary General to the Security Council, in which he has proposed measures to prevent and preempt such disasters, I think that it is an excellent document, pointing in the right direction, pointing in a direction which is, as I said, learning from the experience of Rwanda. I do commend it to you.

For instance, it says, in the future the United Nations, one of the many recommendations, must involve regional and subregional countries, OAU in the case of, let's say, another Rwanda, in trying to preempt a disaster. It must have regional and subregional. And I can see it happen. I can see it happen in my country. In Afghanistan today, the United Nations, the OIC, sit together and try and find a solution to the problems. Previously they were trying to do it separately. I think this is pointing in the right direction, and I do commend this document as a very good way forward.

Mr. SMITH. Mr. McNamara.

Mr. McNAMARA. Could I clarify two small points for the record? As a U.N. official I am here with the knowledge and approval of the United Nations in New York. My understanding was, but it is informal, that had the U.N. headquarters been asked to appear, they would have been willing to consider that also. That is the basis on which I appear.

Second, just to clarify, if I may, the record, Mr. Khan has mentioned a number of occasions now the lack of funds going into Rwanda compared with the camps. I just wanted to emphasize that UNHCR alone has spent \$127 million inside Rwanda since 1994 for returns, including \$20 million in 1994, the first year of the operation. So, yes, the camps were hugely expensive, but the figures that have been mentioned are not our figures. Certainly we didn't spend anything like the amounts mentioned here for camps. But I just wanted to make it clear there has been a very substantial investment within Rwanda by UNHCR, at least on returns.

Ms. MCKINNEY. Finally I would like to say also for the record, this hearing was supposed to be about security issues, but because the State Department declined to participate, the Department of Defense also declined to participate, and we can't even get to those issues. So, Mr. Chairman, I have some questions about the arms trafficking from Belgium into the Great Lakes region and some loopholes that some scholars in this country have found in Belgian law, and I was wondering if perhaps we could submit our questions

to the record for Senator Destexhe, and then he could respond to us in writing.

Mr. SMITH. That would be fine.

Ms. MCKINNEY. Thank you.

[At press time, questions and answers had not been received.]

Mr. SMITH. And any other questions you might have for Defense and State, I think we should also provide those for the record to the respective agencies.

Ms. MCKINNEY. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much. I have a lot of questions, which I will try to zero them in.

First of all, in order to go from Chapter VI to Chapter VII, I understand there is a two-thirds vote necessary in the Security Council; is that correct?

Mr. KHAN. As regards Chapter VI and Chapter VII, it is the Security Council that, of course, decides on whether there should be a Chapter VI or Chapter VII, and it is decided usually on the basis of a consensus. Of course, if there is no consensus, a veto by a Security Council member would prevent any action. So, therefore, usually it is through a consensus that it is decided whether a Chapter VI or Chapter VII operation is to be given.

Mr. PAYNE. According to information that I had at the time, the U.N. Secretary General Boutros Boutros-Ghali made an urgent plea to the Security Council for additional peacekeeping forces to be drawn primarily from Africans to reinforce the 270 peacekeepers in Rwanda with an expanded mission to protect innocent citizens. Unfortunately, the Security Council has not yet responded. That was as of May 4th. The Secretary General on his own initiative has also requested African countries individually to supply troops.

The problem seems to be the lack of advanced logistical capabilities to rapidly respond as well as funds to support the effort. At that time the United States was \$300,000 behind in peacekeeping assessments, and it was felt that to urge other countries to bring up their share of the peacekeeping burden would not go over too well since we were so far behind.

Do any of you have a feel on what impact the lack of funds that the United Nations was owed had as related to the Security Council having an inability or less of an interest, and with Mr. Kofi Annan involved in that mix-up, attempting to get the troops? And also the question of the 50 armored personnel carriers which were requested by the United Nations back in April, which didn't get delivered until August, which was a part of the apparatus needed in order to involve itself.

Could anybody expand on that?

Mr. KHAN. Yes, sir. I would say that the shortage of funds very severely inhibited the action on the ground to bring order and to restructure and to repair the damage that took place as a result of the genocide.

Just let me mention one small example. One illustrates better with examples than by making general statements.

When I was there, as I said, everything was shattered, including the telecommunications. No telephone worked, not at all, except the United Nations'. After about 6 weeks that I had been there, a

Canadian major came into my room and said, "Sir, I have good news. I have gone and seen the shattered house where the international communications between Rwanda and the international world is housed. Although the house is completely shattered, the actual machinery is in order, and it has not been damaged. All it requires is a cable that we can get from Nairobi, and if we attach that cable to the circuit, you have an international communications capability restored in Rwanda."

Now, this was very good news, because, as I said, nothing worked. And I said to this young Canadian major, please let me know how much it costs. I remember he said it costs—the cable would cost \$1,500.

Now, I can tell you that my mandate, strictly speaking, did not allow me to pay from my peacekeeping funds \$1,500 in order to repair a major facility in Rwanda. What we did was to take out the dollars we had. We gathered \$1,500, we gave it to the Canadian major, and he went to Nairobi.

What I am trying to say is that the shortage of funds does affect the situation on the ground very seriously, and any appeal that is going to help the United Nations address these issues of peacebuilding after a crisis, of providing a basic small trust fund, \$10 million, \$20 million, which is going to help peacekeepers start up, jump start, the process of recovery, I recommend if we had those \$10 million in our hands, we would have been able to persuade far more people in the refugee camps to come back than was actually the case.

So yes, it does inhibit action on the ground. It would help to have greater flexibility. It would help the United Nations a great deal if we were funded in a manner in which we could act in a flexible manner on the ground.

Mr. PAYNE. Thank you.

There is very little discussion that has gone on about the April 6 plane that was brought down, and I know looking at the report of the French hearing, the allegations were about these missiles that were captured from Iraq by French forces in the Persian Gulf. This came up in the French hearing. I am not making it up.

The fact that Mr. Mobutu at the last minute did not take the flight—of course, Mr. Mobutu and the French also have a very close working relationship, and I am not accusing anyone of anything, I just wonder whether any of these areas—there were French troops in Rwanda at the time, did virtually nothing to intervene, and have there been any discussions around the United Nations—and there were not only French, but the Belgian Government said that they were unable to stop the flow of arms because these were contracts of private companies, and the government had no right to intervene.

Has the United Nations looked into these issues at all, to your knowledge?

Mr. KHAN. Yes, sir. I forget the date, but it was toward November 1995, the United Nations did appoint a commission to look into the supply of arms to the military activists in the camps. It was, I think, the International Commission of Inquiry, and it was headed by an Egyptian diplomat.

They came to Rwanda and also went to the other side. They went to the camps in Bukavu and Goma, and in their report they came out basically with a view that—and I may not be totally accurate on this because I don't have the document here, I read it recently—but they came out with the view that arms were being supplied to the former killers in the camps; that these arms were probably supplied by private parties and not directly by government; and that as a result of the supply of arms, the tension in the area was again going up.

The Commission of Inquiry strongly recommended steps to be taken to prevent arms flows into these areas, and once again I would say that this is something that needs to be taken into hand immediately. It is one of the points that the document that has recently been prepared by the Secretary General does mention very specifically, and the stoppage of arms into hotbeds of tension is something that I think the international community has to concentrate on very, very seriously.

Mr. DESTEXHE. If I may follow on this, today there is no evidence who shot the plane of the President. It is still totally unknown. It was the triggering factor of the genocide, but the plan was there. Everything was ready to start the genocide, and it has certainly triggered the speed and the magnitude of the genocide, but the plan and the organization was there before.

Concerning your previous question, I think it is very important to make the distinction concerning the role of the United Nations before the 7th of April and after the 7th of April.

I think before the 7th of April there was some misinformation of the Security Council by the U.N. Secretariat concerning the preparation of the genocide. After the 7th of April, it is very true that the U.N. Secretariat was in favor of maintaining the same strength of the U.N. troops or increase, and the African and also the non-aligned movement were in favor of that. There was even the resolution from the nonaligned movement, which is made up of mainly Asian and African countries, requesting Chapter VII and to increase the strength of the forces.

Belgium and the United States were against. France had a much more ambiguous attitude. At the beginning they were in favor of maintaining the force at the same strength. After the genocide started, the role of the U.N. Secretariat did whatever they could to get a normal force and to try to do something amidst the worst conditions. But the question remained whether the Secretariat as such was correctly informed as to what was going on, because if you speak to ambassadors from like New Zealand, Czechoslovakia, I think Brazil was also there and Pakistan, these people, if you speak with the diplomats, were not informed, neither before the genocide, nor when the genocide started, that it was genocide that was going on.

And I think one of the problems also with the Clinton Administration was that the word "genocide" was not used for a very long time, although with the information which was sent since January 1994, the Clinton Administration and the Belgian and French Government should have known that genocide was in preparation. And even if Ambassador Khan could say that there was some doubt about what was really going on between January and April, I think

in light of the information which was there before, after the 7th of April, it should have been obvious to all of the diplomats that genocide was going on because it was exactly what has been announced before, among others, in the General Dallaire cable.

Mr. MCNAMARA. Could I just add the reference in our report to a Human Rights Watch report on arms reaching Rwanda through eastern Zaire was as early as May 1995, and that report led to the lifting of the arms embargo on Rwanda, and that should be put into the wider issue of the international inquiry.

Mr. PAYNE. The Dallaire cable, that went directly to the Security Council?

Mr. KHAN. No.

Mr. PAYNE. There is information that said that cable went directly to the Security Council.

Mr. DESTEXHE. It went to General Baril, who is also a Canadian general who was the military adviser of Kofi Annan. After that it is not exactly well known the whereabouts of the cable within the U.N. system. It seems that while Kofi Annan saw it, or at least his deputy replied, but it is not known exactly if Boutros Boutros-Ghali had seen it, and it is not known whether the Security Council was informed or not.

I think, according to all of the evidence, what could be said is that the Security Council was informed that there was a serious situation in Rwanda going on, but not with the kind of specific information which was in the telegram. It is not known when the Security Council was informed, whether it was immediately after the 11th of January or if it was much later.

Today with the information which is at our disposal, we could say—if there is no other evidence—that the Security Council was not correctly informed as such about that cable.

The Belgian, the French and the U.S. Government were correctly informed about the situation, but not the Security Council as such. I think you can organize some hearings also with some U.N. ambassadors of small countries like Czechoslovakia or New Zealand. If you speak with their ambassadors, they never get the feeling that something of that scale was in the preparation.

Mr. PAYNE. My time has probably run out, but let me ask two final quick questions.

One, why do you feel that the Operation Turquoise by the French and Chapter VII was requested when it was requested and that there was no initiative for a Chapter VII before that time?

Mr. DESTEXHE. At that time nobody was willing to do anything. The Belgian Government wanted to get out of Rwanda, and the Belgian Government unfortunately did all it could to convince the Security Council as a rule that the whole U.N. force should be withdrawn. And it has very damaging consequences because Belgium, because of the colonial past, was considered as kind of a reference on Rwanda. Belgium was the country with the best knowledge of the situation in Rwanda. So the fact that Belgium said to the Security Council the only thing to do is get out had a very bad and negative impact on the Security Council.

The United States, because of Somalia, was totally against any kind of involvement in Rwanda. The French were much more ambiguous, and the rest of the Security Council were not correctly in-

formed. They were told that it was a civil war. They were told that it was the secular fighting between the Hutu and the Tutsi. But this was the planned extermination of a segment of the population. It was a genocide.

But if you read the press at the time, the general feeling was that it was a civil war, the secular fighting between ethnic rivals, so the rest of the Security Council was not correctly informed. And it should be said that the French intervention, despite all of the ambiguities, the French were the only ones very late to try to do something; maybe with a hidden agenda, I don't know, but at least they did something. Although it had several drawbacks, it saved between 6,000 and 16,000 Tutsis. And the only Tutsi who were saved were saved either by the French or by the Rwandan Patriotic Front. None of them—I should say very, very few of them were saved by the United Nations or by the Belgian or the U.S. Government.

Mr. PAYNE. I really have to end, but the other part was the fact that Radio Milles Collines was broadcasting continuously, and the fact with troops that are sophisticated there, why no one could take that radio out, whereas in Bosnia they took four radios out at about the same time because they could be taken out. And, of course, one of the individuals who controlled the radio was one of those executed in Rwanda a week ago, but finally had not the RPF come in when it did to save the country, I would imagine that the genocide would have just continued. I mean, no one was really willing to step up and to protect the people from the genocidaires. And I had some other questions, but I guess the time has run out, but once again I thank you for your statements.

Mr. SMITH. Thank you, Mr. Payne.

Mr. DESTEXHE. Very briefly on that issue, it is often said that doing something before the genocide started would have required a strong military intervention. I don't think that is true.

The key things were that at that time the United Nations and all of the major players were in the logic of the Arusha Agreement, in the logic of the peace accords, and this logic is that you have to deal with belligerents fighting against each other.

I think the major failure was at the end of December 1993 or at the beginning of 1994 not to recognize that the Arusha process was clean because it was killed by President Habyarimana and his party, who killed an alternative to the Arusha process, and the alternative was the genocide. They were departing from the peace process, and they went with genocide rather than to share power with the opposition, both Hutu and Tutsi, in Rwanda.

This, I would say, is the intellectual and the political failure of the United Nations, it is not to recognize that despite all of the evidence that we find in the archives of the Belgian diplomatic service, because the evidence was there, they continued in the logic of a civil war. That means that they continued in the logic which is you deal with the murderer, you deal with the perpetrator of the genocide, and that logic was maintained until the 7th of April.

What should have been done somewhere at the end of 1993 or 1994 was to recognize that it was not working and to take side very clearly against President Habyarimana. This didn't necessarily imply a military U.N. intervention or U.S. intervention. It is like

saying, look, if you don't stop the broadcast of Radio Milles Collines within a week, we are going to stop all foreign aid to your regime. You should know that the regime which organized the first ever genocide ever organized in Rwanda was on top of the regime receiving foreign aid over all of Africa, so this kind of strong logic saying, if you don't stop broadcasting Radio Milles Collines, you are going to be cut from all foreign aid being given to you, things like that hasn't been tried, and this could have worked.

The problem is that the signal which was given in January 1994 to the perpetrators of the genocide by the United Nations and by the United States to Belgium and the French Government, the signal was, look, we know that you are preparing a genocide, but we are not going to do anything about it. Go ahead.

I mean, if you tried to interpret it in a rational way, if you put yourself in the skin of Habyarimana and his followers, and if you tried to see out from the evidence of that fact, Mr. Chairman, what would be your conclusion?

Your conclusion should be, look, they know what I am doing, and they came to see me and they just made some verbal diplomatic protestations, and so we want to make some organized genocide. The conclusion that we make is that we can go ahead for the genocide. Of course, I have no proof of that, but I think it is very logical that if being warned, the international community knows your project, and nothing is done to stop them, then your rational conclusion is that you have a kind of green light to go ahead.

And the genocide after the 7th of April happened exactly—including the Belgian withdrawal—happened as described in that famous cable. This cable announced 2½ months before exactly as it happened 2½ months later.

Mr. SMITH. Thank you, Senator, and Mr. Payne.

I would just like to ask one final question, Mr. McNamara.

The UNHCR had a meeting in Geneva, and the representatives of the Congo and Rwanda publicly blamed UNHCR for the deaths of refugees in eastern Zaire. These were the very refugees that forces of these two governments were accused of denying humanitarian access to, and in some cases actually killing. I understand that the U.S. representative at the time, Phyllis Oakley, did not come to the defense of UNHCR and, in fact, lavished praise on those two governments, Rwanda and Congo. Was this a helpful contribution by the U.S. Government, in your view?

Mr. McNAMARA. In my personal view?

Mr. SMITH. Yes.

Mr. McNAMARA. No.

Mr. SMITH. Thank you.

I would like to thank our very distinguished panel for their insights and candor, and I would like to ask if our third panel would come to the witness table.

Leading off our third panel is Dr. Alison Des Forges, a consultant to Human Rights Watch, who has undertaken some 2 dozen missions to the Great Lakes region of Central Africa. She has provided expert testimony regarding the Rwanda genocide to the International Criminal Tribunal for Rwanda, as well as to judicial authorities in Canada, Belgium, and the United States. Trained as a historian at Harvard and Yale Universities, Dr. Des Forges has

written numerous articles and monographs on Rwandan history. Perhaps more than anyone, Dr. Des Forges has worked to alert policymakers to impending violence in Rwanda and not to let them ignore violence that is ongoing no matter who are the perpetrators and who are the victims.

Ms. Kathi Austin is currently a visiting scholar at the Center for the African Studies at Stanford University, a director of the African Project, and a consultant for the Human Rights Watch Arms Project. In her efforts to document conflicts in Africa during the last 10 years, Ms. Austin has conducted extensive field investigations on that continent.

Holly Burkhalter is the advocacy director for Physicians for Human Rights. Before joining Physicians for Human Rights in 1997, Ms. Burkhalter served for 14 years as Washington director and advocacy director for Human Rights Watch. Before joining Human Rights Watch, she worked in Congress for 5 years as a staff member.

Jeff Drumtra is the Africa policy analyst for the U.S. Committee for Refugees. He has conducted site visits to assess refugees in Rwanda, Burundi, Congo, Zaire and other parts of Africa and Asia. He is author and editor of reports on refugee situations in nearly 3 dozen African countries.

Finally, Mr. Francois-Xavier Nsanzuwera is the Secretary General of the International Federation of Leagues for Human Rights, Rwandese Association of Human Rights as well as the president for the Center of Rwandan Information and Studies. Previously he was district attorney of Kigali in Rwanda and the president of a prominent Rwandan human rights league in that country. He has twice served as an expert witness for the International Criminal Tribunal for Rwanda.

Dr. Des Forges, if you could begin.

STATEMENT OF ALISON DES FORGES, CONSULTANT, HUMAN RIGHTS WATCH/AFRICA

Ms. DES FORGES. Thank you.

I think the extent of information revealed in the hearings today indicates how important this question is that you have raised, and I think we all must deplore the absence of responsible people from the Administration to deal with the many pressing issues which have come out and which will come out as a result of this hearing.

I have submitted a prepared statement, but rather than dealing with that, I would like to address a few specific questions that were raised by the preceding speakers as well as to deal with a couple of comments of my own about the whole history of the genocide.

First of all, in terms of the United Nations itself, I was happy that Ambassador Khan was willing to share with us the importance of the split between Dallaire and Booh Booh. It is clear that this was not, however, a split between French speakers and English speakers because Dallaire was also a French speaker. It was rather a split between a man who came from the outside, Dallaire, a Canadian who had no connection, and Booh Booh, who was an insider in the African power elite, and who was very close to Habyarimana. So it was the local political dynamics which caused this division between them.

The division was extremely important in shaping the kind of information that was received and processed by the Secretariat. I have a telegram, which I do not have with me, but which I will be publishing shortly, which will point out the difference between Booh Booh and Dallaire in their assessment of the genocide. It was sent on April 8 as the violence was beginning. The first half of the telegram was written by Booh Booh and the second half by Dallaire. And the first half minimizes the existing violence and, as Senator Destexhe pointed out, puts a great deal of stress on the sort of aspect of the recurrence of the civil war; whereas the second half which begins in the middle of the third page, and all of a sudden the entire thing is written in capital letters, fairly screams out at you in Dallaire's voice, pay attention, something terrible is happening here, and we must react.

The split at the level within the sources of information to the Secretariat is one of great importance, and it seems that in general the Secretariat chose to privilege the information from Booh Booh rather than Dallaire. That, it seems to me, is quite clear.

On the question of what the Security Council did or did not know, Ambassador Khan has suggested that the nonpermanent members basically had information that came from the point of view of the Rwandan Government, and certainly the Rwandan Government representative was very active in trying to make his views known, but to the credit of those nonpermanent members, they made a serious effort to inform themselves.

I myself was called at home on a Saturday morning by the representative of the Czech Republic, who said, you have got to understand that Rwanda is not a priority for the Czech Republic, but as a human being I cannot sit here and do nothing, and he did indeed take action.

The following Monday afternoon he organized a meeting, it was not a formal meeting, of course, it was an afternoon coffee at his house at which all nonpermanent representatives of the Security Council attended and where I had the opportunity for 3 hours to present a point of view diametrically opposed to that of the Rwanda Government representative.

So Security Council members had at least one alternative source of information, and I am quite sure that they had others because they took their responsibility seriously once they understood what the situation held.

That, I believe, is the chief importance, from my point of view, of the January 11 telegram. It is not that it stands as the only warning, because it certainly was not, but had that warning been effectively delivered to the nonpermanent members, some of them who behaved so responsibly later on might have begun to behave responsibly earlier and forced the hand of the permanent members, notably the United States and the United Kingdom, who were completely opposed to taking a stronger position at that time.

So I think you have to look at one level at what is happening within the United Nations, the U.N. Secretariat, its own dynamics and politics, but then you have to go beyond that and say why are the Secretariat personnel behaving as they did, and there the answer is quite clear. They are behaving as they did because of pressure from the major member states.

So it is not the U.N. Secretariat here alone that you need to look at, but who is, in effect, suggesting the course to those people in the U.N. personnel, and of course that was largely the United States and the United Kingdom.

Senator Destexhe, perhaps because he was being too kind for our feelings here, did not bring to your attention a point of great importance, which was in mid-February Belgium made a serious attempt to extend the mandate of the peacekeeping force. Had that extension been done in mid-February, there would have been a strong possibility of action on April 6 or 7th.

Boutros-Ghali refused to bring that issue to the Security Council because he said the United States and the United Kingdom have made clear that they do not want that extension to go forward.

So here is one very clear case of U.S. policy having an incredibly important effect on the politics within the Secretariat and the decision about what will or will not be discussed by the Security Council.

I would like to deal more specifically now with some other aspects of U.S. responsibility. If we can go back just a little bit—actually quite a bit before the start of the genocide and look at the question of U.S. aid. In the late 1980's and early 1990's, Rwanda was for a long time considered the model of economic development, and here is a lesson which is very important for the current situation in Rwanda. Are we prepared to sacrifice human rights considerations for economic progress and so-called political stability? That was the choice that we made at the end of the 1980's and early 1990's when we turned our eyes away from the massacres of Tutsis and other abuses in order to continue this hope of economic progress with a regime that we thought was stable.

In that situation in 1991, when the United States was beginning to put money into democratization projects in Rwanda, a team of consultants looked at the whole political situation there, and their first recommendation to the U.S. Government, and, in fact, to all of the donor communities, because the U.S. Ambassador called together the ambassadors of the other embassies to hear their report, and the first recommendation was any further economic assistance to this government must require them to give up the use of ethnic classification on the identity cards. That was in July 1991, and no one responded to that suggestion, including the U.S. Government. Had that suggestion been implemented at that time, identity cards would not have borne the mark "Hutu" or "Tutsi" when the genocide began.

When you come to the question of the establishment of the UNAMIR, of the U.S. peacekeeping force, it is important to look at the influence of the United States in shaping the size and the mandate of that force. Because of financial considerations, because of the desire to economize, partly prompted by pressures within the Congress, the Administration had in its mind the idea that this peacekeeping force must be cheap. It must not cost a lot. Therefore, when military experts from the United Nations said to be effective this force must have at least 5,000 soldiers and should have 8,000 soldiers, the United States countered by saying 500. Now, the figure that was finally settled on was slightly less than 3,000, but it was clear that this was the U.S. pressure in part that forced the

limiting of the size of the first U.N. force and consequently the limiting of its mandate.

The mandate spelled out in the Arusha Accords was quite a serious mandate that tasked the soldiers with protecting citizens throughout the country during the transition period. By the time the force was actually negotiated at the Security Council, what emerged was a force which had the task of supervising—not guaranteeing, supervising security not within the entire country, but in the capital of Kigali, so a vast shrinking of its area of responsibility.

On the question of what was known throughout this period, there is a great deal of evidence from many sources about warnings that went on throughout this period. There was on December 3 a letter by high-ranking military officers to General Dallaire, and I quote, "They told him that massacres are being prepared and are supposed to spread throughout the country beginning with the regions that have a great concentration of Tutsis." That was a month before the famous telegram.

After January, Dallaire submitted no fewer than six requests in that period to have more troops and an extended mandate, so he clearly knew—and the telegram that Destexhe quoted from, February 3, made that point again, that we are being backed into a corner. We are not going to be able to do our job here unless you give us something more to work with.

The question of what the United States knew, something which hasn't been mentioned today is the CIA study which was called for within the U.S. Government, produced at the end of January, a look at possible scenarios in Rwanda in the coming months, and the worst-case scenario at the end of January predicted renewed conflict with half a million people to be killed. This was our own CIA study. It was produced by an analyst whose work was otherwise highly valued in the Intelligence Community, but in this case they disregarded his conclusions.

At the end of March when the mandate was once more being considered at the Security Council, Boutros-Ghali brought forth the information on the training of militia and the distribution of arms, for the first time formally presented that to the Council, although it was true that there were informal briefings before that time, but instead of requesting an extended mandate and more soldiers and better arms as Dallaire had been asking for, he said instead what should happen is an additional 45 policemen should be sent; the reason for 45 policeman rather than many more troops and a better mandate, because it fell within the cost parameters which were being set by major players on the scene, namely the United States.

In terms of when the violence began—sorry, let me go back 1 minute.

When Senator Destexhe was talking about Habyarimana he probably figured that if they did nothing about the information from the January 11 telegram, that meant that it would be OK to go ahead with the genocide and no one would intervene, that wasn't a deduction that had to be made, that was the specific message that was delivered by Boutros-Ghali in a phone call to Habyarimana. He said to him, if you keep up with this kind of stuff, we are going to pull out. So it was already clearly specified

from January on that the United Kingdom did not intend to play a serious role if there was a renewal of conflict.

At the time, the first weekend, it was already clear that this was going to be a campaign of ethnic cleansing and of terror. It is true that there was confusion in the minds of many people between civil war and genocide. It is true that many of the press accounts were inaccurate, but the *New York Times* on April 11 published a story saying that civilians were seeking refuge in U.N. posts because they were, "terrified by the ruthless campaign of ethnic cleansing and terror."

As I mentioned, the April 8 telegram which came into the U.N. headquarters from Dallaire and Booh Booh, Dallaire also specified in that ethnic cleansing was going on in a systematic fashion throughout the city.

Let me refresh your memories. That weekend there were more than a thousand elite Belgian and French troops sent in. The Italians followed soon after, and the U.S. Marines were on standby 20 minutes away in Bujumbura, all for the purpose of evacuating foreigners.

Let me quote the opinion of the Commander of the Belgian troops in the U.N. peacekeeping force at the time. He said, in a confidential assessment after the fact, speaking of that weekend, the responsible attitude would have been to join the efforts of the Belgian, French and Italian troops with those of UNAMIR and to have restored order in the country. There were enough troops to do it, or at least to have tried. When people rightly point the finger at certain persons presumed responsible for the genocide, I wonder after all if there is not another category of those responsible because of their failure to act.

On the question of troop withdrawal, it is clear that the Belgians were very embarrassed by pulling out their troops, and the United States, wanting to help out a friendly country, participated in that effort to decide to pull out the entire force.

I would like to make a point here that seems to me of extremely great importance, and that is the extent to which international actions had their impact within Rwanda and helped to shape the course of this genocide.

In those first hours moderate military officers made contact with the United States, with France, and with Belgium and asked for support in opposing the genocide. They received no encouragement, so they did not ever come together in a cohesive enough force to oppose the genocide.

The RPF on April 9 proposed a joint military operation between RPF troops, moderate military of the government, and UNAMIR troops to put down the massacres, to stop the killing, but because the United Nations was circumscribed by its mandate, there was no response from that quarter, and that effort failed.

Within the country there was a constant awareness on the part of the extremists about what was happening in the rest of the world and a serious attempt to maintain contact with foreigners. There were delegations sent abroad to try to publicize the Rwandan Government position, including to the United Nations itself, and there one of the most disgraceful scenes in the United Nations was at the Security Council table when the representatives of the

genocidal government were allowed to present a justification of their point of view and where virtually none of the delegates at that table had the guts to confront the representatives of this government about what it was doing back home.

I believe that there were very few—I know that the Czechs spoke up and the New Zealanders spoke up, but many others did not. They simply sat there and listened to this. And of course they never challenged the right of this government to continue to sit on the Security Council.

On April 15, there was a confidential session of the Security Council to discuss the withdrawal of the U.N. troops. Of course, the member from Rwanda was present, and he heard this discussion. At that session the United States took the position that the entire force should be pulled out. Now, they later changed this position, but at that point that was at the close of business on that day, that was what the Security Council was leaning toward was a complete withdrawal. It was the next morning that the Rwandan Council of Ministers met and decided to extend the genocide into the central and southern parts of the country, which had until then been relatively untouched.

I think that it is certainly a reasonable conclusion that the information that the international community was planning to get itself out of there facilitated those extremists who wanted to push for the extension of the genocide into other parts of the country.

The protests of the United States when they finally were made were heard not just in the councils of government, but all of the way down to the level of the local communities out on the hills. The responsiveness to international criticism was such that it transcended down that administrative hierarchy to the prefecture of Kibuye in the western part of the country, and communications networks may have been disrupted, but they were working well enough for signals from Washington, faint as they were, to reach down to those hills so that the local government official told people, you've got to stop killing because Washington is making that a precondition for dealing with our government.

Now, did they really mean it? Of course, this was so late, many people were already dead by then. Or did they mean simply remove the killing from public view, because they went on to say, remember there are satellites overhead that are monitoring what we are doing.

That was the level of consciousness, not appropriate, not accurate, but there was a sense that we need to be careful because of what people are thinking about us.

And the other prime example of that is when Rwandan military went to Paris and asked for support and for arms, the French response was, we cannot help you as long as you continue doing these horrible things so publicly. And the message went out 2 days later over Radio Rwanda or Radio RTLM, I have forgotten which one, saying to people, please, no more cadavers on the road. Get them out of the way.

So you can see the extent to which international opinion could have its influence within this system, how it could have influenced moderates and given them courage to resist, how it could have in-

fluenced extremists to control their behavior. But none of that happened because we didn't act.

The lessons from all of this we will be talking about for a long time to come, but the superficial lesson is the easy lesson. We all know don't let a genocide happen again; if you see the signs, do something about it.

But what I would like to say is that there is another lesson underneath that lesson, because we are not likely to see this same situation again. Why not? Because although the international tribunal is not doing a great job, it is working. There has been a condemnation. Ambassador Khan apparently wasn't aware of that. There has been one guilty verdict handed down already, and people in that region are now knowing enough not to go out and put it on the radio that our intention is genocide or to publicly organize militias to go out and kill. Instead it is becoming more difficult to know exactly what is happening.

The next time around we will have the problem not just of mobilizing the political will when we have a situation that we clearly know the realities, we will also have the problem of knowing the realities, and in that connection I want to draw your attention to a whole series of problems that we are now encountering in knowing what is going on in the Congo with the lack of cooperation from the Kabila Government, with the end of the effective post of special rapporteur for Rwanda, with the banning of the special rapporteur from the Congo, with the suppression of the results of international investigations as was done with the Gersony report in the Rwanda context, with the whitewash of the Kibeho massacre, and now with the effort on the part of the Rwanda Government to end the monitoring function for the U.N. human rights field operation.

We must find accurate sources of information. We must know, or the next time we will end up compounding the error of the Rwanda genocide because not only will we not act, we will not know that we should be acting.

Mr. SMITH. Dr. Des Forges, thank you very much for that very comprehensive analysis and warning with lessons learned and the fact that many things going on today, unfortunately they are not on many people's radar screens, that could lead to another repeat of such killings.

[The prepared statement of Ms. Des Forges appears in the appendix.]

Mr. SMITH. Before I go to Ms. Austin, you mentioned that several of the delegations or the delegates just sat while the presentation was made. Was the U.S. delegation silent?

Ms. DES FORGES. I would have to go back and look, and I don't want to condemn them, but my feeling is if they said anything at all, it was extremely wishy-washy. The only ones I remember having made a clear statement were the Czechs, the New Zealanders and perhaps the Spanish.

Mr. SMITH. Thank you.

Mr. SMITH. Ms. Austin.

**STATEMENT OF KATHI L. AUSTIN, VISITING SCHOLAR,
AFRICAN STUDIES CENTER, STANFORD UNIVERSITY**

Ms. AUSTIN. Thank you, Chairman Smith, for calling this important hearing, and I want to also thank your colleagues, Ms. McKinney and Mr. Payne, for calling this really important and timely hearing on Rwanda. You could not be concerned with a nobler cause than that of preventing genocide, crimes against humanity, and wide-scale violence against civilians.

Since the middle of 1994, I have traveled to Rwanda and the Great Lakes region on several lengthy field investigations, most often as a consultant to the Human Rights Watch Arms Project, in an effort to research and document the impact of arms flows and military assistance on the continuing conflicts in the region.

Since the outbreak of civil war in Rwanda in 1990, the country has experienced a rising tide of militarization with a corresponding decrease in human security. Contributing to this horrific state of affairs is the seemingly unending flow of weapons and military assistance—with very few constraints and often no conditionality applied—into the region.

My research shows also that one area of total policy failure by the United States has been its minimalist concern for security flows, including arms, training and military equipment for all of the warring parties in the Great Lakes region. If U.S. policy had forcefully addressed the ongoing militarization of the region, the prospect of repeated cycles of genocide or massive violence would be different.

This hearing also today coincides with growing public concern about the significance of the arms trade, especially the trade in small arms and light weapons, and its relationship to conflict and human rights abuses.

But governments in general are very protective of their arms networks, usually because they serve as an instrument of foreign policy, or because of their commercial benefit. Today the volatility of the Great Lakes region demands that more attention be paid to arms trade issues.

We have talked about the background of the current patterns of supply of weapons. I would just like to make a few remarks and talk a little bit about what was going on during the Rwandan civil war and the genocide.

The fact is that in 1992, the Rwandan Government was the third largest importer of weapons in sub-Saharan Africa behind Angola and Nigeria. There was information that was published about covert arms brokering and deliveries to the Rwandan Government, for example by the Governments of France, South Africa and Egypt, and nothing was done. There was a very small mission set up to stop supplies from Uganda to the RPF, but that was very inadequate to the task. Much of the military assistance that went to Rwanda during the civil war and leading up to the genocide flew in the face of the internationally negotiated Arusha peace agreement.

In Rwanda, the Arusha Accords, along with the arrival of U.N. peacekeepers, lulled policymakers into thinking that they were doing enough. Weapons flows were assumed to cease automatically, and the peacekeeping forces were expected to monitor security. As

we have heard today, a variety of international actors did very little to prevent the genocide. Even though, as Alison Des Forges mentioned, U.S. intelligence and analysis projected as its worst-case scenario hundreds of thousands of casualties in Rwanda, it did nothing to concern itself with intervention to curtail this violence.

As we have also heard today, the U.S. peacekeeping commander, General Dallaire, was prohibited from seizing arms caches even on sites identified by U.N. intelligence, although he made persistent requests to do so.

While France withdrew the bulk of its troops from Rwanda, no international pressure was put on France to withdraw as the main military patron of the Rwanda regime. No thought was given to the disarmament of the Hutu militias.

Tragically, a U.N. arms embargo was not proposed for Rwanda until a month and a half after the genocide commenced, and even then the embargo had no rigorous enforcement measures.

We have also heard today about how the perpetrators of the genocide led a mass exodus of Hutu refugees into the neighboring countries. The immediate impact of this refugee crisis was to extend Rwanda's political strife throughout the region and lay the groundwork for continued regional warfare. France and Zaire both facilitated the safe exit of the defeated Rwandan Army and its militias along with their weapons, and this is one of the reasons why the refugee camps quickly became militarized.

Following the genocide, I spent 4 months in the field documenting the rearming of the perpetrators of the Rwandan genocide based not only in the refugee camps, but also in the neighboring towns of eastern Zaire. This was all being done in violation of international arms embargo. I was able to document how, in contravention of the arms embargo, weapons poured into eastern Zaire from traffickers or governments based in Belgium, China, France, South Africa and Seychelles. I was able to interview and observe the comings and goings of the key architects of the Rwandan genocide, including Colonel Bagasore and the former Prime Minister Kambanda. Most often they weren't in refugee camps, but they were sitting poolside in very nice hotel areas.

In my interviews they spoke openly of their plans to finish their "job" in Rwanda. Despite calls from the International Tribunal for the arrest of the Genocidaires, the international community shunned its role in Zaire where many of these perpetrators were based. As we now know, a successfully rejuvenated ex-FAR and its militias forged alliances with the local Zairian military and political authorities as well as Burundi insurgents in order to attack Rwanda, Burundi, and certain ethnic groups within eastern Zaire, mainly the Banyarwanda of the Masisi region and the Banyamulengue of South Kivu.

Continuously these kinds of attacks and the ethnic massacres that went on were ignored. Again the international community failed to address the mounting security concerns. A policy aimed at conflict prevention would have required the dismantling of the refugee camps and an end put to the military threat of the ex-FAR and its allied militias.

What is most startling for us here today was that the U.S. Government was well aware that their failure to address these securi-

ties concerns would lead to a Rwandan invasion and the massive loss of human life among the refugee population. As early as December 1994, U.S. military intelligence was reporting that the Rwanda Government would use force in neighboring countries. It also was reporting that this would result in the death of tens of thousands as Hutu insurgents used the refugees in Zaire's camps as shields.

At the same time U.S. intelligence acknowledged that in part Rwanda was responsible because its own military campaigns within the country were contributing to the heightening of the tension since it was ruthlessly pursuing a counterinsurgency campaign.

The war in Zaire in 1996 and 1997 was a direct outgrowth of the regional destabilization by the allied Hutu insurgent forces. Both the Rwandan and Burundian Governments became actively involved in invasive military operations to stymie these constant insurgent attacks on their territories. The war widened as arms and other forms of military support were provided to the ADFL from Uganda, Eritrea and Angola, all three of which were receiving U.S. military support at the time.

Kabila, the leader of the ADFL was also receiving direct support from U.S., British and Canadian corporations. The U.S. Government provided military equipment and training to other regional governments who were militarily supporting Kabila and the ADFL forces.

By the time the ADFL had conquered the capital, Kinshasa, the RPA and its allied ADFL forces had massacred thousands of Hutu refugees, innocents and genocidaires alike, whose deaths some U.S. officials in the region have described as "collateral damage."

Currently civil war wages on in both Rwanda and Burundi. While the U.S. Government has issued a statement that genocidal acts are being committed in Burundi today, the Clinton Administration appears most preoccupied with preventing the resurgence of genocide in Rwanda. At the same time there are a growing number of reports of the intensification of military cooperation between the Governments of Rwanda, Burundi, Uganda and the Democratic Republic of Congo and their plans to launch offenses against the remnants of the former Rwandan Army, the former Zairian security forces, extremist Hutu insurgents and UNITA. War is again in the wind.

In reviewing the horrific facts of Rwanda's cycles of violence, it is necessary to take stock of what difference the U.S. Government could have made. The failure of early warning and preventive action is absolute. As with the genocide, the militarization of the refugee camps and the massacres of thousands of refugees by the ADFL and its allied RPA—forces all foretold there was an unwillingness to risk either military or more robust strategies which would have been necessary to mitigate this violence.

The failure to intervene during the genocide and then afterwards to demilitarize the refugee camps clearly were failures of inaction. However, the U.S. response to the Zaire crisis of 1996 and 1997 might be seen as a failure of actions taken. Slowly emerging is a picture of U.S. security policy toward Rwanda which wittingly or unwittingly may have contributed to the massive loss of civilian life

inside Zaire as well as internal human rights violations and the atrocities that have gone on inside Rwanda.

It cannot be understated that the security concerns for Rwanda and ethnic Tutsis in the region are very real. It cannot be understated that little has been done by the international community to address these concerns. But it is also the case that U.S. policy has erred in addressing these concerns by becoming partisan, at minimum by closing an eye to human rights abuses and atrocities, and at worst providing military, political and psychological support to a government which has encouraged these offenses or participated in these offenses.

What is most troubling is that U.S. security assistance to Rwanda and other governments in the region have possibly facilitated the killing of tens of thousands of refugees in Zaire.

I would like to just give some thoughts on what my key findings have been throughout my research in the Great Lakes region.

On security issues, the resort to violence on all sides of the conflict in Rwanda has completely overwhelmed today the political process, and the security aspects of this are not being effectively addressed by U.S. foreign policy. Most of the foreign policy and domestic political changes being wrought in Rwanda and neighboring countries has been through the potential threat of or the actual barrel of the gun. In this respect much of the political process has evolved around shoring up one's military prowess and alliances and finding both external and internal legitimacy for one's military campaigns.

What is frightening about this sorry state of affairs is that moderates continually are being pushed out of the political process. The all-out pursuit of military might lessens the efficacy of diplomacy or negotiating to achieve peace. U.S. policy in support of the Rwandan Government, as well as its own geostrategic political interests in the region, has become entrapped in this dynamic.

Security assistance and weapons are also being acquired, not only by regular armies and insurgencies, but also by irregular groups such as civilian defense forces and ethnic militias, and, in large part, this is because they have found that obtaining arms is a prerequisite for survival in the absence of any other kind of national or international mechanisms to ensure their security.

Again, I want to reiterate that the United States has taken a minimal response toward the problem of weapons flows and military assistance to the Rwandan belligerents and to the region in general. The United States has not been transparent about its own military involvement, nor has it effectively monitored the use of its military transfers to the region.

To conclude, while the United States has talked endlessly of how to stem ethnic warfare or avert another genocide in the Great Lakes region, there still remains a notable silence about the way in which foreign weapon transfers and security assistance influence the likelihood of such outcomes.

Even graver still, certain members of the international community continue to supply arms or other forms of military assistance, often covertly, to various parties at war in the region. Others have allowed insurgents to base and arm themselves within their countries, and, more commonly, private merchants are taking advan-

tage of foreign government sponsorship, loose restrictions on arms transfers, pliable transshipment countries, poor control at border points and/or corrupt officials to operate with impunity in the region.

While efforts at reversing the tide of militarization in the Great Lakes region is very complex and the challenges are obviously enormous, no other place in the world is in dire need of such efforts as the highly volatile Great Lakes region.

I would like to make a few recommendations for U.S. policy, chief of which is that the United States should establish a coherent security policy toward the Great Lakes region which emphasizes conflict prevention and minimizes further militarization. In doing so, the U.S. Government should make public all information on its security assistance, training and arms flows to Rwanda and the region since 1993, as well as publicly disclose all information on current and future sales, transfers and assistance, and the United States should pressure other foreign governments to do so. The U.S. Government should also monitor the end use of its own provision of training, military equipment, arms transfers and security assistance to all warring parties in the Great Lakes region.

Finally, we have talked a lot today about the reactivation of the U.N. Commission of Inquiry into arms trafficking, but I would like to state that its mandate is limited only to investigations. The mandate really should be extended to prohibit current and future transfers and to vigorously enforce the arms embargo that is against the ex-FAR and allied militias, and the mandate should also be extended to Burundi.

Mr. SMITH. Thank you very much. I appreciate your testimony. [The prepared statement of Ms. Austin appears in the appendix.]
Mr. SMITH. Holly Burkhalter.

STATEMENT OF HOLLY BURKHALTER, ADVOCACY DIRECTOR, PHYSICIANS FOR HUMAN RIGHTS

Ms. BURKHALTER. Thank you very much for inviting me to testify. It is particularly gratifying to be able to sit on the same panel with Alison Des Forges, who was my mentor and the person I admire most in the human rights field.

This hearing comes at a very important time. I never imagined 4 years after the genocide we would have this interest and this level of an investigation and this opportunity to change U.S. policy for the future.

There are three factors, I think, that contribute to widening the perception of the genocide, widening that crack just a little. The first is the President's trip to Africa, where he acknowledged Western failure, as did the Secretary of State, and where there was an appropriate expression of contrition for Western neglect of the genocide.

Second, of course, is the European investigations, which I think we have heard a lot about today, and which brought a lot of new information to the floor, including the very important information about the U.N. lack of response.

The third, of course, is your own hearing, and the combination of those three crack-widening events I think promise or at least

permit the possibility of some really good dialog on a changed U.S. human rights policy as it relates to genocide.

In my view, an apology without a changed policy is rather cheap, even though I thought the apology was appropriate and welcome, and I am gratified by it. But it is a fact that not one single factor that was operable in April 1994 or in January 1994 has been changed. Thus, there can be pledges of "never again" by any of these people, by Clinton, by Susan Rice or anybody else, but the peacekeeping policy has not been changed. There have been no orders given to the Pentagon, nothing has changed that contributed to the inaction and the efforts to impede U.N. action that the United States engaged in, which I detail in my testimony. All that is absolutely unchanged. So in my testimony I would like to concentrate on what policies need to be changed for the United States to respond to a genocide in the future.

First of all, there needs to be a formal expression by the President of the United States, and it needs to be integrated into all U.S. military and diplomatic policies, that it is a vital interest of the United States to prevent and punish genocide in keeping with our treaty obligations.

You would not think you would need such a statement since we have signed the treaty that obliges us to do that. But actually this is not a sort of a whimsical or rhetorical recommendation. If the United States were to identify suppression of genocide, prevention of genocide, as a vital interest, then all of these policies that we have been hearing about today would have been on the table and would have been talked about and might actually have been done.

Second of all, the Presidential decision directive that is operable on peacekeeping, and participation in peacekeeping and support for peacekeeping operations, which is PDD 25, must be changed so that the United States will formally have in its policy that it is a policy of the United States to support humanitarian intervention for stopping genocide.

That doesn't necessarily mean it has to be American troops, but the PPD must be changed so all our other policies flow therefrom. And I see no evidence that it is going to be changed, and I don't hear any congressional clamor that it should be changed. I think without getting at those peacekeeping policies by both the executive branch, and by Congress as well, we can have a lot of wind about never again, never again, and not one single bit of difference when the next mass ethnic slaughter comes around.

As Senator Destexhe was describing, preventing genocide and acting on a commitment to prevent genocide does not necessarily mean throwing a lot more troops in right at the beginning, and I will not reiterate some of his recommendations.

It is very important to know that the United States knew exactly what was going on well before January 1994. I know who the human rights investigator was at the U.S. Embassy. She was excellent. The Country Reports in 1993 were full of information about targeted execution of Tutsis, of whom thousands were killed. Accordingly, the United States could have engaged diplomatically in a whole variety of activities that could have encouraged moderates within the military to step forward, et cetera, including donor

meetings, public condemnations, jamming of radio. There are dozens of things that could be done, short of introducing troops.

Frankly, by the time UNAMIR had to be enlarged, if you had made that decision on April 6, it was very late in the game, and the possibility of success was on even then though, of course, I was in favor of enhancing the force.

But I just wanted to make the point that it tends to be a conversation stopper in this town when we talk about suppression of genocide and peacekeeping policy. One word stops all conversation: and that word is Somalia. The United States will not support another engagement like Somalia, and therefore we will not support others going in that we are going to have to go bail out as we did in Somalia, et cetera.

That is an absolutely wrong paradigm to use for a situation like Rwanda. It is not necessary or inevitable that it always be Americans who go in. In fact, the rules of engagement that the United States has placed on its own troops make it such that Americans are not necessarily the best ones to do a peacekeeping operation.

Much has been said about the tragic loss of the Rangers' lives in Somalia, and Americans will not tolerate that, et cetera. Much less has been said about the fact that several days before that tragic operation in which the Rangers lost their lives in the search for Aideed, American troops under American command went looking for Aideed in a C-130 gunship and completely hosed a residential area of Mogadishu and killed about 1,000 unarmed Somalis. Now, that type of military operation is entirely in keeping with U.S. military doctrine which places the security of American soldiers first and foremost. I am not going to argue with it, but that is an inappropriate mandate in a peacekeeping or humanitarian operation, where you kill 1,000 unarmed people and, by the way, don't get your target.

Several days later came the tragic operation where the Somalis were mad as hell and went after the American Rangers, who were not well protected. But there was a context for that. I am not saying it was justifiable. I am saying the introduction of American troops with that mandate is problematic, in a Somalia and in a Rwanda.

So even though I favor the Americans being involved in peacekeeping operations to save lives, and I would note that the Genocide Convention does not say you must prevent genocide using a multilateral force, if no multilateral force is available, every treaty signatory has the obligation to stop genocide.

But I would say the United States can do a great deal, short of obliging its own soldiers, to help prevent genocide. And my views are very much informed by what the United States refused to do, failed to do and prevented from happening in the Rwandan genocide.

For example, the United Nations has been requesting for years that troop-contributing countries and wealthy countries preposition or predesignate in advance armored personnel carriers, communications gear, a whole variety of things that could be used in an emergency. We do not have a rapid response force specifically designated for genocide intervention, and I recognize we do not have the political will to have one, though I think should be required

and think it should be talked about certainly in the light of two genocides in the 1990's, Bosnia and Rwanda. In the absence of such a force there is still much that could be done to shorten the response time.

I went into quite some detail in the sad story about the 50 APCs (armored personnel carriers). That was, in fact, designed to divert our attention. But it does, I think, illuminate the point that the United States has things that the United Nations needs, and they don't necessarily involve soldiers from Ames, Iowa. It could be 50 APCs that could be there in 2 days.

I think the discussion about Operation Turquoise is instructive here. Turquoise was a very problematic operation. Let us not forget it did save some Tutsi lives. It also ushered the genocidaire, complete with their weapons, their tanks and everything else safely into Zaire. It created a cordon sanitaire to move directly into Goma, where they then continued to engage in genocidal activity, both at home and in Congo. But it does show you how fast an interventionary force can be put in place.

The United States could have gotten those APCs there on April 8 if they wanted to. So let's learn from that. I would love to know, has the executive branch ordered the Pentagon to designate supplies we could make available and, in particular, tanks or armored personnel carriers or whatever would be needed to get peacekeepers safely into the countryside to make a show of force and not be at loss of life themselves? No, they have not.

The Pentagon's procurement procedures are only eclipsed by the United Nations. We have got to cut through that red tape, and it is possible to do so, but not without the President ordering that it be done, and he has not ordered that it be done.

I have a whole variety of other recommendations, practical recommendations, that flow from this policy: that it is a policy of the United States to respond to genocide quickly I hope because I wrote them carefully to be practical it isn't all pie in the sky. There are all kinds of things that could be done. But until the Administration does more than say, "We are sorry," they are not going to be done. I must say that Congress has a vital role to play here. Some of these things are expensive. They are going to cost money. It means an American involvement with the United Nations to make it better. We don't have the political will that I can see in the U.S. Congress at this time to do what needs to be done. The United Nations is only as good as the great nations demand that it be, and in the Rwandan genocide, I think the United States drove it to its lowest possibilities. But I don't think that is inevitable or has to remain the same. I think the soul-searching going on in Europe and here, and the openness of some within the U.N. system to speak plainly about their own failings and the failings of the system do provide this unique opportunity to do better the next time.

Thank you.

Mr. SMITH. Thank you very much for your excellent testimony, and also for the many recommendations you provide.

[The prepared statement of Ms. Burkhalter appears in the appendix.]

Mr. SMITH. I think it would be helpful, I was just talking to my good friend from Georgia, for this Subcommittee to take many of

these recommendations being presented and ask the Administration and get into a dialog with them as to what they will do to act on many of these things, because like you said, an apology without substantive reform is very hollow. It makes for a nice splashy headline the next day, and we are all grateful the President acknowledged our collective inactivity during the crisis, but it is time to do something so it doesn't happen again, especially since, as I think Ms. Austin indicated, there are some signs that things are happening anew; what was it, that war is in the wind.

So I think we need to be very, very vigilant. We will try to engage the Administration. There are representatives from the Administration here, and I hope they will take back all of your recommendations and begin to carefully study them.

Mr. SMITH. I would like to proceed to our next witness, Francois-Xavier Nsanzuwera.

STATEMENT OF FRANCOIS-XAVIER NSANZUWERA, FORMER PRESIDENT, CLADHO (FEDERATION OF RWANDESE ASSOCIATION OF HUMAN RIGHTS)

[Mr. Nsanzuwera's testimony and answers were delivered through an interpreter.]

Mr. NSANZUWERA. Mr. President, my name is Francois-Xavier Nsanzuwera, and I am Rwandan. It is an honor to be testifying before this Committee. I will try to be brief, but it is hard for a Rwandan to speak very quickly about what has happened to his country.

At the time that the genocide began 4 years ago, the genocide of the Tutsi and the moderate Hutus, I took refuge at the Mucolline Hotel with my wife and my family. For 2 months we stayed in the hotel. We were terrorized. We were drinking the water out of the pool that the military were washing their clothes in, but at least we were under the protection of the blue helmets. We were lucky to survive, and there were those who said we were only able to survive because of some of the things that the Americans told to the Rwandan military. I then was able to get to the zone controlled by the RPF. Why did I have to take refuge, if I myself was a Hutu?

In 1993, I denounced the climate of fear that was evident in Kigali. During a meeting at which General Dallaire, Colonel Marshall and others participated, including the Ministers of Justice and the Interior, I denounced the terror of the Interahamwe militia and the complicity of others in the army.

In March 1994, I was the prosecutor at the time, and I arrested people for political assassinations in Kigali. The Hutu extremists considered me complicitous with the blue helmets, the Belgian blue helmets. During the genocide, I lost my sisters, my father, and many other members of my family. After the genocide, I took up again my responsibilities as prosecutor of the Republic. I had lost so much of my family and my friends, but like so many of the others who survived, I hoped to restart my life, beginning at zero.

I started interrogating the prisoners who were suspected of participating in the genocide. At the time we didn't have many means, but we had the will. But at some point, I began to realize the RPF soldiers were arresting people without proof, people who occupied houses that they wanted or land, and they were denounced and put

in prison. The word "General Dallaire" was used as an arm to arrest people that you didn't like.

I denounced the situation, but didn't get any response from the authorities. In a radio broadcast in March 1995, I denounced the massive and arbitrary arrests. I was threatened by the police who were in charge of the arrests, and I told them if they didn't stop, I would resign. I told them that they had to identify the people that they were arresting, which they wouldn't do.

At that time there were 10 deaths a day in the prison of Kigali. This officer told me that death is going to deal with justice. I said, those of us who survived the genocide have need of other kinds of justice. So at the first anniversary of the genocide, I was in Belgium, and I decided not to go back, because my security could not be assured.

I continue to be very involved and interested in the question of justice. Like the other participants here, I want to speak not as much about the past as about the present and the future. In order to deal with the future, Rwanda has to also free itself a bit from the past. Like many others, I think that justice is a precondition for reconciliation. Sometimes I ask myself whether this justice is possible. There have been many crimes committed, and many people responsible for those crimes. There are the authors of the genocide, the authors of war crimes, and there were war crimes committed by both sides. There was the massacre of the refugees in former Zaire. Today there are massive human rights violations in Rwanda itself. The survivors of genocide continue to be killed by the former genocidal forces. The RPA continues to massacre the civilian population, so the civilian population finds itself held hostage by the two sides.

So my question is, does the current government have the political will to see that justice is done? Because now when Rwandans, whether they are inside the country or outside the country, denounce what is happening, they are branded as genocidaire. The genocide was an outrage to human dignity, but it cannot justify other crimes. Now it is being used as a political weapon to brand people who are opposing the government.

My question is for the international community that failed before the genocide and during the genocide, what are they going to do now? Many people want to give more funding to the Rwandan Government now and then to ask about accountability for human rights later. As Alison said, this same situation was under Habyarimana. They want to give without pretending that they know what is going on.

I think you have to help the Rwandan Government to see that justice is done, but you also have to ask it to respect human rights, and you have to try to help create a political space for the moderates inside the country and outside the country. Any lasting solution has to be able to involve Hutu and Tutsi in the diaspora outside the country and inside the country.

That is my message. Thank you.

[The prepared statement of Mr. Nsanzuwera appears in the appendix.]

Mr. SMITH. Thank you very much for your testimony and for your commitment to justice. Crime does not mean that crimes can-

not be committed in the name of rectifying or revenging past wrongs, so I do appreciate, we all appreciate, your testimony and your call to the international community to be vigilant with regard to human rights, particularly as it relates to providing help to the Rwandan Government, the linkage.

We will get to questions momentarily, after Mr. Drumtra.

**STATEMENT OF JEFF DRUMTRA, POLICY ANALYST, U.S.
COMMITTEE FOR REFUGEES**

Mr. DRUMTRA. Thank you.

Well, we are down to the bitter end, the hard core. So be it. Thank you for your persistence. I hope the record of this hearing shows the intensity of the testimony of so many of the witnesses of these three panels. It is extraordinary.

Mr. Chairman, Congresswoman McKinney, thank you for the invitation to testify at this hearing. I am Jeff Drumtra, Africa policy analyst at U.S. Committee for Refugees. As other witnesses have indicated, it is a daunting task to try to summarize in 10 minutes the Rwandan genocide of 1994, as well as the repercussions of that genocide over the past 4 years, as well as the bloodshed that continues in Rwanda to this day.

It is hard to know whether to spend this precious time in front of a subcommittee talking to you about the past, to discuss the genocide of 1994 and how the United States failed to respond, to our eternal shame, or to testify to you about the present situation, to take this opportunity to examine Rwanda today with all its complications, a situation that begs for our understanding and as much patience as we can bring to bear.

I would like to depart from my extensive written testimony, which goes into great detail about the past, week-by-week genocide, the statements that various organizations, including our own, were making to the U.S. Government to bring this to their attention, and the response or nonresponse of U.S. policymakers week by week during the genocide. All that is in my written testimony.

What I would like to say here is I was in Rwanda a few months ago, and perhaps the most useful perspective that I can offer you now at this hearing is this: The 1994 genocide is not only something that happened 4 years ago. It is not just an event that is in the past tense. The genocide of 1994 is still part of the fabric of everyday life and everyday thought in Rwanda to this day.

Mr. Chairman, if you were to go to Rwanda at your next opportunity and you would see the hundreds of churches in the streets of Kigali, in the countryside, it is a Christian country. And when you or I look at those churches, what we see is the church, the steeple, the cross. But when many Rwandans, Tutsi and Hutu, see those same churches, what they see is something that we don't see. They see a genocide site. They see piles of bodies hacked to death. They still see in their minds the atrocities of 1994 as clearly as if they had happened last week.

So the genocide is very much alive for them. It is emotionally part of the here and now on the streets, on the ground, in Rwanda. And it is important to understand this perspective, I think.

Congresswoman McKinney, I know you have been to Rwanda often, and you have seen the countryside, the beautiful hills

shrouded in mist, the lush green valleys. As a Westerner, you and I, we see the incredible beauty of those hills and those valleys. But when many Rwandans look at those same scenes in their own country, what they see is entrapment, death. They see in their mind the thousands of people who died or were forced to kill in the relative isolation of that very idyllic setting. They were cut off from the world and cut off with no place to run. They know, still, that in some of those hills the killing continues, and the threat of more violence still lingers.

In Rwanda today there are hundreds of NGO vehicles and U.N. trucks driving the streets and the highways. They are busy doing the relief and development work that we sent them there to do. And when you and I see those U.N. and NGO vehicles, we see proof of the international community's commitment to Rwanda and its people. And I think the Rwandans see that, too. But they also remember that those same NGO emblems and those same U.N. flags abandoned them in 1994 when their world exploded, and they cannot forget. They cannot forget that the international community left them to their fate, and it does affect how they relate to us.

So what is my point? What is the policy implication in all of this? My point is that if we in the international community are to be of any real use to Rwanda whatsoever, we have got to see what they see. We probably cannot feel what they feel, but we can at least partially understand their perspective. And it has to be incorporated into the aid and reintegration programs that we fund there. If we fail to do that, our policies will fail to connect with their reality on the ground.

So, yes, as a matter of policy, we should continue to bolster Rwanda's justice system and the rule of law, but we should also recognize that the domestic trials and the guilty verdicts handed down by Rwanda's courts might inadvertently in the short term raise tensions, not eliminate them.

We should, as a matter of policy, continue to emphasize the principles of international refugee law and the right of refugees to flee persecution and receive protection and asylum. These are fundamental human rights. But we should also recognize that some asylum-seekers are criminals, and there is a real need for reasons of principle and reasons of security to differentiate between those who are legitimate refugees and those who are not.

We have a long way to go to restore respect for international refugee law in central Africa. I would hope that this Committee and this Congress would give UNHCR every resource it needs, financial and diplomatic, to continue and complete the screening of the 80,000 Rwandan refugees in the 14 asylum countries to determine who are refugees and who are criminals. UNHCR has a severe lack of funding right now, which is an impediment to them completing the screening of that refugee population. So here we are 4 years later, and the international community is still not doing the basics to separate innocents from criminals.

I would like to conclude with two thoughts. The first relates to the past and the other to the present or the future.

We have talked here about the parliamentary investigation in Belgium. There is an investigation, a partial inquiry in France. And the U.S. Government should also look in the mirror to exam-

ine its response and its nonresponse to the genocide of 1994. We at the U.S. Committee for Refugees suggest the establishment of a special commission of inquiry to examine in detail what U.S. policymakers did and did not do during the 3 months of genocide in Rwanda in 1994.

We in the United States talk eloquently, I think, to Rwanda and to other African nations about the need to establish individual accountability, but we have not completely called our own leaders to account for their actions and inaction during the genocide. Your hearing has tried to do that today, and most of the Administration witnesses did not show up.

President Clinton finally acknowledged a few weeks ago that the United States made mistakes in Rwanda. Well, Mr. Chairman, those mistakes contributed to the deaths of hundreds of thousands of people. It would seem that a special inquiry is called for, one that would question under oath Americans who held key government positions in April 1994. Some of their names are listed in our written testimony on page 11. The roster would include former U.S. Ambassador to the United Nations Madeleine Albright, former Secretary of State Warren Christopher, former Assistant Secretary of State for Africa George Moose; former U.S. Ambassador to Rwanda David Rawson; former Deputy Assistant Secretary of State for Africa Prudence Bushnell. And on and on, more names are listed in our testimony, page 11.

I realize that government commissions are usually used as glorified trash bins in Washington, DC, but perhaps we could avoid that in this case, because this issue is so important.

Second, and finally, a thought about present-day Rwanda. A couple of incidents have occurred in Rwanda in recent months that I think summarize all that is good and all that is the worst in Rwanda. These incidents capture all that is evil and all that is hopeful.

In one incident, genocidaire insurgents in the northwest attacked a girl's school. They commanded the students to separate themselves by ethnicity, all Tutsi on one side, all Hutu on the other side. The young girls knew what was coming. They refused to separate, so they were all killed, Tutsi and Hutu together, indistinguishable from each other.

A second incident, a similar incident, this occurred—this time it was adults. They were passengers on a bus. Genocidaires hijacked the bus on the open road, demanded that the passengers separate themselves, Hutu on one side, Tutsi on the other. According to the reports, many of the passengers refused to separate, and so many of them were gunned down, Hutu and Tutsi, together.

Now, these cold-blooded murders are the curse of Rwanda. Those victims who refused to abandon their colleagues and their friends, and who apparently were ready to pay with their own lives for the principal of ethnic unity and human decency, are the hope of Rwanda's future. In the truest sense those victims held themselves accountable for doing the right thing. So should we.

Thank you.

Mr. SMITH. Thank you very much, Mr. Drumtra.

[The prepared statement of Mr. Drumtra appears in the appendix.]

Mr. SMITH. Thank you for the numerous recommendations made. I do believe, and I think there will be very strong support on both sides of the aisle for the idea of a commission, not just to get at what happened, but so that we will really learn the lessons and hopefully prevent them from happening again. I plan on pursuing that. Hopefully the Administration will unilaterally decide it is in everyone's interests, including their own, to get to the bottom of this and learn those lessons.

Let me also note for the record that the bill pending before the President, H.R. 1757, the State Department reauthorization bill, which the President may or may not veto, provides an additional amount of money, some \$54 million more for refugee protection. That is money that I fought for as Chairman of the Subcommittee that wrote the bill. It raises from \$650 to \$704 million that which would be authorized for refugee protection.

I can tell you last year it was such an insight for me, a troubling insight, when the State Department bill was up on the floor, and then we were talking about 2 years at \$704 million, although we are past the first year now, and we were talking about some amendments like a Radio Free Asia amendment and others that would expand the broadcasting, everyone said "take it out of refugees," which I refused. I offered the amendment for Radio Free Asia, and we took it from the fact we were below our allocation.

But it was amazing to me how there was just this chorus of, oh, that is money we can just grab and use, because that is money that is disposable and of very little value in the eyes of many.

If the President does sign that bill, I will do everything, and I know our Subcommittee will do everything humanly possible to get the appropriators to sign on to a level at or very close to what my hope would be at the \$704 million. It is amazing to me when we are awash with refugees that we could be so callous and insensitive to those who are in that plight. So we will try.

Let me just ask a couple of questions before yielding to my colleagues. Mr. Nsanzuwera, you mentioned the fact before I left, that some of the RPA people were arresting and, without proof, fingering people for incarceration, I guess, or awaiting trial. We understand there are about 130,000 people who are reportedly detained in Rwanda.

How many people do you think have been wrongfully arrested and held because somebody might want their house or some of their property, again leading to what could be an additional cycle of violence because due process and justice has been shunted aside?

Mr. NSANZUWERA. In March 1995, on the basis of what I had seen, I estimated that about 20 percent were probably innocent, and maybe there were more. After the defeat of the ex-FAR, the soldiers, the militia, the peasants that participated and then others fled, with the military leading them out of the country. The people that stayed, many of them thought one power can fall, another can come, but we are citizens of the country, so we are going to stay. I think there were many less of the killers who stayed in Rwanda. Many of the killers fled with the former authorities and the militia. But it was because of these massive and often blind arrests that people in the country began to be a little suspicious of the Rwandan Army.

So what I have said before is that the first error that the Rwandan Government made was to not gain the confidence of the people who stayed in the country.

Mr. SMITH. Let me ask a question in terms of the health of those who have suffered such trauma. I think, Mr. Drumtra, you painted a picture that to an observer going in now seeing a church or countryside, we would get one impression, whereas pictures of bodies and atrocities is something that would come to mind for those who have lived through the killing.

I have been in Congress for 18 years. I have been on the Veterans' Affairs Committee for all of those 18 years. There was a belated response by our own VA to recognize post-traumatic stress syndrome, for example, as being a very debilitating psychological sickness that leads to suicide, substance abuse, spousal abuse, child abuse and a whole litany of aberrant behavior.

Now, for a country that has been so incredibly traumatized, is there any kind of assessment going on? I know this is on arms, and we are talking about breaking the cycle, but it seems to me one way of acting out a horrible encounter might be to go back to the violence. Has there been any look at posttraumatic stress at all by any of the humanitarian organizations to see how it might show itself?

Mr. DRUMTRA. I think some organizations are trying to get at that, but, quite frankly, we are all out of our league on Rwanda, genocide, and the after-effects of that.

For example, UNICEF has made an effort to go into the countryside talking to widows of the genocide. I myself met with some of them. They said they had one visit. Some pamphlets were left behind for them telling them how to deal with their emotions and their trauma. They can't read.

These are well-meaning efforts, but both through lack of funding and, I think, lack of expertise, all of us in the NGO and human rights community are struggling to do this in the right way. It really comes down to one person at a time, one-on-one counseling in many respects.

There are also church groups and women's groups in Rwanda who are trying to deal with this on a group basis. I think they have had some success, but it just scratches the surface.

Mr. NSANZUWERA. It is an important question, the question of rehabilitation of the survivors. Now 65 percent of the country are women and children, but I must say there are very few things being done for the survivors. With the massive return of the exile communities, there is a strong desire among the people who survived to restart their lives. There is some activity in the cities and towns, but in the countryside, there is very little being done. Anyone who goes to Kigali is struck by the big number of these big vehicles that we never used to see before the genocide. These are relief organization vehicles. So in the countryside, first of all, many of the men are in prison. Second of all, there is the rebellion and all of the insecurity that comes from that. There is a fear of famine now in certain parts of the country.

Mr. SMITH. Ms. Austin, let me just ask you a question. You spoke of concerns about the end use of military equipment not being monitored. Again, I have asked to be made part of the record, and it

will be, a letter I sent on April 24, 1998, just an ongoing request of the President. Of course, it will be answered by somebody at the Department of Defense or State, about the end use of the military training that we have provided to the Rwandan Army and other questions, a number of questions that are laid out in this letter.

[The letter appears in the appendix.]

Mr. SMITH. Without divulging your methods and perhaps sources, how risky is your work? It would seem that like all human rights witnesses who go out and gather information, it is always fraught with some danger. It would seem when you are trying to chronicle arms flows, that carries with it a peculiar risk factor.

But can you shed any light on what perhaps the United States is doing with its end use, and, again, how risky is your work?

Ms. AUSTIN. I think in terms of being in a conflict zone, in a zone where genocide has been committed, where perpetrators are still loose, it is always dangerous work.

Mr. SMITH. You are asking questions about arms flows and information that could be very embarrassing and may even lead potentially—hopefully—to a cessation of that flow.

Ms. AUSTIN. Right. I was going to get to that. I think that we need to demythologize this sort of mysterious or scary or dangerous aspect of arms flows. It does take intensive skills, investigative skills, and I have been documenting conflicts in Africa for 9 years, so my investigations in Rwanda reflected the expertise that I have developed over a long period of time in looking particularly at security issues.

The arms flows and the networks can really be a known quantity. I spent 4 months in the field in eastern Zaire in Goma and the Kivus, and it was not tremendously difficult to develop relationships with the pilots who were flying in weapons or to observe some of the weapons that were coming in.

Many of the diplomats in the region, many of the representatives for nongovernmental organizations are on the ground and collect information that is usually useful for me to use as leads which I can then go out and document. I think it has basically been a failure that no one has gone out and done a good job of it. The U.N. Commission of Inquiry that was set up was not granted access to Zaire, where most of the arms trafficking occurred or most of the arms flows were coming in, so this really inhibited their work.

That is another item that needs to be clarified. The U.N. Commission of Inquiry needs to have complete access to the areas where it wants to investigate arms flows. It also, in general, obtains permission from governments to go into areas or to seek information about their private nationals involved in arms trafficking. This clearly presents a problem, because a lot of governments are not willing to hand over information about what their own nationals are doing and don't want that information to come under scrutiny. So the mandate of the U.N. Commission really needs to be changed if it is going to be more effective.

In terms of U.S. military assistance and end use monitoring, clearly we have a military attache and the capability out of the embassies in the region to monitor effectively where the equipment is going, and how it is being used. Oftentimes, some of my informa-

tion about the misuse of some of this military or training assistance or equipment is coming from the very people providing it.

So I think it can be a known quantity. It is just a question of how we get that out into the public domain.

Mr. SMITH. Thank you.

Let me ask one final question, and then I will yield to my colleague.

In her testimony, Dr. Des Forges pointed out that the Rwandan Government is in the process of insisting that the U.N. human rights field operation, halt monitoring within Rwanda. What does that portend to all of you in terms of where that government seeks to take that country?

Mr. DRUMTRA. I think it would be a mistake to withdraw the U.N. monitoring program. I think one of the issues between the government and the U.N. monitoring personnel is where they go. Right now something like half of the country is relatively off limits to most of the U.N. monitors, and those are the parts of the country that are most in need of U.N. monitors.

I know when I was there speaking with the U.N. monitoring leaders last year, last October, they were saying that they had any number of invitations from government officials to go up into the northwest, and it was the United Nations itself that was preventing monitors from going up there on a regular basis because of fear of security.

I don't know exactly what has changed that has made the Rwandan Government, if indeed they have, to ask for the termination of that program.

Mr. SMITH. Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman.

Mr. SMITH. If you could suspend one brief second.

Mr. NSANZUWERA. I just wanted to mention that when they ended the mandate of the Special Rapporteur for Rwanda, it was on the request of the Rwandan Government, who said that the situation was much better and they didn't need to have the Special Rapporteur. But the situation on the ground is perhaps the opposite.

Mr. SMITH. Thank you.

Ms. MCKINNEY. Thank you, Mr. Chairman.

Mr. Nsanzuwera, Kofi Annan will be in your country tomorrow. If you had a chance to talk to him, what would you say to him?

Mr. NSANZUWERA. That is a very interesting question. But like all Rwandans who had confidence in the presence of UNAMIR, we have been talking a lot about what people knew before the genocide, and, in fact, for 2 years before the genocide there were massacres, people were forced to flee to Bujumbura, to Kenya. The Rwandans knew well before the genocide that something was going to happen. But because of the blue helmets, there was a sense that they would be protected, that it wouldn't get too bad.

There is no justification. Everything that happened, you could have foreseen, even without raising the number of the blue helmets. Don't forget, there is a psychological element, too, because many of the Rwandans were trained by the Belgians, so there was some amount of respect from the Rwandan soldiers toward their former trainers. So what it was on the part of the United Nations

was an absence of will. It was not even as much a question of the numbers of blue helmets, it was a question of will.

Ms. MCKINNEY. Additionally, I would like to know what you think should happen to General Dallaire, who fled the country?

Mr. NSANZUWERA. For genocide to really work, it needs the state structure to support it. So the genocide of 1994 was planned and put into practice by the highest authority, Rwandan authorities. Most of these people are outside the country. They are in France and Belgium and Kenya and other countries. Those who are in Arusha, except for Bagasora and the Prime Minister, are not that important. Many Rwandans are saying to themselves there is no justice because they see 130,000 people in prison, and most of them were responsible for a much smaller scale abuse, and they see there really isn't justice. They see the big fish out there outside the country.

Even countries like Belgium, which have cooperated with the tribunal, have not arrested everyone in Belgium who are responsible for genocide, and the French have done nothing.

Ms. MCKINNEY. Could you tell me again who leads the genocidaires, who continue their mission inside the country?

Mr. NSANZUWERA. Today they do declarations that go unsigned. They put the name of their movement, but in the Rwandan circles in Belgium, they think that it is a former person from the Foreign Affairs Ministry who is now in Kenya. And in terms of the head sort of military strategist, they think it is a former Presidential guard.

The rebellion and the problems in Rwanda have made it go beyond Rwanda at this point, and it is splitting the communities outside the country and inside the country. And because of the problems and deceptions that the Rwandan Government has been responsible for, it is pushing some of the more modern elements inside and outside the country even to have certain sympathies with the rebellion, and it is the fault of the international community for not giving some political space for these moderates inside the country and outside the country to be heard. And now the place is only reserved for people who are espousing violence.

Ms. MCKINNEY. When you say political space, what do you mean?

Mr. NSANZUWERA. At the beginning after the RPF took power, there were people in the Hutu community who didn't think that there was sufficient sharing of power, and the authorities were saying that those who have nothing to reproach themselves for can come back to Rwanda, but there was no dialog, and the Hutu were sort of marginalized.

Ms. MCKINNEY. I don't exactly understand. Is it that, then, the Hutu are not allowed to participate in the government or in the Parliament, or that resources are not shared with the Hutu population?

Mr. NSANZUWERA. The heads of the political party that make up the government don't have a social base. Many of the big leaders of the political parties were assassinated during the genocide, and the Hutus who are part of the government or the Parliament don't have a real political base. So these are people who can't speak free-

ly when there are positions that need to be taken that require a lot of courage.

Ms. MCKINNEY. Well, I guess we will have to continue this after this hearing.

Mr. Chairman, I would like to let you know that I have a letter from Senator Destexhe to Chairman Gilman suggesting that an investigative committee be formed, and I would like to submit that for the record.

Mr. SMITH. Without objection that will be made part of the record.

[The letter appears in the appendix.]

Ms. MCKINNEY. Finally, I would like to say a few words about the arms trafficking. It was supposed to have been the second part of what this hearing is about, but the Administration assured that we wouldn't get to that because they failed to show up.

But I would like to suggest that if there are things that we can do, and I haven't read your testimony, that I would certainly like to speak with you afterwards on things that we can do.

I have also alerted the Senator to some problems that we are uncovering with the Belgians, and, of course, the placing of the factory in Kenya doesn't help. So, I would like to continue our dialog on this situation on arms trafficking.

Ms. AUSTIN. I have also provided you with a number of reports that document some of the details of the arms trafficking and which also make some detailed recommendations.

I did just want to say in response to your question previously that a lot of the perpetrators of the genocide that are on the loose and those who are actually involved in a lot of the insurgency activity that is going on, they, too, can become a known quantity with the right intelligence and the right contacts. When I have been in the field, I have not had difficulty locating them. I have not had difficulty having access to them, and I know that U.S. intelligence has a lot of this information and knows a lot of their whereabouts and knows of a lot of their activities.

Ms. MCKINNEY. The genocidaires?

Ms. AUSTIN. The genocidaires.

When I first arrived in eastern Zaire in the middle of 1994, there were also U.S. military personnel on the ground who were collecting intelligence at that time. They had a lot of the same information that I had.

As a matter of fact, I was later confronted by one of them who said that, because of my own research among the genocidaires in the refugee camps, I had messed with their access, and they were quite disturbed that I had been there and was collecting independently this information.

Ms. MCKINNEY. If my government tells me that they do not know the leaders of the genocidaires and that there actually are no leaders of the genocidaires, how would you characterize the communication from my government to me?

Ms. AUSTIN. I would say it is inaccurate, although that is up to the point in time that I was in the field.

Ms. MCKINNEY. Inaccurate?

Ms. AUSTIN. I would say that it was inaccurate that the U.S. Government does not know some of the locations or the leaders of the genocidaires.

Ms. MCKINNEY. Thank you.

Mr. SMITH. Thank you, Ms. McKinney.

Mr. Payne.

Mr. PAYNE. Thank you very much. I couldn't agree more with what has been said. I think Mrs. Burkhalter laid it out properly raising the question of Somalia. The fact that the United States failed an attempt to get Mr. Aideed was clear. There were direct communications between the Pentagon and the Rangers, plus the Turkish head of the operation knew nothing about it and became the one who received all of the information.

I think it is a wrong policy where we feel we should not send U.S. personnel sometimes into harm's way. That is why I guess we continually spend close to \$300 billion on military. It is down to \$276 billion, but the question in Liberia was the same thing. We were in the Persian Gulf with 450,000 troops but refused to have the marines go in, which would have ended the civil war.

I also criticize the human rights organizations, as you have heard before, for not putting the pressure on as it has happened in the postgenocide with what is happening in the Congo region, because it shows with an organized and vocal and committed group of people believing in something, that you can change the way that the United Nations operates. And there was not enough of a hue and cry at the time that the United States and the French and the Canadians and the British did not want to act, and it had to take another form of people coming forward saying it has got to act. And although organizations did it, you testified there were a few others, the magnitude was not there. It was not coordinated in a way to have moved the United Nations and the people from the positions.

This is not criticizing anyone. I just think that in hindsight the manner in which the human rights communities have organized themselves after and have influence on what happens in the United Nations and in the United States and other places shows what could have happened had there been more of a force out there.

Let me just say that looking at attempting to do justice with the Rwandan tribunal, I have been to Arusha, and I have seen the complications of how they do it there, the conditions of the prison, U.N. standards. And I have been to Rwanda a number of times, and the fact that there are a tremendous number of people in the prison, you know, when perhaps up to a million people were killed, many by machetes and axes and picks, there were a lot of people involved, and I don't know why you have to estimate, because there are 120,000 in prison. Many are wrongfully in prison. There probably are many who were falsely accused, but I don't know how we can come up with a quantitative number when the system—I hope there is some way to flesh out, and I imagine that the government after perhaps some cases—they have had trials—that there will be some point where it is impossible to try 120,000 people, and hopefully there could be some kind of reconciliation or something to relieve that number. But people were killed. They had their arms and legs cut off, and it took time. It took a lot of people to do that,

and so it is not incomprehensible that 120,000 people could have been involved.

Probably there are numbers of people who are there wrongfully, perhaps, but I don't think that it should be presumed that people are there because someone wanted to move into their house or someone figured, let me make an accusation and get them out of the way.

Another point that I want to mention is that it appears to me that there has been some attempt on the RPA, the RPF, whichever you want to call it, I call it the RPF, to attempt to integrate its Parliament. There are out of 22 sort of cabinet people, 16 or 15 are Hutus.

The President who represented Rwanda when I was with President Clinton, it was the Hutu President who represented Rwanda at the hearing of the regional meeting of the heads of state because he was the head of state.

And so when you mentioned that people are being kept out—and I can imagine that trying to bring a government back in, it probably is difficult to have people supported by a typical kind of political organization, but I do think that the Western countries have not cooperated enough. We still have, I think, a person in Texas who is a genocidaire who we still cannot get him extradited. So the United States is a part of this whole problem right here, but it is even more so in Europe and in some of the African countries. And so I think that there is certainly enough blame to go around, and a solution is really what we are attempting to see.

I hear very little about the cross-border killings that go on every day. There was on April 30 a family of seven hacked to death from the genocide continuing. Every day this is happening. But once again, we are talking about why are we trying to support or to build a defense training for the Rwandan military to try to prevent this from happening, and I do have a question.

I know that you have done an excellent job, Ms. Austin, but you mentioned that you got former Rwandan Army people, ex-FAR and Interahamwe, and you have UNITA helping all along in the whole situation, and you say there are discussions with the countries in the region to eventually have to deal with this. And we don't want to see conflict again. You said war is again in the wind, but evidently this whole question of a final solution of genocide is still alive and well and is still going on. It is cross-border. It is people who are in the Congo and the eastern region. There are people who are planning it, as we have heard, people in Kenya. I would support training the Rwandan military to prevent this genocide from continuing.

How do you stop it? Evidently it is not going to happen by people talking about it. How do you stop a wife and six children and a counselor in a town killed on Tuesday in Mushbarti? Every day this is happening. How do we stop it if you don't have some element—have the United Nations do it? They wouldn't go in before, and they don't have the will to do it now.

I don't want to see another conflict, but this is going to continue because it is a policy, and how do you stop a policy of some people who go across a border and they go back into the other part of Zaire?

Ms. BURKHALTER. May I just say you have also repeated what you have said at previous hearings, which is to accuse the human rights community, that means my organization, Physicians for Human Rights, and presumably Amnesty International. Repeatedly you have accused us of appearing to have more sympathy for victims of violence today than we did in 1994. To accuse human rights people of caring more about one type of victim than another is the same as saying that we are not human rights activists at all. I take that accusation from someone I admire in the U.S. Congress, who I consider to be a human rights leader, extremely seriously.

It would take me a very long time to articulate everything I was doing in 1994, but I can tell you that between Alison Des Forges and myself and Ken Roth, we published no less than 12 op-ed pieces in three newspapers, *The Washington Post*, *The New York Times* and *The International Herald Tribune*, each article begging for intervention. Alison Des Forges lost hundreds of friends. She was on the radio and television every day during the genocide.

My organization, Human Rights Watch, was the one investigating the camps. We had meetings with Albright. I took a Rwandan victim to see Tony Lake myself. Alison briefed every U.N. Ambassador. My organization had never before or since engaged in so much activity on behalf of one country and one human rights situation, and we failed. We are very sorry we failed to get intervention, and we are trying to this day to draw the lessons from that, and that is why we are here.

But human rights groups don't stop being human rights groups after a genocide. We continue doing what we have always done, and it used to be considered rather honorable. We monitor human rights abuses, and we care quite a bit about victims today, whoever they may be, and we are not going to stop monitoring or reporting even though the worst has happened to a country that could ever happen.

We happen to think that respect for human rights by all is the only way to prevent future genocides, and I truly wish we had your support in doing that work.

Mr. PAYNE. Let me make one thing clear. First of all, I never accused anyone. I said that I wished that the human rights organizations could have galvanized the same kind of support that you have galvanized here. You came before the Committee and the hearings, and I know what you were doing, and I know what your other colleagues were doing, but there was just something missing. It wasn't you; it wasn't Alison, who knows more about this situation than anyone else; it wasn't those two or three organizations.

You came before this Committee. I heard your testimony. We knew that you were doing that, and we were hoping somehow that this whole thing could catch on, and it is not your fault, and I am not accusing you or anyone. But I don't understand how this could have gone on during my Administration, my President that I have written letters to. I am just as critical about his inaction, and I do give him credit for Rwanda where I sat in that room with the survivors of the genocide, where we sat where a lady said her six children and husband were killed in front of her.

Another lady said, the lady next door came in and pointed out my parents as I was hiding to the genocidaires, and she said all

I want them to do is tell me where they killed my mother and father so I can put some flowers on the grave.

Another man with one arm said he almost drowned in the blood because he was face down in a pool of blood, and the only reason that he didn't die was because they thought he was dead.

We sat in a small room in a hotel with President Clinton and Mrs. Clinton and a group of us sitting around and listening to the inaction of the church, another one that just failed miserably, almost contributed.

And so it is not a criticism of you, and if you take it personally, you should know me better than that. I am not criticizing you, and you should almost be ashamed of yourself. That is right, because you know that I would not criticize you.

I am talking about the fact that the whole world sat by and took the RPF, and thank God that they did have stouthearted men who came down and saved the rest of the people who would have been massacred while the world sat around. It is almost like Nero fiddling while Rome burned. And I called the State Department, and I called everyone, and no one even cared.

Ms. BURKHALTER. I remember. I did a huge study of U.S. policy, and I published it, but the most important conversation I had was with a very senior person in the Administration, who I will not name, but if anyone had the ability to change policy, this person did. And he also was a friendly person and open to the human rights community, and I met with him weekly throughout the genocide.

And I asked him after it was all over why didn't the President change his policy. What was missing? He said, we didn't hear from you. And I hit the ceiling and I said, you heard from us every week, we could not have done more.

He said, no, no, no, that is not what I am talking about. We didn't get any letters from the American people. We didn't get delegations of Congress people on our doorstep. We did not hear the kind of popular support for intervention that would require this President to move. We just didn't have it, and he was right.

I certainly think that where the human rights community failed is that we were not able to bring our message popularly—if we could have generated one letter for every victim, then we would have had a popular movement, and that is something that we need to work on in our own community. We certainly don't have it now, I would add.

Mr. SMITH. Thank you for yielding.

I just want to make the point that the human rights community are the most underheralded heroes in this fight. I mentioned to Ms. Austin earlier about the risks. I go on human rights trips. I am there for 4 days, and I am gone.

Your personnel are there deployed, gathering information, putting yourself at great risk. And I know for a fact, I mean, Holly has been at this forever. When she brought information that may have been unflattering to some of the regimes or even elected officials in Central America, her credibility grew in my eyes because even if we liked the government, we still had an overwhelming responsibility to make sure that our "friends" were behaving in a

manner consistent with human rights protection. So your credibility is very, very high.

The human rights groups spoke out. The refugee groups spoke out. They came and briefed Joseph Rees and me, I say to my friend from New Jersey, when we were getting very, very bad reports about people being killed in the refugee camps in northern Zaire. We brought Assistant Secretary Oakley to a hearing, who sat right there, December 4 I believe was the date, and said that we are going to have access in just a few days. Our friends, the Rwandan Government, were engaging in atrocities that were not unlike, except in the total aggregate, what we were seeing going on in 1994.

As I have said over and over again, human rights abuses are human rights abuses. We have to be consistent in speaking out. The human rights community, and my hat has always been off to them, they don't care if it is right wing, left wing. They sing out. Shame on us for not listening.

Our Committee tries to get the Administration to act, but with this Administration—and Amnesty International put it so well—human rights is an island. We are now looking to rescue Soeharto in Indonesia. We have a hearing in this room on Thursday on the ongoing abuses committed by that government.

We know that the Chinese Government is committing wholesale atrocities against its own people. Human rights simply don't matter, they are subordinate to being friends. It is subordinate especially to the issue of trade, and it is about time that we elevated human rights.

You are the Valley Forge folks of this fight who have stood up tenaciously, and I do thank my friend for yielding.

Mr. PAYNE. We are on the same page, and I certainly feel the same way, and I think perhaps we have learned—as Holly mentioned, we have had Alison at my Congressional Black Caucus hearing where she testified.

I am the last to criticize the people here, and that is why I took offense to the word "accuse," and I think that we just have to do more, and wrong is wrong. If someone is doing things wrong, it should be brought out, and I stand on that. We have no permanent friends and no permanent enemies, we just have permanent objectives.

I do want to conclude, I guess, because there are a lot of things that build up. Funding for the United Nations from 1980 to 1988, it became a big political thing to say let's not fund the United Nations; let's look at that. Who did we support when we had the President of the United States saying let's not support the U.N.; let's hold back our money?

So now what happens, we get into a situation in Rwanda where they are saying, we don't have money, because at that time we are only \$300,000 behind, and we are now \$1.2 billion, and we say it is \$950,000. With all due respect, we got locked into paying the back dues for the United Nations on an issue that should have nothing to do with back dues being paid, because another Rwanda could start.

So as we look at this whole situation, we need to take a very serious look at how we are dealing with the lives of people, usually Third World people, people who have very little voice. These are

people that I visit often, and it is a lot that goes into the final act. A lot goes into the final decision, and a lot goes into the final position that is done or not done by virtue of the buildup over a period of years, and so I would just like you to answer that question if you would.

Ms. AUSTIN. I have a lot of sympathy toward military assistance to Rwanda to tackle the problem of the genocidaires. That is why I spent a lot of my time on the ground documenting both the re-arming and the regrouping of the perpetrators of the genocide, and I shared this information with U.S. Government officials and authorities and acted very forcefully to try to get them to do something. And my testimony today is replete with statements where I think we need to think more seriously about effective, robust military strategies for interventions in these kinds of situations.

Where I think our policy is failing right now, and I made that as one of my recommendations, is that we need to have a coherent security policy and state up front what our objectives are in this respect and what our intentions are, and if it is really in the interest of the U.S. Government. And if the United States makes the decision that we should address this issue of the perpetrators of the genocide at large, then we should direct our military assistance or direct our particular intervention strategies to address this.

What I want to say, however, is that by failing to do that, by failing to say up front what our objectives may be in this regard, we have backed the Rwandan Government, which has used military assistance not only in this regard, but has also used it to invade a neighboring country in which many thousands of innocent civilians were killed. I think if we have a coherent policy as to what our objectives are, we may mitigate against this kind of activity happening again. And war is brewing on the borders.

Mr. PAYNE. Thank you very much. I might just ask you a question, sir. You were mentioning that there are moderate Hutus who are not being listened to. Do you feel that there are people in Rwanda, moderate Hutus, who are being left out, and do you feel that they could be helpful in generating the real dialog that is necessary to build this community kind of support that you said is lacking with the political leadership at the present time?

Mr. NSANZUWERA. Yes, there are many moderate Hutus in the country. Even in the Army there are moderate Hutus and other moderates. But my personal opinion is that the real power is in the hands of the military.

Mr. PAYNE. Yes, well, I think all of us share that opinion. There is no question about that, and I think unfortunately it is a reality that is necessary until we can bring in these groups to talk in terms of how do we start to integrate and get back to the Arusha plan that was supposed to be happening.

I suppose that the RPF feel that the only way to prevent the genocide from continuing is to retain military control, but I think that everyone knows that that is not a policy that can last for decades and decades. And that is, I hope, a temporary position, and I think a necessary temporary position to have a military authority until the world can come together and see how this central African region of Rwanda and Burundi can come up with a solution, because at the present time there is currently not a clear-cut solu-

tion, and I think that it is going to take all of the expertise of human rights people and governments and psychologists and everyone to pitch in to see what is a solution.

It cannot be a military to keep the problems from happening, but at the present time, like I said, I don't see any other alternative as long as it is being done transparent and in a manner that comports with human rights of all people.

I know the Chairman will have the last word, so I yield back.

Mr. SMITH. Thank you.

I want to thank our very distinguished witnesses for their outstanding testimony. You have given us much to go on to engage the Administration, and we have been talking as this hearing has proceeded for almost 6 hours now about why it is very important to follow up and to take seriously the very wise outline of policy that you have laid out for us. And I hope the Administration, too, will digest your thoughtful analysis of the situation on how to prevent this from happening again so indeed we emerge from this better for it.

I thank you for your excellent testimony and for the work that you do on behalf of suffering people.

The hearing is adjourned.

[Whereupon, at 3:37 p.m., the Subcommittee was adjourned.]



APPENDIX

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Statement of Representative Christopher H. Smith (R-NJ)
Chairman, Subcommittee on International Operations and Human Rights
Rwanda violence
May 5, 1998

Today the Subcommittee meets to hold its third hearing on Rwanda, a country whose people have been caught up in some of the most brutal events in modern history. The focus of this hearing is the role played by outsiders --- the United States, European nations, and the United Nations and its affiliated agencies --- for good or for ill during the 1994 genocide and the ensuing cycle of violence.

On April 6, 1994, Hutu extremists began the systematic massacre of Rwanda's minority Tutsi population. They also killed many thousands of moderate Hutus who refused to participate in the bloodshed. For the next three months, mothers and their babies were hacked to death with machetes, families seeking refuge in churches were butchered inside, people stopped at checkpoints were killed on the spot if their ID cards listed their ethnicity as Tutsi. Streets were littered with corpses and the rivers literally ran red with blood. Estimates of the number of people killed range from 500,000 to a million.

The tragedy did not end there. After the Tutsi-led Rwandan Patriotic Front (RPF) gained control of the country, 2 million Hutus fled Rwanda, leading to a protracted refugee crisis in which countless innocents died of disease, starvation, and murder in eastern Zaire and elsewhere.

Even today, the fighting continues between the government of Rwanda and the insurgent forces of the former *genocidaires* (the ex-FAR and the Interahamwe). Both the Hutu insurgents and the Rwandan Patriotic Army continue to commit serious atrocities against civilians. The insurgents have attacked and murdered Tutsi refugees, including women and children, and have attempted to reignite ethnic hatred against the Tutsi population. Meanwhile, the Rwandan Army, according to our own State Department, has "committed thousands of killings" of unarmed civilians in the past year, including "routine" and "systematic" killings of "families, including women and children." There are no clean hands among the parties to that conflict.

During his trip to Rwanda in March, President Clinton properly lamented the horrors of the 1994 genocide and stated that "[t]he international community . . . must bear its share of

responsibility for this tragedy." His remarks were correct, as far as they went, but they left many critical questions unanswered. Those questions can be divided into two basic categories.

First, what did the United Nations, the United States, and other non-African governments do either to deter or to stop the 1994 genocide? President Clinton admitted that "[w]e did not act quickly enough after the killing began." But he did not address what the United States may have failed to do *before* the killing began that might have averted that disaster. As recounted in the current issue of *New Yorker* magazine, a high-ranking Rwandan informant had warned the U.N. leadership (including Kofi Annan) and the United States about preparations for killings three months before they began. The recipients apparently did not act on that information.

Furthermore, the United States has been accused not merely of inaction, but also of obstructing preemptive multilateral efforts to quell the crisis. Some have alleged that, in the words of Refugees International president Lionel Rosenblatt: "The ball was not only dropped by the U.S., it was blocked by the U.S."

The second category of questions concern what the United States is doing today to affect the situation in Rwanda for the better. Have we really learned any valuable lessons from the horrors of 1994?

The one lesson that the Clinton Administration has drawn is to back the current Tutsi-led government of Rwanda. Whether or not this is the wrong lesson, it is at best a tragically incomplete lesson. Somehow the "international community," as it likes to call itself, has failed to learn the most important lesson of all: when we have information that suggests innocent people are about to be massacred, we must act on that information rather than ignoring it and hoping it will go away. Yet in July 1995, not even a year after the Rwanda genocide, United Nations peacekeepers in Bosnia ignored all the warning signs and let the massacre at Srebrenica happen. And in 1996 and 1997, when Hutu refugees were being slaughtered by the thousands in eastern Zaire, United States policy makers seemed more interested in disputing the number of refugees than in stopping the slaughter.

None of this is meant to suggest that there are not important differences between the participants in the Rwanda conflict. The recent killings by Hutu insurgents may well be motivated by the desire to complete the genocide they started in 1994, whereas the RPA killings may be motivated only by the desire for power and for revenge. The fact that a massacre is not genocide, however, does not make it any less a massacre. Moreover, the United States bears a special moral responsibility when those whom we are supporting – both symbolically and financially – are killing thousands of innocent men, women, and children. An end to such killing must be an absolute condition on United States military assistance. I must add that despite continued attempts to get a complete picture of the nature and extent of that assistance, I still have not received satisfactory answers from the Administration about the military support the United States has provided to the RPA. Without objection, I would like to make my latest inquiry to President Clinton part of today's record.

I hope that our witnesses today will suggest ways in which the United States might improve the behavior both of the Hutu insurgents and of the Administration's chosen ally, the Rwandan government. Any lasting peace in Rwanda must be based on reconciliation, and reconciliation must be based on democracy and respect for human rights.

Finally, I am disappointed that all but one of the Administration officials responsible for United States policy toward Rwanda refused to be here today. Although I asked the State Department to send a representative to participate in this hearing some time ago, the Department turned down my request, citing an internal rule that State Department representatives are not allowed to testify while the Secretary of State is appearing elsewhere on Capitol Hill. That rule -- which is a public relations gimmick, pure and simple, motivated not by policy but by spin control --- has caused the State Department to be absent from numerous Subcommittee hearings. It is particularly irksome in this case because as it turns out, the Secretary will not be testifying on Capitol Hill this morning after all. The Defense Department initially agreed to testify, then used the State Department's non-participation in this hearing as its justification for not attending. I would like to take this opportunity to publicly protest this practice, which elevates public relations over substance and significantly obstructs efforts to hold the Administration accountable to Congress and to the American people. And I want to thank Mr. Richard McCall of the Agency for International Development, who had the courage and the courtesy to appear today. Finally, I want to thank my colleague Representative Cynthia McKinney, whose dedication and perseverance have contributed mightily to this hearing.

I look forward to the testimony of our distinguished witnesses.

DONALD M. PAYNE
10TH DISTRICT, NEW JERSEY

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CONGRESSMAN DONALD M. PAYNE
COMMITTEE STATEMENT

"GENOCIDE IN RWANDA--THE CONTINUOUS CYCLE OF VIOLENCE"
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
MAY 5, 1998

Thank you Mr. Chairman, I have visited the region before and after the genocide of '94 and I am sure that everyone will tell you that this event continues to impact and affect world affairs.

As a member of President Clinton's team, we stopped briefly in Kigali and listened to the victims and their families give an account of how the genocideres hacked and machete families to death. It was sad and at the same time gruesome. Some gave accounts how limbs were torn from the young children bodies so that when they grew up they could never pick up a weapon.

April 6 of 1994 has become synonymous in Rwanda as a date that began most of the chaos, death and destruction. In Rwanda after the plane carrying Presidents Habyarimana and Cyprien Ntaryamira crashed began the travesty that culminated with the extermination of a half of million Tutsis and moderate Hutus.

I understand that recently Kambanda pleaded guilty to directing the slaughter of hundreds of Tutsis. Before the genocide, Kambanda belonged to the extremist wing of one of Rwanda's major political parties. After Habyarimana's place exploded, Kambanda became prime minister of the interim government. While pleading guilty yesterday, he has also agreed to testify against others accused of planning the massacres. Sadly, while these confessions are welcomed, they come 4 years too late.

I applaud President Clinton and Ambassador Madeleine Albright's effort to set the record straight in their admission that mistakes were made. We now know that the French under the guise of Operation Turquoise supplied Hutus with ammunition and even after the genocide continued to heavily arm the refugee camps. Even an exhale was let out when General Romeo Dallaire, former UN peacekeeping force, gave a very moving and emotional account of the United Nations failures. He said and I quote, Article 17 of the rules of engagement specifically allowed the use of force to stop or prevent crimes against humanity. He said that he made this point over and over as the killings spread outside the capital and genocide leaders traveled to the farthest corners of the country telling Hutu peasants they were behind in their work." If we had changed the mission to a Chapter 6 to a Chapter 7--a switch that would have sanctioned offensive operations--the UN watched with the rest of the world as an armed majority set out to exterminate the country's minority.

Page -2-

And as the article in the post on 28 January states that "3 countries feel Hutu rebels wrath" the problem is a regional one and the regional leaders are not hesitating to get involved take care of their own geo-strategic problems. President Ssaïas was just here and reintegrate this point. We know the NATO-led troops managed to knock out 4 Bosnian Serb broadcasting towers last fall but somehow we could not topple the hate propaganda radio on the hillside, Mille Collines.

In conclusion, let me just say something about the 22 executions that happened last week. There can not be reconciliation without justice especially with much of the killings. In the U.S., a man was sentenced to death after clearly being found mentally incompetent in Virginia and Carla Faye Ray died in Texas by lethal injection after claiming to have found spiritual enlightenment. While I don't condone taking any individual's life and I am against the death penalty, I have heard more reports last week about the 22 people that were executed than I heard in the 3 months that the genocide occurred. I don't believe that 500,000 lives are any less valuable than 22. Many valiant men, women and children that survived the genocide have gone on with their lives and they have shown the world it's possible to carry on after genocide.

Thank you.

**PREPARED STATEMENT OF RICHARD L. McCALL
CHIEF OF STAFF TO THE ADMINISTRATOR
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
MAY 5, 1998
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS**

Mr. Chairman, and members of the Subcommittee, I want to express my appreciation for your inviting me to participate in today's hearings on "Rwanda: Genocide and the Continuing Cycle of Violence."

I think most experts would agree that the current crisis in the Great Lakes region of Africa began long before the shocking and tragic genocide of 1994. The manner in which the international community reacted to the genocide before, during, and afterwards, has led to considerable soul-searching among donors, and both international and non-governmental relief organizations.

The international community was ill-equipped to deal with the Post-Cold War world, particularly the emergence of complex emergencies, many of which have as their underpinning ethnic, religious, cultural or nationalistic roots. This vexing reality has led to several informal meetings comprised of donors, international humanitarian organizations, non-governmental organizations and private and voluntary organizations. The first meeting was held in March 1995 at Wilton Park, outside of London. The most recent was held on April 3-4 of this year in Stockholm, Sweden, and was co-hosted by the Swedish Government and Sergio Viera de Mello, the new Under-Secretary General of the United Nations for Humanitarian Affairs. Some 40 representatives of selected donor nations, United Nations agencies, African countries, academics and non-governmental organizations were invited to the Stockholm meeting, not as representatives of their organizations, but as individuals.

In opening the Stockholm seminar Jan Eliason, the Foreign Minister of Sweden, posed the following questions for us to ponder:

1. Have we sufficiently analyzed and adapted to the reality of today's conflicts? The answer is clearly no.
2. Do we have comprehensive answers to these complex conflicts and do those answers reflect the realities on the ground? Once again, the answer is clearly no.
3. Do we look at these conflicts within the totality of all interventions, military, political, humanitarian and economic? Again, the answer is clearly no.

4. Do we have the mechanisms not only to mobilize effective resources, but also to ensure that those resources are used to ameliorate the root causes of conflict? Again, the answer is no.

5. How can we maintain the integrity, let alone apply the principles, of humanitarian law when many actors are non-state actors? That is the challenge we have faced not only in the Great Lakes, but Bosnia and Somalia as well.

The Stockholm seminar discussions focused on the ongoing crisis in the Great Lakes. A major independent assessment entitled "Strategic Humanitarian Coordination in the Great Lakes Region 1996-1997" was prepared in advance for the discussions. That assessment built upon the five volume Multi-Donor evaluation of the role of the international community in events leading up to, and during, the Rwanda genocide. The latter evaluation was published in early 1996.

Throughout my prepared statement, I will refer to both the Stockholm assessment and UNHCR's winter of 1997 publication of Refugees, the entire issue of which was entitled "Crisis in the Great Lakes: Anatomy of a Tragedy."

My purpose is to lay out the concerns that have now crystallized within the international community. Unless political and humanitarian actors learn the lessons of the previous responses to complex emergencies, history will repeat itself, and the opportunity for donor retrospectives will continue in abundance.

In a context where humanitarian assistance has been routinely abused and manipulated, and where repeated mass violations of humanitarian law and human rights are a constant reality, it is critical that well thought out policies should inform well-prepared and executed humanitarian operations. This has not been the state of affairs in the Great Lakes region, where the humanitarian assistance became a valuable resource to be exploited by non-humanitarians for ends most brutal.

While the international community was shocked by the brutality and horror of the genocide in Rwanda, I think few understood the cohesion and the breadth of the political organization behind this killing machine -- until it was too late.

There is now consensus that in 1994 the exodus into eastern Zaire of Hutus was largely determined by a concerted effort on the part of the former regime to create a human shield inside the Zairian border with Rwanda. In August 1994, UNHCR organized the first repatriation from Goma. However, as the UNHCR publication pointed out, after the first day of repatriation, the extremists attacked those refugees wanting to return to their homes in

Rwanda. The old commune and village structures were reconstituted in Zaire and Tanzania. The camp populations were routinely harassed and killed by the senior officials and Interahamwe militias, determined to maintain their own political and military control over the refugees. Refugees who stepped out of line by agreeing to repatriate or challenge the old authorities were beaten or killed. Food distribution was effectively controlled by the old guard.

The Stockholm assessment stated that "the ex-FAR used the refugee camps as a political and military base and to intimidate the refugees into staying in Zaire, where they would continue to serve their essential function as a shield and base for the rearming of the ex-FAR. Controversially, some international NGOs also provided relief directly to military camps in nearby Lac Vert under the argument that doing so would limit the extent to which military forces stole from the civilian population. In 1995, the ex-FAR was sufficiently rejuvenated to begin a series of attacks into Western Rwanda." As African Rights documented, the targets of those attacks were genocide survivors and those who could serve as potential witnesses to the genocide, including Hutus.

The empowerment of the genocidaires in the Zaire camps had the effect of transferring Rwanda's political tensions throughout the sub-region, laying the groundwork for continued warfare in eastern Zaire, the eventual attack on the refugee camps, and ultimately leading to the overthrow of the Mobutu regime.

During the 1994-1996 period, the ex-FAR and Interahamwe, in collusion with elements of the Zairian Army, undertook operations that effectively ethnically cleansed Zairian Tutsis from the Masisi region of Zaire northwest of Goma. Similar efforts directed at the Banyamulenge in South Kivu, and other ethnic groups, proved to be the seminal event precipitating the rebellion led by Laurent Kabila.

Once all-out war broke out, as the Stockholm assessment observed: "It was evident and clear that the military elements among the refugee population were deliberately pushing part of the refugee population ahead of itself to shield itself from the attacks by the RPA/ADFL. These people (meaning the legitimate refugees) became four times victimized -- having been forced out of Rwanda by the genocide armies in 1994, and then intimidated, harassed and oppressed by those same armies in the Goma region camps, they were in 1996 again forced to flee as a population shield and many of these people were killed in the ensuing fighting."

The nature of the evil continuing to plague the region cannot be under-estimated. Not only are the genocidaires committed to finishing what was left undone in 1994, but they are willing to kill and sacrifice thousands of their own people to do so.

Mr. Chairman, I appreciate the fact that in previous hearings you, yourself, have covered a lot of this background in your statements. However, with your indulgence, it is important that the various strands of the international community's belated intervention in the Great Lakes be woven together, in an effort to begin finding some answers as to how we deal with complex emergencies in the future.

As the editor of Refugees observed about the Great Lakes crisis:

"Genocide. It is perhaps the most chilling word in any language, one so heavily antithetical to basic civilized behavior that individuals, institutions and governments almost automatically refrain from its use even when logic dictates otherwise....

"The sheer number of victims involved in the slaughter (Rwanda) has shaped everything that followed, making the Great Lakes very different to other humanitarian emergencies....

"Should we, the humanitarians, continue to feed camps which were full of, and often controlled by the genocidaires? Should field workers tell the world what they knew of fresh killings in the forests that endangered not only their own lives but also ongoing efforts to save many tens of thousands still living refugees." In such extreme circumstances was the principle of 'voluntary repatriation' practical or even possible."

That question -- whether the principle of voluntary repatriation was practical or even possible under those circumstances -- was and continues to be the crux of much the past and present debate surrounding the Great Lakes.

According to the Stockholm assessment, the lack of attention to refugee camp security and the empowerment of the genocidaires led to growing violence in the region. "The festering discontent in 1996-1997 confirmed the urgency of specific recommendations to remove barriers to repatriation. The manipulation by belligerent and criminal elements in the refugee camps in Eastern Zaire in 1994 was a rerun of problems unaddressed in the Cambodian refugee camps along the Thai border years before." In other words, we have been there before. Lessons were not learned or heeded, needlessly producing thousands of innocent victims.

Too often the international community provides assistance, but not protection. As one of the participants in the Stockholm seminar observed:

"We deal with the symptoms, not the root causes. We don't understand the culture and history of the country that, of necessity, becomes the object of our political and humanitarian interventions."

The complexity of any failed state requires a multi-faceted response. We must begin redefining accountability. In the past, accountability meant assuring that humanitarian assistance reached those in need. As another participant stated:

"Now accountability includes a realistic assessment of protection we provide or do not provide, security, and the impact on stability. Humanitarian action does have a political impact. For 50 years the U.N. has worked in watertight compartments. We can no longer afford to do so."

At a minimum, the Great Lakes crisis has led us to acknowledge a number of serious deficiencies. Included are the following:

1. We have to gain an understanding of the on-the-ground reality and adjust to that reality. There is a major difference between headquarters versus field reality.
2. The quality of the political, economic and social analysis is not good and in many cases is non-existent.
3. The crisis is rarely over once immediate humanitarian needs are met -- the challenge is to mitigate the ongoing crisis.
4. Compartmentalization produces inflexibility in the entire system. Complex emergencies by definition require a coordinated system-wide approach and talent beyond what the system can produce.
5. Humanitarian law is often violated or compromised from the moment refugee populations are stabilized. As we saw in the Great Lakes, humanitarian operations do have an impact on the dynamics of violence. The intervention was built around violence and tried to accommodate that violence in the hope that other actors would live up to their obligations under humanitarian law.

One of the major lessons learned from the Great Lakes crisis is that humanitarian intervention cannot be separated from the political, military and economic interventions of the international community.

While the genocidaires were accorded sanctuary and protection in Zaire under the international humanitarian intervention, a reconstituted UNAMIR inside Rwanda had a very limited mandate -- that of protecting the humanitarian operation. In other words, UNAMIR could only protect humanitarian aid workers, not Rwandans. Therefore, the killers from the camp could continue to operate with impunity, with only the RPA standing in their way.

Under humanitarian law, it is the responsibility of the host state to ensure armed elements do not enjoy the status, and with such status the sanctuary and sustenance, accorded legitimate refugees. In the case of the Great Lakes, the Mobutu regime was an ally of the ex-Rwandan government and it was one of the worst kept secrets that the regime allowed weapons to continue flowing to the ex-FAR and Interahamwe.

Because of the dilemma posed by the inability to separate the armed and political elements from the refugees, and the belief that it was necessary to maintain the principle of voluntary repatriation, the international effort became viewed by the Rwandan government as aiding and abetting the continued genocide.

Unfortunately, the nature of the international intervention contributed to the institutionalization of violence, rather than breaking the cycle of impunity which gave rise to the genocide in the first place.

During my travels to the region during 1995 and 1996, in particular, it was apparent that unless the international community came up with a solution to a problem that was increasingly destabilizing the region, the Rwandans ultimately would feel compelled to respond. No one doubted they would, from UNHCR representatives in the field, to many of the Ngos working on the ground. The moral dilemma for the humanitarian workers was becoming an unbearable burden to carry. NGOs, in particular, became more outspoken when I visited the camps in emphasizing that this was a political problem, not a refugee problem and there was no reason for the camps to continue to be supported.

In the end the question of whether voluntary repatriation was practical and even possible under these circumstances was particularly unrealistic since the legitimate refugees did not have the option of exercising free will in making that choice. Legitimate refugees were controlled by those who needed them and the services provided them to further their own ends.

The Great Lakes crisis also revealed other serious deficiencies in the international system. Of major concern is the seeming inability of donors to collaboratively structure relief and rehabilitation efforts in a way that the root causes of conflict are addressed. This entails focusing resources not within a traditional relief and rehabilitation framework, but in

such a manner that effectively ameliorates ethnic, religious or cultural tensions. Often, short-term relief and rehabilitation responses do not reflect strategic analysis or planning that is structured in such a way so as to avoid the next conflict. The international response to Rwanda serves as a classic example of this problem.

We spent hundreds of millions of dollars in meeting the needs effectively of the refugees. Despite donor pledges amounting to hundreds of millions of dollars, disbursement of significant sums of these pledges were agonizingly slow in Rwanda. This problem stems from the various rules and regulations governing individual donor programs. Fast-disbursing resources are available for immediate humanitarian relief and some rehabilitation needs. Flexible tools to bridge the gap between rehabilitation and traditional development programs are limited, which slows down the disbursement rate considerably.

One of the best analyses of the current situation in Rwanda was recently published by the U.S. Committee for Refugees. In that study, it was pointed out that there are basically five different groups in Rwanda. Those who survived the genocide; those Hutus who remained inside Rwanda after the genocide; those Tutsi refugees who fled Rwanda in 1959 and the early 1960s and returned; the Hutu refugees who returned from the Zaire, Tanzania and Burundi camps; and Tutsis who fled Burundi and Zaire. Each group suffers from the same deprivations, a lack of even minimal health and education services, and economic opportunity. This is creating serious tensions among the five groups, belying the notion that Rwanda's problems are essentially a Tutsi/Hutu problem.

Once again, in recognition of this problem, donors will be meeting later this month with the Government of Rwanda to develop a strategic framework to more effectively address these fundamental problems. There is a growing consensus that reconciliation in Rwanda will occur only when the basic needs of the entire population are met and problems common to all are addressed. There is a recognition on the part of the donor community that we have to do business differently in Rwanda and the region. We have to be much more flexible in the deployment of resources than has been the case in the past.

It is anticipated that there will be additional follow-up to the Stockholm conference to deal with many of the suggestions of the independent assessment. The assessment is not yet available publicly since it is still undergoing revisions. However, I would like to touch upon some of the suggestions to give the Subcommittee a sense of the issues with which the international community is presently grappling.

First, it is suggested that the Inter-Agency Standing Committee of the United Nations engage authorities from the Democratic Republic of the Congo, Rwanda, Burundi, Uganda and Tanzania to obtain a commitment to providing a framework for consent for humanitarian action on the Great Lakes Region. This should be done in collaboration and consultation with the Office for the Coordination of Humanitarian Affairs.

A salient point in relation to this suggestion is as follows: "Given that a framework for consent is defined by the intersection of political, humanitarian, military, economic and social interests of authorities in the region, U.N. offices should routinely engage in multi-disciplinary analysis of these aspects of conflict. Authorities in the region and other foreign governments should respect the need for the U.N. to conduct this analysis insofar as it relates to defining, delimiting and protecting humanitarian space."

Second, the Inter-Agency Standing Committee should define the process whereby, when a framework for consent has collapsed the system-wide suspension of humanitarian activities and non-intervention are systematically evaluated and employed as rational responses to some aspects of complex emergencies.

In this regard it is suggested that conflict impact assessment tools be used to plan humanitarian activities, monitor their ongoing impact, and assess their contribution to sustainable processes of peacebuilding.

In addition, it is suggested that a deliberate effort be made to "attract and place individuals with adequate skills and experience to evaluate the political, military, social and humanitarian context of the crisis in the Great Lakes region, placing such staff as key advisors to U.N. staff responsible for key operational and strategic humanitarian coordination decisions in the region."

Third, the Inter-Agency Standing Committee should work to address the question of how human rights and humanitarian organizations can more effectively work together.

Included in this suggestion is a review of the relationship between human rights law and U.N. agency protection mandates and the need to routinely train U.N. humanitarian staff in human rights law.

Fourth, the entire U.N. system working in the Great Lakes Region should recognize that unacceptable human tragedies continue in the Great Lakes Region. Therefore, measures should be taken to ensure that the primary humanitarian obligation to save lives and reduce human suffering remains a focus of the U.N. system in the region, while working through such fora as the

Secretary General's Task Force on Relief, Reconstruction and Development to address underlying problems and long-term solutions.

This suggestion calls for a review of the "appropriateness of the application of the 'relief to development continuum in the region, given the deepening of civil conflict in Rwanda, the continuing conflict in Burundi, and renewed conflict in the DRC." The need for ongoing humanitarian operations in Rwanda should be recognized, "and the vital importance of ensuring that humanitarian and development activities in the country are complimentary, reinforcing common objectives."

Fifth, "U.N. agencies were not designed to work in close collaboration with one another. The wording of each agency's mandate specifically defines responsibility for what once were nearly unrelated issues; refugees, development, children, etc. The end of the Cold War has brought new and still unresolved challenges to the U.N. system...The hard realities of complex emergencies demand that the U.N...conform itself to these challenges and become what it never has been; a system of agencies that cooperate in pursuit of common goals."

I might add that this problem is not unique to the United Nations. If there is one thing that every Western donor acknowledges is the fact that we all suffer in varying degrees from the same compartmentalization within our own systems.

Sixth, the Inter-Agency Standing Committee should seek to strengthen existing mechanisms for strategic coordination.

Of particular importance was the suggestion that the need for improved capacities for strategic analysis be recognized, with "strong links to operational and strategic decisions, and work through the DPA/DPKO/OCHA framework to ensure that the IASC has sufficient access to political and strategic analysis of the political and military context and framework of humanitarian issues. An increased emphasis should be placed on inter-agency training, recognizing that such training will contribute to improved multi-dimensional planning and the creation of cross-agency networks."

Seventh, the Inter-Agency Standing committee should task the Office for coordination of Humanitarian Affairs to support coordination functions irrespective of where they occur. OCHA should reliably and consistently provide high quality coordination support staff to staff, or when necessary, directly fulfilling coordination roles.

Eighth, the Inter-Agency Standing Committee should energetically seek to resolve issues of mandate overlaps and gaps, in particular with respect to internally displaced persons.

The assessment concluded with the following observation:

"The crisis in the Great Lakes Region posed enormous challenges for those tasked to respond to massive, urgent humanitarian needs of suffering populations. Some of the problems faced were unique to the region; many are problems faced by the U.N. system across the globe. These problems are formidable; the solutions require a high level of interagency collaboration and commitment to humanitarian principles. However, learning these lessons, and translating lessons learned into improved structures, procedures, and systems for strategic coordination is an essential task of continuing to improve the U.N.'s overall contribution to lessening the humanitarian costs of what is unfortunately likely to be an ongoing feature of international life, complex political crises with tremendously high human costs."

Mr. Chairman and members of the Subcommittee, I want to emphasize that those institutions and individuals tasked with meeting the humanitarian needs of legitimate refugees and internally displaced persons have been placed in an untenable position by the nature of the crises to which we are now compelled to respond. The entire system, multilateral, bilateral and non-governmental has been ill-equipped both from an analytical/strategic and operational framework to deal with the complexity of failed states. Historically, we have had to respond to the humanitarian needs of those affected by conflict between states. Now, we are being called upon to respond to intra-state conflict.

The fact that we are all undergoing critical self-analysis and reaching a consensus on not only changes that are required in the system, but also the need for close collaboration among all the actors opens up the real possibility that we can effectively prevent conflict, or at least mitigate its consequences.

However, no amount of analysis is a substitute for action. We all know what are the problems and now it is incumbent on us to begin adjusting our institutional responses accordingly to reflect these acknowledged realities.

Thank you very much and I am ready to take questions now.

**House International Relations Committee
Sub-Committee on International Operations and Human Rights**

**Statement of Mr. Dennis McNamara
Director, Division of International Protection
United Nations High Commissioner for Refugees**

***Hearing on
"Rwanda: Genocide and the Continuing Cycle of Violence"***

5 May 1998

Mr. Chairman,

UNHCR has been requested to appear before this Committee which is looking at a broad range of issues relating to the tragic events in Rwanda in recent years. We have been requested to focus on the refugee dimensions of that tragedy; on what UNHCR has, or has not, done; and particularly on key issues such as the separation of the perpetrators of genocide from refugees; the mixture of fighters and refugees in refugee camps; the location of refugee camps; and our overall efforts to protect genuine refugees in this highly complex and difficult environment.

Over the past four years, the Great Lakes region of Central Africa has been the setting for one of the most rapid mass exoduses of refugees during this century. Tragically, governments in the region and the international community failed to be able to protect civilian refugees from Rwanda and Burundi throughout the Great Lakes crisis, and as a result, there has been enormous loss of life. As the principal UN organization mandated to protect and assist refugees, UNHCR has conducted much soul-searching, and reflected very carefully on its own actions and those of other actors, to determine what went wrong. We would like to try to answer some of these questions in this hearing today.

In order to do so, we have outlined briefly UNHCR's mandate responsibilities and those of States, and UNHCR's efforts over the past four years to meet these responsibilities in regard to Rwandan refugees in the region.

UNHCR's Mandate and Role

UNHCR's primary function is to provide international protection and assistance to refugees and to seek permanent solutions to their problems. Under its Statute and the General Assembly resolution creating the Office, international protection is enshrined as the principal focus of UNHCR's work.

The 1951 Convention Relating to the Status of Refugees¹ was drawn up at the time of the creation of UNHCR. The Convention and its 1967 Protocol², as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa³, create parallel treaty obligations on States parties to protect refugees. There are currently 134 states parties to the Convention and Protocol, and 43 states parties to the OAU Convention. All states in the Great Lakes region of Central Africa have ratified the OAU Convention.

In order to take account of the special characteristics of the situation in Africa, the OAU Convention expanded the 1951 Convention definition of a refugee to those compelled to leave their country not only as a result of persecution, but also owing to conflict or "events seriously disturbing the public order" in either part or the whole of their country.

In addition to defining who is a refugee, the OAU Convention also identifies certain categories who are excluded from refugee protection (as does UNHCR's Statute). These include perpetrators of crimes against peace, war crimes and crimes against humanity. The Preamble of the Convention also recognizes the need "to make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside." These instruments clearly intended that the perpetrators of genocide and other crimes against humanity should not be able to escape justice by claiming refugee status.

The OAU Convention also contains provisions as to when refugees cease to be refugees, including due to changes in circumstances in the country of origin, which would make it possible for them to return safely home without fear of persecution, conflict or violence.⁴ The changes that might justify application of the cessation clause must be fundamental and long-lasting. No State has yet applied this clause in regard to Rwanda.

The determination of refugee status, including exclusion from and cessation of such status, is the treaty responsibility of host governments under both the 1951 UN Convention and the 1969 OAU Refugee Convention. UNHCR's role is primarily to support, assist and monitor this process. In exceptional cases, UNHCR may take the lead on behalf of states, under its mandate responsibility for recognition and exclusion of refugees, if requested to do so.

¹ United Nations Convention Relating to the Status of Refugees, 189 U.N.T.S. 150

² Protocol Relating to the Status of Refugees, 19 U.S.T. 6223, 606 U.N.T.S. 267

³ OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, September 10, 1969, 1001 U.N.T.S. 45

⁴ Article I (4) provides " This Convention shall cease to apply to any refugee if:.....(e) he can no longer, because the circumstances in connection with which he was recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality..."

UNHCR's responsibilities for protecting refugees are global and non-discriminatory. By Statute, the work of the High Commissioner is entirely non-political, humanitarian and social.

The most important principle of refugee protection under the various legal instruments is *non-refoulement*, which forbids states from returning refugees to countries where their safety or freedom would be at risk. This principle is non-negotiable, and UNHCR is obliged under its mandate to make every effort to ensure that it is respected. The Great Lakes crisis posed fundamental challenges for the system of international refugee protection, especially in this respect.

Rwandan Exodus of 1994

The dilemma of huge numbers of Rwandans living just beyond the borders was posed almost as soon as the 1994 conflict and genocide began. Barely three weeks after the plane carrying Rwandan and Burundi Presidents Habyarimana and Ntaryamira was shot down as it neared Kigali on April 6, an estimated 250,000 Rwandans crossed from southeast Kibungo into Tanzania in the space of 24 hours. It was the fastest exodus in modern times. The number of Rwandans in Tanzania would swell to 500,000 in the next days as the advancing Rwandese Patriotic Front (RPF) tightened its grip on the east of the country.

Such a massive outflow focused the attention of the international community, unsure until then of the dimensions of what had been unfolding in Rwanda. On April 29, the same day that tens of thousands of people crossed into Tanzania, the United Nations Secretary-General asked the Security Council to consider forceful action to respond to increasing evidence of atrocities in Rwanda. The Security Council deferred the question of returning law and order to the country, asking the Secretary-General for more information. One week later, faced with the exodus and the mobilization of the humanitarian agencies, the Council asked him to make plans to get emergency aid to the refugees.

During May and June various proposals were submitted for a peace-keeping force in Rwanda. France's offer to send troops was accepted by the UN when it became clear that other member states were not eager to contribute soldiers to a second Assistance Mission (UNAMIR), the first having been reduced in strength during April. By 9 July French troops began taking up positions in southwestern Rwanda. The consolidation of the *Zone Turquoise* provoked rapid change in parts of the country not yet under RPF control: on 13 July refugees began to stream across the northwest border into Goma — an estimated 100,000 on the first day — and four days later, with mortar rounds following the column of people fleeing through Gisenyi, those crowding Goma numbered one million.

As the RPF declared a unilateral cease-fire after taking control of Kigali, effectively bringing the war in Rwanda to an end on 18 July, UN agencies, non-governmental

organizations (NGOs) and governments were struggling to bring the developing humanitarian crisis provoked by the mass exodus under control. Cholera broke out in Goma on 19 July and for the space of a frantic week, every effort was directed at the collection and burial of some 50,000 victims, mainly women and children. UNHCR appealed for more supplies as its relief stockpile was depleted almost instantly, and this was truly a life-saving period. To alleviate the unmanageable crush in Goma, relief workers and local officials began encouraging refugees to walk north to sites designated by the Government of Zaire. The host state allowed no consideration of sites further from the border.

By the end of August, some 1.3 million Rwandans had fled to Zaire, some 190,000 to Burundi, and some 530,000 to Tanzania.

Early Efforts to Address the Crisis

After receiving assurances from the new authorities in Rwanda that refugees wishing to return would be safe, UNHCR decided on 23 July to encourage and assist voluntary repatriation from Goma. Indeed, many thousands of people, driven by the miserable conditions and the passing of the panic which had carried them into exile, began walking homeward. UNHCR staff also began singling out the self-appointed camp leaders and militia who had by this point already begun trying to stop refugees from repatriating. The leaders' defiant attitude was seen in the refusal, by 20 former community officials, of a UN offer to travel back to Rwanda in order to report back on the current situation to refugees in the camps. The violent rejection resembled that of Rwandan populations in Ngara (Tanzania) two months before, when UNHCR had attempted to move militant former authorities away from refugees. In that incident, aid workers were chased from the camp by machete-wielding crowds.

UN High Commissioner for Refugees Sadako Ogata, noting the security incidents and growing intimidation of refugees wanting to go home, pointed to the need for means to counter the "disinformation and adverse rumors being spread in the camps" at the UN donor conference on Rwanda on 2 August. Although approximately 200,000 refugees had spontaneously left Goma for home by mid-August, UNHCR was forced to cancel the first organized repatriation when its vehicles were stopped and set on by mobs. The attack further underscored the evident need to separate and distance armed elements, including ex-Rwandan Armed Forces (FAR) and militia, from the civilian refugee population.

Returning to a Zairian government pledge to disarm the newly-arrived Rwandans (26 July 1994), the Prime Minister of Zaire on August 15 asked the UN Secretary-General for help to transfer 20,000 ex-FAR from the eastern border to Kinshasa. But with the immense camps now taking shape and epidemics in check, the calls for military action against the mixed Rwandan caseload, like the Prime Minister's request, went unanswered by countries able to undertake such operations. Army

units flown in to help with the relief effort, including a last contingent of 478 US troops, left the region by the end of September.

Clearly the camps contained ex-soldiers, Interahamwe, and "genocidaires" as well as civilian refugees. UNHCR and other agencies on the ground became concerned that a lack of urgency and international support would translate into a protracted struggle with a caseload they were not equipped to deal with. Already in August, reports of revenge killings in Rwanda were putting a brake on efforts to encourage repatriation.

In October 1994 Mrs. Ogata warned of the risks of leaving the camps as they were. "The lives of refugees and humanitarian staff have been endangered and the delivery of relief and essential services disrupted by armed elements from the former Rwandese army and militia," she told UNHCR's Executive Committee in Geneva on 3 October, continuing to say that "The aim appears to be to control the refugee population, block their voluntary return to Rwanda and build resistance against the Government in Kigali."

In a press release dated October 21, 1994, UNHCR went further, acknowledging that "In some camps, the former authorities have virtually taken control of all food and relief distribution in order to consolidate their power and to manipulate and dominate the camp population." Even while the operation in 1994 was primarily still of a life-saving nature, there was no international support for the job of separating fighters from civilians, or of relocating the camps.

The role of militant elements in the camps had caused several NGOs to rethink their engagement on behalf of the Rwandans. In November and December some non-governmental organizations were to pull out of Goma and Ngara, citing the influence of the ex-FAR and Interahamwe. UNHCR considered the possibility as well, but the agency's mandate and the humanitarian imperative of caring for the majority of vulnerable and needy civilians, women and children, made a withdrawal impossible.

In New York, Mrs. Ogata tried to revive hope for a military deployment to secure the camps. The former Rwandan army was still endangering the lives of refugees, she said, telling the Third Committee of the General Assembly on 9 November that the Secretary-General had "agreed that top priority will be given to this issue." By the end of the month the Security Council, having heard additional evidence from the Secretary-General of worsening conditions in the camps, requested that he consult with nations for possible contribution of troops to a peace-keeping operation for this purpose.

UNHCR Efforts in 1995

1995 began with UNHCR expressing hope that another one million refugees and displaced persons would go home during 1995. Hundreds of thousands of "old" caseload refugees — people who had fled violence in Rwanda as early as 1959 — had already returned, receiving assistance from UNHCR and the Government of Rwanda. (UNHCR would eventually direct \$33 million of a total expenditure of \$127 million in Rwanda between 1994 and 1997 to the reintegration of this group, estimated by the Government at 1.2 million people.)

But in a decision characteristic of the next phase of the Great Lakes crisis, the Secretary-General reported on January 25, 1995, that plans to use international military to improve security in the refugee camps would not go forward. He told the High Commissioner that he had appealed to some 40 countries soliciting support and had received only one positive response. As a consequence, he asked UNHCR to explore alternative security arrangements. The position marked the beginning of a period when a worsening situation would create a virtual stalemate in the camps at Rwanda's borders.

Left with no alternative and a urgent need to bring order to the camps, UNHCR on 27 January signed a Memorandum of Understanding with Zaire. The agreement called for 1,500 Zairian elite troops to police the camps in Uvira, Bukavu and Goma and provide security for humanitarian workers and repatriating refugees. The first units, overseen by international civilian liaison officers, took up their functions on 12 February. The extraordinary measure meant that UNHCR arranged for military and police to work directly in support of the authorities.

In an attempt to break the regional deadlock, UNHCR and the OAU agreed to the Burundi President's proposal to convene a conference of all the concerned States in Bujumbura in mid-February 1995. No meetings between the principals, Zaire and Rwanda, had followed the signing of a Tripartite agreement on repatriation arrangements between those governments and UNHCR the previous October. The High Commissioner again identified security in the camps as the main obstacle to repatriation, and to the assembled countries of asylum and origin emphasized that the "legal and ethical dilemmas" of the mixed caseload were "agonizing." She appealed to all States to remove persons suspected of having committed crimes and to encourage the repatriation of refugees.

Clearly, humanitarian agencies were unable to resolve the question of armed elements in the camps on their own. "The exclusion from humanitarian assistance has in practice been impossible, given the numbers and serious security risks involved," the High Commissioner repeated in Bujumbura. Relocating camps away from the borders and separating so-called "intimidators" from general refugee populations were key aspects of the comprehensive Bujumbura Plan of Action, endorsed by all States at the close of the session.

After several months of declining returns to Rwanda — refugees learned quickly of the assassination of a prominent politician and killings of an unknown number of displaced people in Kibeho — the High Commissioner declared in June 1995 to the OAU's Ordinary Session of the Council of Ministers that the "presence of former soldiers, militia and the planners and perpetrators of genocide had created major problems for the safety and voluntary return of the refugees, as well as the security of the host community."

The possibility of a re-organization of ex-soldiers and militia received greater attention after Human Rights Watch reported in May of 1995 that arms were reaching Rwandans in eastern Zaire from a number of governments. The assertion was seized on by the Government of Rwanda, which called on the international community to stop the flow. The studies on which the allegations were based elicited a strong reaction from the Government of Zaire. The resentment towards Rwandans on Zairian soil built, with the Prime Minister announcing publicly on 24 June that the time had come for refugees to go home.

The UN's August 16 decision (Security Council resolution 1011) to lift the arms embargo on Rwanda brought a response the next day from the Government of Zaire, which declared its intention to remove all Rwandan and Burundi refugees from the territory. Expulsions began on 19 August, 1995, when 181 Rwandans were trucked by military to Gisenyi. Over the next four days, 15,000 refugees were rounded up by Zairian troops and forced across the border to Rwanda at Cyangugu and Gisenyi. Approximately 130,000 others temporarily fled the camps for fear of being forced back, as resistance to a mass repatriation was substantial. International pressure finally halted the forced return on 24 August.

With the repatriation operation and political relations at a low, the High Commissioner toured the region between 31 August and 7 September and invited Rwanda and Zaire to Geneva the following month for their first Tripartite meeting. Amid growing signs of impatience at a protracted and expensive operation from the donor community, Mrs. Ogata moved the discussion to the dangers posed by a prolonged stay of such a large proportion of Rwanda's population. "It is bad in humanitarian terms," she said, "and potentially dangerous in terms of regional security." The efforts begun in Bujumbura to render States more responsible for a resolution continued, with the High Commissioner underscoring the "clear convergence of interest in repatriation."

But on the heels of the Geneva meeting, Rwandan Prime Minister Twagiramungu resigned and his Zairian counterpart declared that all the refugees would have to leave Zaire by the end of 1995. The two incidents would serve to slow the rate of return and damage already fragile cooperation between the country of origin and the main country of asylum.

The year closed on a note of stagnating repatriation and bleak considerations of the alternatives. Political and financial supporters of the humanitarian agencies were increasingly vocal in suggesting an end to the camps in Zaire. Communicating the US's wish to see the refugees speedily repatriated, former President Carter offered to help mediate and obtained a pledge that Zaire would reconsider its end-of-year deadline. A five-nation conference in Cairo between November 27 and December 2 foresaw the rate of return accelerating to 10,000 refugees a day, without elaborating how this would happen.

Mirroring the growing momentum within the international community to leave the refugee situation to the area countries, the UN Security Council agreed to terminate UNAMIR's mandate in December 1995. Duties of the force of several thousand international troops included assistance to UN agencies and the International Criminal Tribunal for Rwanda, peace keeping, and confidence-building activities. The last was important to refugees' belief in the reintegration process.

UNHCR Efforts in 1996

UNHCR and the government of Zaire decided in February 1996 to tighten controls and limit refugees' movements in selected camps in Goma and Bukavu in hopes of stopping commercial traffic on the sites. The "administrative closure" of the sites was also meant to provoke refugees who would be reassured by the presence of additional soldiers in the repatriation staging areas. And, acting finally to separate "intimidators," Zairian troops detained 10 Rwandans alleged to be stopping or dissuading refugees from leaving Goma camps. Three weeks after the closure was announced the operation foundered, with soldiers complaining they had not been paid and abandoning their posts around camps. Only a few hundred refugees had boarded UNHCR buses back to Rwanda.

At the one-year mark after the Bujumbura conference, UNHCR stated to the OAU's Follow-Up Committee in Addis Ababa "the need for strong and unequivocal signals by the Rwandese Government aimed at ensuring respect for human rights, and at reassuring refugees about their security upon return and the restitution of their property." To give refugees reliable news of their areas of origin, UNHCR established centers in each of the Goma camps where refugees could see videos and get information on their home prefectures and communes.

By May however, security incidents in both Rwanda and Zaire and cross-border attacks had increased. The High Commissioner reflected UNHCR's apprehension at the increased violence when she reported to the Security Council on June 28, 1996, that "New comprehensive measures are urgently needed to break the deadlock in the repatriation."

The problems of security and the absence of sustained, voluntary repatriation were the same ones that had greeted all previous attempts to break the impasse, only

now the positions seemed immovable. UNHCR proposed a new strategy. The first three elements were: the temporary relocation of camps away from borders; real action against the ex-FAR and former leaders; and, in the face of more incursions to Rwanda, the monitoring of borders.

At that time UNHCR also evoked the possibility of further violence in the region. The forced return advocated by many observers was not advisable as "there are still human rights concerns in Rwanda. I am also convinced that in that case (i.e. a forced return) large numbers of refugees would fan out and destabilize other regions of Zaire," the High Commissioner said.

The idea of a forced return became reality on 19 July, 1996, when Burundi authorities ordered aid workers out of two camps of Rwandan refugees and commandeered trucks in order to transfer them back to Rwanda. Northern Burundi had hosted as many as 200,000 refugees in seven camps since June of 1994.

International pressure again halted the expulsion of Rwandan refugees, after 15,000 people had been deposited across the border. But increased political tension, culminating in a military coup in Burundi on 25 July, 1996, prompted the remaining 70,000 Rwandan refugees in Burundi to return.

Events of October-December 1996

Mrs. Ogata assessed the crisis for the agency's Executive Committee on 7 October 1996 and concluded that "probably never before has my Office found its humanitarian concerns in the midst of such a lethal quagmire of political and security interests." In the run-up to the first attack on a refugee camp in mid-October, political tension and recommendations had multiplied, with Zaire threatening again to expel all refugees and senior US officials advising that camps in Zaire and Tanzania be closed. The pattern of insecurity became more dense until the outbreak of open combat north of Uvira between government troops and Banyamulenge rebels. (Of Tutsi ethnicity, the group had lived in the South Kivu region of Zaire for generations. The rebel groups were quickly to federate themselves as the Alliance de Forces Démocratiques de Libération, or AFDL.) Fighting quickly spread north from Uvira to Bukavu and then to Goma. Refugees repeatedly fled before the sites were targeted and destroyed, a scenario which was repeated over and over across a zone which hosted over one million Rwandan and Burundi refugees in almost 40 camps. The last international aid workers were evacuated during heavy fighting from Bukavu on 29 October, and from Goma on 2 November, 1996.

With no first-hand information on the fate of the refugees, aid agencies called on the belligerents to allow access to the border towns inside Zaire. On November 7 UNHCR urged nations to send a neutral force that could set up humanitarian corridors, but, in negotiations reminiscent of 1994, the Security Council delayed

action on a military option. The discussion turned to a debate over the precise goals of an eventual mission. On 12 November, Canada proposed itself to lead a multinational force (MNF) in securing aid and passage to the refugees scattered, in some cases, by three weeks of fighting. UNHCR strongly supported the case for the MNF, which had been mandated by Security Council resolution 1080.

On November 15 1996, after an offensive by the AFDL, a column of Rwandans began moving from Mugunga camp west of Goma to Gisenyi, in northwest Rwanda. The flow was to continue for six days at a rate which reached several thousand people an hour. Eventually, an estimated 600,000 people were moving along main roads directly to their communes of origin back in Rwanda. Besides stretching aid personnel and resources thin inside Rwanda, the sudden return of over half a million refugees dispelled the sense of immediacy about locating and assisting the Rwandans still in Zaire. The MNF debated different options for an intervention, including setting up land corridors and airdropping food in the heavily forested region west of Lake Kivu, but support for the mission eroded and the last 16 Canadian advance military personnel left their Kampala base by the end of December.

One month to the day after the movement began from Zaire, refugees began arriving in southeast Rwanda from Tanzania. The return followed bilateral contacts between Rwanda and Tanzania and an attempt by camp leaders to thwart repatriation by provoking the entire population of the camps to disperse away from the border with Rwanda. Surrounded by Tanzanian soldiers, the refugees were directed back to Rwanda on foot, where they were received by aid agencies which had used lessons learned from the Goma return to prepare. Initially, the reintegration in the eastern part of the country went smoothly.

Events in Zaire/Democratic Republic of Congo, December 1996-1997

As in 1994, the collapse of international support for a military force to assist humanitarian agencies left them without physical protection for activities which required operating in extremely dangerous circumstances.⁵ Contrary to 1994, the refugees had not stopped on the far side of an international boundary but were being pursued by a front line in a spreading civil conflict. Further complicating the task of reaching groups with assistance or the means of returning to Rwanda were the desperate ex-FAR and Interahamwe, who drove tens of thousands of Rwandan civilians westward, on occasion cynically using them as human shields.

The first sightings on the ground in early December of large groups of Rwandans came in zones then still controlled by the Zairian Government — Tingi Tingi (an estimated 120,000 people), Amisi (40,000) and Shabunda (40,000). Prior to these contacts there had been different views, extending to debate at the Security

⁵ UNHCR lost over 30 mainly local staff members in the Great Lakes region between 1994 and 1997. Many of these were killed or went missing while assisting refugees.

Council, as to how many Rwandans remained in Zaire after the November mass return, with UNHCR and aid agencies unable to account for many tens of thousands formerly in the camps.

UNHCR maintained its plan to regain access to refugee groups in the rebel-held areas, repeatedly pressing the AFDL for safe passage west from Bukavu and Goma. The agency considered possible returns by land and air. In February 1997 the High Commissioner traveled to the region, extracting a pledge from AFDL leader Laurent-Desire Kabila that he would not press his advance to the refugee encampments at Amisi and Tingi Tingi. However, the AFDL soon pushed bands of fighters (some of whom were being rearmed on those sites) and refugees to the east bank of the Congo river in early March. An estimated 160,000 Rwandans massed opposite the town of Ubundu just as aid workers were forced to leave Kisangani, 125 kms to the north and soon besieged by AFDL troops.

During March the UN Special Rapporteur on the Human Rights situation stated that he had detailed evidence of human rights violations in both North and South Kivu. The claims of the UN Human Rights report were soon bolstered by widespread testimony from NGOs and others of killings of Rwandans in the area.

On March 19, 1997, four days after the fall of Kisangani to the AFDL, UNHCR returned to the city. In the next week staff traveling south towards Ubundu came upon tens of thousands of Rwandans moving north in search of food, medical assistance and shelter. Planning was immediately started for the evacuation of the Rwandans, who overwhelmingly declared their desire to be repatriated; basic camp infrastructure was rushed to two sites designated by the new authorities, 25 and 42 kms south of Kisangani.

The catastrophic physical condition of the refugees, along with the extremely wary AFDL attitude towards the Rwandans' presence, compelled UNHCR to immediately return everyone to Rwanda who was fit to travel. UNHCR's blueprint for the return by air of Rwandans from Kisangani received the approval of the AFDL on 5 April. During the run-up to the start date, a campaign was orchestrated by local officials, media and villagers to delay or thwart the evacuation from Kisangani. The sabotage culminated in armed attacks by soldiers, on the night of April 20, on the camp population of 80,000 in Kasese and Biaro. For three days UNHCR and other aid personnel were denied access to the left bank of the river, the only way to reach the camps.

When UNHCR and international media were permitted to return to the sites they found the camps empty of refugees, save 20 corpses in Biaro which bore the marks of machete wounds. There was no sign of the several thousand extremely vulnerable refugees registered beforehand, including thousands who were judged too weak to walk and hundreds of unaccompanied minors and patients who had been in a cholera isolation unit. The spectacle of destruction and abandoned

camps obliged the AFDL authorities to allow UNHCR to start the airlift for Rwandans who began to emerge from the forest.

The authorities maintained pressure on the operation by setting a 60-day deadline for the completion of the evacuation and limiting the number of hours staff were able to spend near the re-inhabited refugee sites. Terrified refugees stormed a goods train being used as transport to the Kisangani ferry. The incident on May 4 claimed the lives of almost 100 people who suffocated or were crushed on the overcrowded railcars. A hastily assembled fleet of leased aircraft would eventually bring more than 43,000 Rwandans home from Kisangani, flying to more than 20 other sites as UNHCR caught up with thousands more Rwandans who had fanned out across Zaire.

By September 1997, UNHCR had evacuated over 63,000 Rwandans by air. These joined 215,000 people returned overland since December 1996 from an extensive network of collection points to the west of Goma and Bukavu.

On September 4, authorities in Kisangani blocked UNHCR from reaching a transit center which still held over 600 Rwandans and Burundi, many undergoing medical treatment in preparation for eventual repatriation. Over two days during which UNHCR was denied all access, the transit center population was flown back to Kigali. The High Commissioner reported on the incident to the Security Council on 9 September, announcing her decision to suspend operations for Rwandan refugees because of the lack of access to, and basic rights for, refugees and inadequate security for humanitarian workers.

The next month UNHCR was ordered by the authorities, along with other agencies and NGOs working with refugees, to immediately leave Goma. An instruction on 2 October from the Government of the newly-named Democratic Republic of Congo (DRC, ex-Zaire) also commanded local authorities to seal the border between Rwanda and the DRC in the face of new arrivals from northwest Rwanda, where security incidents had caused several thousand people to flee their homes. UNHCR staff began leaving Goma on 6 October. On that date also the High Commissioner issued a press release, strongly denouncing expulsions of the recent Rwandan arrivals by the DRC. "We were forced to suspend our operations for Rwandan refugee there (the DRC) after our efforts to help these people had been frustrated at every turn," she said.

The 63,000 airlifted to Rwanda included 1,481 people who had crossed from the DRC into Congo Brazzaville. The 15,000 Rwandans identified in May 1997 at Loukolela, Njoundou, Impfondo and in the capital itself were the first large groups of refugees contacted outside the first country of asylum, a phenomenon which would expand to other countries in the region, and which would present UNHCR with new and substantial protection challenges still being addressed today.

While the agency was able to provide assistance and the option to repatriate to some of the Rwandans, many were in places where UNHCR was not able to intervene on their behalf. In August 1997, for example, over 150 Rwandans — including eight which had been recognized as refugees by the Government and UNHCR — were expelled from Gabon and flown directly to Kigali.

Current Situation

In February 1998 the High Commissioner traveled to the Great Lakes for the seventh time. She emphasized the necessity and possibility of reconciling refugee protection with the interests of States and their populations, especially on the subject of security. Discussions with national leaders covered steps to ensure the purely civilian character of refugee camps and UNHCR's need for access to refugees and returnees to meet its mandated responsibilities. In Rwanda, President Bizimungu expressed the Government's wish to see UNHCR maintain its role in the country's post-return reconstruction process.

UNHCR is dedicated to carrying out its protection, reintegration and rehabilitation activities in the Great Lakes region, as elsewhere, in collaboration with States, and the consultations with regional governments will continue at a two-day ministerial-level meeting later this week in Kampala, Uganda. Although the character and magnitude of its operation in the Great Lakes have changed and the agency's budget has decreased by \$55 million compared to spending in 1997, the search for solutions in the region still requires firm political, moral and financial support from the international community.

Principal features of the agency's work in the region at present are the care and maintenance of camps sheltering 260,000 Burundi refugees in Tanzania, and where possible, facilitating their repatriation to safe areas in Burundi, and the ongoing repatriation of tens of thousands of Congolese by boat across Lake Tanganyika from Tanzania. Wherever UNHCR is overseeing refugee returns or reintegration, close monitoring of the process is central to its activities.

The issue of approximately 80,000 Rwandans presently located in 14 countries in Africa must be resolved as part of a global approach to regional stability, and UNHCR is concerned also that governments should complete the screening exercise begun in 1997.

Screening of Residual Rwandans

UNHCR's Statute, the UN Refugee Convention and the OAU Convention contain refugee definitions and clauses defining who should be excluded from refugee protection. Under these provisions, States parties may institute procedures for assessing refugee claims to determine whether individuals qualify for refugee status. These provisions were not designed for situations of mass influx. Formal

determination of refugee status of individuals in such situations is generally not necessary, with a prima facie determination of the status of the group generally declared.

Following the return of the vast majority of refugees to Rwanda, UNHCR has sought to encourage States to adopt a uniform approach to Rwandans who refuse to repatriate by instituting refugee status determination procedures. Most states in the region have agreed to try to do so, despite serious practical and legal obstacles to implementation. These problems include finding safe and accessible places to hold the residual groups, deploy staff and conduct the procedures, often in very remote locations; difficulties in fact finding, determining credibility, and problems of proof in applying the exclusion clause to those suspected of involvement in the genocide; and the security risks which are inevitably entailed in conducting an exercise of this nature.

As noted earlier, the determination of refugee status, including exclusion from such status, is the treaty responsibility of States. UNHCR's role is to offer advice and support to governments, through measures such as training, and to generally help implement the process. In exceptional cases, if requested UNHCR may take the lead on behalf of States under its Statutory mandate responsibility. UNHCR has agreed to do this in some states in the region with respect to the residual Rwandan caseload.

Screening the residual Rwandan caseload is a highly difficult, complex and resource-intensive exercise. In some locations, it is also dangerous. To date, the status of some 4,000 Rwandans has been or is in the process of being determined by governments with UNHCR support.

This exercise represents a serious attempt to identify and exclude from refugee protection individuals who were involved in the genocide in Rwanda. Those excluded may be referred to the International Criminal Tribunal for Rwanda (ICTR) for prosecution. The Office of the Prosecutor is supportive of this process, although it has only limited capacity to prosecute cases. Information on those listed by the Government of Rwanda and the ICTR is shared and fully taken into account in the process. Host governments may also prosecute such persons under their complementary responsibilities under international law (as urged by the Security Council in Resolution 955). Regional States have not demonstrated to date that they are either willing or able to undertake such action. Those determined to be refugees and who are not excluded from international protection are entitled to continued asylum under the OAU Convention.

In the case of any armed elements among these residual groups, UNHCR has urged that these persons be separated and interned by the host government, with the assistance of the International Committee of the Red Cross.

If it is to be successful, refugee status determination of residual groups of Rwandans who refuse to return to Rwanda is an undertaking which will require continued strong political support and financial backing to ensure the necessary resources for an extremely difficult exercise.

Activities Within Rwanda

A total sum of approximately US \$ 127 million has been spent by UNHCR inside Rwanda itself between 1994 to 1997. UNHCR's first actions following the 1994 genocide were on behalf of people who were then returning from an exile from the former government which had begun as far back as 1959, and who were settled on land provided by the government. According to government and UNHCR figures, approximately one quarter of Rwanda's present population has returned to the country since 1994. Despite instability in parts of the country and an extremely poor national economy, the vast majority of the returnees have reintegrated and resumed their lives.

Rehabilitation projects were designed to create conditions in Rwanda conducive to the return of both "old" and "new" caseload refugees, and vulnerable groups, including survivors of the genocide and women head of households, who were given special assistance. Besides direct aid to returning refugees, UNHCR carried out programs that would shore up the country's ravaged basic infrastructure, including (exceptionally) financial support to its judicial system. The goal of reducing tensions within the Rwandan population guided support to the areas of shelter, water, health and education. Shelter projects in particular have been seen as a necessary means to contribute to the reconciliation process.

UNHCR's programs planned for 1998 amount to some \$59 million in Rwanda and include: assisting another 25,000 returnee families to construct dwellings; working to encourage the integration and active participation of women in the economic and social development of the country; and providing aid and protection to 30,000 Congolese refugees who cannot yet return to their homes in eastern DRC. Due to projected funding shortfalls, however, UNHCR's budget may have to be reduced to some \$39 million. This would mean, for example, that UNHCR would only be able to provide shelter assistance to 2,000 returnee families rather than 25,000. UNHCR and the Government agree that such a reduction would have a negative impact on the reintegration process and related reconciliation efforts.

Conclusion

The Great Lakes crisis has shown the limits of humanitarian action, particularly in conflict situations. In the area of international refugee protection, the crucial underpinnings of the system are broad respect for the rule of law and political support. The increasing tendency for refugees to be caught in conflict situations and essentially lawless environments, as in part of the Great Lakes region, has

raised unforeseen challenges for refugee protection. Without due process within a legal framework, the system cannot function properly. In situations where this is lacking, strong political support (and perhaps military backing) to uphold the system are necessary. Regrettably, this essential legal and political support has often been absent in recent years. Until the refugee problem in the Great Lakes region is finally resolved, such support by States will continue to be required.

- **Shahriyar M. Khan**
- **Chairman, Foreign Service Reforms Committee**
- **5th May 1998**
- **"House Committee on International Relations"**
- **"Sub-Committee on International Operations and Human Rights"**

Rwanda - Peace-Keeping Lessons Learnt

I am grateful for the opportunity to state my views on Rwanda before this august house. I was the UN Secretary-General's Special Representative (SRSR) in Rwanda from 4th July, 1994 to 19th April, 1996. I, therefore, witnessed the aftermath of genocide but not the build up to it. My appointment as SRSR was part of Pakistan's commitment to supporting UN Peace-Keeping Operations throughout the world.

2. I shall attempt to answer the following four critical questions related to the human tragedy that overtook Rwanda from April 6, 1994:

- i. Could the early warnings of genocide have been foreseen and if so could the massacres have been prevented?
- ii. As UNAMIR achieved full strength several months (September 1994) after the genocide was controlled by the RPF, was it able to fulfill its mandate? Was it able to assist in a peace-building role?
- iii. After the massive refugee exodus from Rwanda, could effective steps have been taken to prevent the Hutu extremists from converting humanitarian aid into armaments, military training and cross border guerilla activity? Could the mass of refugees have been induced to return and begin a process of reconciliation?
- iv. How best can justice be administered by: a) the International Tribunal and b) the national courts of justice in Rwanda?

Question 1.

Could Genocide have been prevented?

3. Could early warnings of genocide have been foreseen and if so, could the massacres have been prevented? With the benefit of hindsight, the answers to both these questions appear to be in the affirmative. So where did the world go wrong?

4. Against the backdrop of continuous ethnic strife, frequent violence and mounting political tension, it was evident after the breakdown of the Arusha Agreement (autumn 1993), that Rwanda was heading for a civil war. The vital failure of the international community was that it did not make the distinction between a civil war and the more abhorrent syndrome of genocide. The fact that the

civil war and the genocide took place at the same time blurred the distinction further. The basic diagnosis was faulty and the prescription that the Security Council provided was the traditional one for civil wars, as in Somalia, Mozambique or Liberia. There was a Chapter VI mandate that called for a cease-fire, reconciliation and a return to the Arusha Accords when the imminence of genocide demanded a heavily armed, peace-ensuring, Chapter VII presence to prevent civilian massacres. After all, much later (July 1994), the Security Council did approve a Chapter VII presence for Operation Turquoise, but, by then, nearly a million people had been massacred.

5. The fact that genocide took place is no longer in doubt. The International Commission of Experts, the Special Rapporteur on Human Rights and the Secretary General, himself, have recognized that genocide was committed in Rwanda. The crucial point is whether its planning was discernible. The RPF has consistently maintained that, between August 1993 and April 1994, it had repeatedly informed the SRSG, the Force Commander and important Ambassadors in Kigali that genocide was being planned. The RPF leadership stated that houses of Tutsis and Hutu moderates had been marked, personalities identified and armed militia trained to start executions at the appointed hours. I checked all correspondence sent by SRSG, Booh-Booh and by Force Commander Dallaire to Headquarters and found no reference (except one by Dallaire) whatsoever to the kind of messages that the RPA claimed they had conveyed to responsible officers of UNAMIR. In UNAMIR reports and assessments, there is frequent mention of re-arming, of military confrontation, of high ethnic tension and of a descent towards civil war but no reference to a planned and systematic killing of the civilian population.

6. There can be several explanations for this gap. The first is that the RPA leadership did not convey, as emphatically as it now claims, the indication of mass killings of innocent civilians. Second, that senior UNAMIR officers and diplomats either considered the messages to be exaggerated expressions of fear or, they deliberately played down the accusations against the government of the time, preferring to project a picture of an even-handed descent towards civil war but not of one-sided genocide. A third explanation is that the concept of genocide is so alien to human experience and so outrageous an image to contemplate, that its signs were simply not absorbed by Ambassadors, senior UN representatives, or members of the Security Council who continued to prescribe antidotes for a civil war.

7. The flow of information from UN Headquarters to the Security Council was insufficient in terms of depth and width. Apart from briefings given periodically by UNHQ to the Security Council, member states represented on the Council rely on their own sources of information from the field in Rwanda. As most missions had

closed down during the genocide the flow of accurate information to the Security Council was almost exclusively dependent on media reports. By coincidence, Rwanda was a member of the Security Council at the time and the RGF representative was able to influence Security Council with the only source of 'authentic information' from the field. In short, an accurate picture of impending genocide in Rwanda was not assessed at UNHQ and by the Security Council mainly because political developments were not accurately evaluated from the field.

Question 2.

Peace-Keeping - Peace Building

8. The United Nations was represented in Rwanda in three distinct phases. First, as a watch-dog ensuring the implementation of the Arusha Agreement. Next, when Arusha broke down, as peace-keepers preventing violence and civil war; and third, when civil war actually broke out, as a force aiming to protect the civilian population. In none of these phases was UNAMIR given the personnel, equipment, logistics and budget to fulfill the mandate prescribed for it by the Security Council. Nor was its mandate adequately geared to meet a fast changing situation. For example, in May 1994, UNAMIR was sanctioned a force of 5500 but, three months later, only 20% of this force was available. It took a further three months for all the promised equipment to reach Rwanda. In contrast, the single country operation under UN Cover (France's Operation Turquoise) was fully deployed in a matter of three days.

9. Two lessons flow from this experience. First, in a critical scenario, such as Rwanda, there is a need for the Security Council to have a wider and deeper information base available to them. Political assessments by military experts, academics, media representatives operating in the field, NGOs and Agency representatives should be available to the Security Council. In addition, satellite information that could, for instance, pinpoint large movement of refugees or of people seeking refuge in churches and stadia should also be available to the UN. Finally, UN cadres who are in the field reporting back to Headquarters should be trained to assess political developments, like a well trained foreign service, so that the UN is able to project a cohesive, unified political assessment of developments. At present, the UN system does not have such a trained cadre and usually a UN political presence in a theater of operations, consists of individuals, albeit of distinguished diplomatic backgrounds, who are not part of a trained, unified cadre. Given their differing backgrounds and training, they do not mesh into a cohesive unit.

10. Had early warnings been available and had assessments from the field indicated possibility of genocide, pre-emptive action may have been possible with a UNAMIR mandate and force component that was appropriate to the crisis.
11. Second, a standby, trained peace-keeping force with appropriate equipment, logistics and budgetary back-up - the fire engines - should be ready for assembly and rapid movement into a crisis zone. Obviously, the expenditure of keeping such a peace-keeping unit ready for emergencies is prohibitive. However, as the Secretary General has recently proposed, the unit need not be physically gathered in readiness for action but should have the capability of being quickly assembled.
12. Another glaring anomaly that needs to be addressed is the role of peace-keeping in a post civil war situation. This twilight zone appears between the end of a civil war and the point when UN Specialised Agencies and donor governments are able to activate their emergency assistance programmes.
13. In Rwanda, UNAMIR had a fully equipped, disciplined force of 5500 peace-keepers already deployed throughout Rwanda to 'protect civilians at risk' but, agonizingly, not to help the people of Rwanda revive their shattered country. UNAMIR had engineers to repair the water and power connections, it had communications technicians to repair telephone and telegraph lines, it had doctors and nurses to treat and immunize the sick and injured, it had the equipment to secure areas, it had carpenters, masons and electricians to revive destroyed houses and office buildings, it had vehicles to help sanitation and municipal services, it could repair roads and bridges, it could carry medicines, food and agricultural tools to help people start earning their livelihood again, it had the engineering and construction capability to enlarge existing prisons and to convert godowns and bus depots into temporary detention centres, it could help build new barracks, it had graders and levellers that could prepare the ground for returning refugees.
14. With the best will in the world, these tasks could not have been carried out by any of the NGOs or UN Specialized agencies for at least six months after the conflict. And yet UNAMIR did not have the mandate to perform this damage repair role. Even more frustrating and incongruous was UN HQ's direction that UNAMIR could not be given a peace-building role as this task was the exclusive domain of the humanitarian agencies. It was maintained that peace keeping was funded by assessed contributions could be used to fund on such projects. While performing its primary function of peace-keeping, UNAMIR could have been given the additional task of post conflict peace-building by the Security Council adopting the following enabling clause in UNAMIR's peace keeping mandate:

"In order to encourage national reconciliation and the voluntary return of refugees, UNAMIR would assist, where possible, in the repair and rehabilitation of Rwanda's infrastructure in addition to its peace keeping responsibilities".

15. Moreover, donor countries who were at the time spending US\$ 2 million a day in the refugee camps and US\$ 15 million a week in maintaining UNAMIR peace keepers in Rwanda, should have been persuaded to divert approximately US\$ 20 million towards UNSG's Trust Fund for Rwanda which would have acted as the essential fuel for the peace-building effort in the twilight zone.

Question 3.

Militarisation of Refugee Camps and Return of Refugees.

16. Another lesson learnt refers to the refugees and efforts to induce their early, voluntary return. This was a critical element of the broader issue of national reconciliation. Without a significant return of refugees, the process of national reconciliation would not take-off. The headlong, cascading of humanitarian aid compared to the relatively scant funding for the survivors of genocide was surely avoidable. It inhibited refugee return as most people in the refugee camps were better off than the survivors in a totally shattered state. The humanitarian agencies were clearly reacting to gruesome television images and the mass of humanity which had flowed into Ngara, Bukavu and Goma more out of fear than actual persecution, shepherded across the borders by the very leadership, militia and interahamwe that had spearheaded the genocide and who now took control of the camps and implemented their murderous intimidation of potential returnees. While it is understandable that in the heat of the crisis, the humanitarian agencies were obliged to respond to a disaster situation, appropriate political guidance would not only have ensured an equitable distribution of humanitarian assistance between the sympathizers of genocide and the aggrieved, but it would also have led to corrective measures against this aid being converted for military purposes.

17. The responsibility for allowing the camps, situated on the border to become hotbeds of guerrilla activity, of military training and arsenals for sabotage which eventually led to the appointment of an International Commission of Inquiry (ICI) must lie with the international community.

18. Moreover, there were clear signs that it was intimidation rather than the fear of maltreatment on return home that was the major hurdle preventing refugee return. These signs were apparent when nearly a million IDPs were settled smoothly

and with reasonable security in their communes as a result of Operation Retour. Also, when in August 1995, Zaire forced the return of around 15000 refugees, it was clear that they were content to return home and were, in fact, settled with remarkable efficiency by the Rwandan government, assisted by UNAMIR and the UN Agencies. A question arises about mass retribution measures by the RPF, after a number of accusations and reported incidents. There can be little doubt that individual cases of revenge killings and sometimes by RPF armed forces against entire communes have taken place. These were not, however, commissioned from the top leadership as acts of policy but were mainly perpetrated by individuals who lost control and discipline.

Question 4.

International Tribunal - National Process

19. The Rwanda government maintains that reconciliation cannot be achieved without justice. They criticise the International Tribunal for its expense, its delays and its inability to arrest the main perpetrators of genocide. About 25 criminals await trials in Arusha. For its part the international community expresses its horror at the horrendous conditions in which 120,000 suspected criminals have been herded - shoulder to shoulder - into small prisons for almost four years. Recently, some public executions of those found guilty took place.

20. As regards the delays and expense of an international criminal tribunal, these are to some extent inherent in the situation. Possible improvement could be achieved by the formation of a Permanent International Criminal Tribunal which would have jurisdiction over events such as recently witnessed in Bosnia and Rwanda. Such a tribunal would save on finances and would not need to be set up for each event.

21. As regards conditions in Rwandan prisons and internal justice, the Rwandan Government has already categorized the degrees of culpability for the genocide. Now that the some of the most culpable have been sentenced and punished, the Rwanda government should be persuaded to release, on probation, the least culpable prisoners, like women and children caught up in a genocide syndrome. This category represents the majority of prisoners and their release would greatly relieve the abominable congestion in Rwandan prisons and set the process of internal justice on a reasonable and humane track.

**Senator Alain Destaxhe
President of the International Crisis Group**

**House Committee on International Relations
Subcommittee on International Operations and Human Rights**

**House of Representatives of The United States
"Rwanda: the 1994 Genocide and the Continuing Cycle of Violence"**

May 5, 1998

**Mister Chairman,
Ladies and Gentleman.**

Thank you for this opportunity to present my views on the Rwandan genocide.

My name is Alain Destexhe. I am currently a Senator in the Belgian Parliament as well as President of the International Crisis Group.

During the 1994 genocide in Rwanda, I was the Secretary General of Médecins sans Frontières (Doctors without Borders). In this capacity, I visited Rwanda just before and just after the genocide. In 1995, I became a Member of Parliament and was the Initiator of the Belgian Senate Committee of Inquiry on the 1994 Rwandan genocide which released its final report in December last year.

Today I would like to sum up the main findings of this Committee as well as some of my own research. My main objective here is to try to convince you that a similar investigation to the one that we have conducted in Belgium, and the one currently taking place in France, is necessary both in the United States and in the Secretariat of the United Nations (UN).

Our Committee of Inquiry met for a total of 648 hours in 1997, out of which 339 were hearing 95 witnesses, in particular Belgian Ministers, Diplomats and members of the Military. The Committee was also allowed to consult all documents concerning the end of 1993 and the beginning of 1994 in the Foreign Affairs and Defence Ministries including all correspondence between Kigali and Brussels.

Two main questions were addressed by the Committee:

- Before the genocide, were the Belgian authorities and others aware of the fact that it was under preparation?
- After the genocide started on 7 April, 1994, why did the UN decide to withdraw almost all its forces from Rwanda?

Concerning the period before the genocide, our Committee concluded that:

"...at the latest in mid-January 1994, the Belgian authorities had a series of relevant information regarding, if not the preparation of genocide, at least the existence of the preparation of large scale massacres (...) On the other hand, several actors (UN, other states...) that had the same type of information did not give it the necessary importance...." (page 506)

Although, the Committee decided not to be more specific about the "other States", this is clearly a reference to France and the United States.

We based that conclusion on various evidence, in particular several documents found in the files of the Belgian Ministries of Defence and Foreign Affairs.

Among others, we found 19 documents in which there is mention of either a Machiavellian plan of de-stabilisation or massacres likely to occur. In two of these documents explicit mention is made of the possibility of a genocide, in two others similar suggestions are made.

There is no reason to believe that similar information was not at the disposal of the American and French Ambassadors and the UN Representatives in Kigali.

We also discovered a telex from the then Belgian Minister of Foreign Affairs, dated 25 February 1994, mentioning the possibility of a genocide.

And last but not least, there is a cable sent on 11 January 1994, almost 3 months before the genocide, by General Dallaire, the Commander of the UN forces in Rwanda (UNAMIR), to the UN Headquarters in New York, based on information provided to him by a key informer. This cable revealed a fairly detailed plan explaining how the genocide was organised in Kigali. The cable, which you will find attached to this speech, mentions that "...the principal aim of Interhamwe (the militia of the President's party) in the past was to protect Kigali from the Rwandan Patriotic Front (RPF). General Dallaire's informer noted that a campaign was under way by Interhamwe to register all Tutsi in Kigali, the informer says he suspected that this was for their extermination. The informer also quotes that in twenty minutes his personnel could kill up to 1000 Tutsi..."

This cable is crucial and its importance cannot be underestimated. How many times since 1945, did the UN in New York receive a fax from its Force Commander in a country warning of the likely possibility of an extermination?

In the cable, General Dallaire announced his intention to take action within 48 hours and requested protection for his informer. UN Headquarters answered that the action he was planning to take was not authorised because it was not within the UNAMIR mandate. Dallaire was instructed to contact the three Ambassadors from Belgium, France and the United States in Kigali and ask them to intervene against President Habyarimana of Rwanda. He was also instructed to request from these countries protection and asylum for his informer. At that time, Boutros Boutros Ghali was Secretary General of the UN and Kofi Annan was the Director of the Department of Peace Keeping Operations (DPKO).

The information provided by the informer was shared with the American, French and Belgian Ambassadors in Kigali. According to Booh Booh, the special representative of Boutros Ghali in Rwanda "They expressed serious concern and indicated that they would consult with their capitals and would act accordingly". On 14 January 1994, all three Ambassadors met President Habyarimana and expressed their concern that the Arusha Peace Agreements (which were supposed to bring a peaceful transition in Rwanda) were being violated by his political party and his supporters.

Apart from this, very little was done to stop the perpetrators of the genocide. In fact, this meeting with the President could even have had damaging consequences by alerting Habyarimana and his supporters, who were at that moment busy organising the genocide, of the fact that the UN, Belgium, France and the United States were aware of the genocide plans.

On 2 February 1994, Booh Booh, wrote to Kofi Annan saying: "Each day of delay in authorising a deterrent arms recovery operation will result in an ever deteriorating security situation and may, if the arms continue to be distributed, result in an inability of UNAMIR to carry out its mandate in all aspects".

There are several other pieces of evidence but many questions remain that should be addressed concerning the role of the United States and the United Nations, among others:

- Protection and asylum was not given to the informer and after a while the contact were lost. Why?
- It seems that the UN Security Council was not informed of the gravity of the situation by the UN Secretary General. Why ? And why did the Secretariat of the UN not authorise General Dallaire to go ahead with the mission of arms recovery he proposed to carry out ?
- The 1948 UN Convention on Genocide puts a legal obligation on all signatory nations to take all possible steps to prevent it. Wasn't it the role of the Secretary General to do everything in his power, both on judicial and moral grounds to prevent the slaughter of close to a million people in Rwanda? and finally,
- Even if some key member states of the UN were reluctant to act, was it not the Secretary General's role to warn the Security Council or even to go public and speak of the genocide about to be committed in Rwanda ?

I strongly believe that if General Dallaire's cable had been published on the front page of *The New York Times* or *The Washington Post*, the genocide could have been avoided.

I should mention that both Boutros Boutros Ghali and Kofi Annan refused to testify before our Committee, the latter claiming immunity for all UN staff.

Once the genocide began, the Security Council decided to withdraw all but 270 soldiers from Rwanda. This decision remains very difficult to understand, particularly in light of information which was available to the Belgian, French and US governments months before the genocide.

In light of all these questions and concerns, I am calling for a full investigation on the role of the UN and the United States, before and during the Genocide.

We should remember that up to one million people were killed in less than three months in Rwanda in 1994. We should also recall that the Rwandan genocide is only the third or fourth unquestionable genocide in the 20th Century. The word genocide is very often misquoted and misused. It is often forgotten that what defines a genocide is the systematic extermination of mothers and children in order to avoid the perpetuation of a group defined on ethnic or religious grounds. In 1994, leading members of the Hutu community in Rwanda (but not their partners and children) were killed for being political opponents to the regime of President Habyarimana. The Tutsi, in contrast were systematically wiped out.

I have been working for over 4 years on the Rwanda genocide. The culprits of these crimes are the supporters of President Habyarimana, who are believers of a so called "*Hutu Power*", an ideology which some historians compare with the ideology of the Third Reich in Germany. But there is also a shared responsibility of Belgium, France, the United States and the United Nations for not doing more - indeed not doing anything - to prevent or stop the genocide. The lesson of the extermination of the Jewish people has still not been learned. The genocide of the Tutsi in Rwanda took place in a country where 2,500 UN blue helmets were deployed and supposed to maintain peace and protect human lives. They could have avoided the killings, both before and during the genocide.

A crime of that nature and of that scale deserves full investigation.

The role of Belgium in this tragedy has been fully examined by the Belgian Senate Committee. That of France is currently being investigated in the French Parliament. The victims, but also humanity at large deserve to know the full truth concerning the two others major international players: the United States and the United Nations.

To conclude, I would like to first note that I fully welcome the initiatives of the Clinton Administration to prevent further genocide and bring justice to the Great Lakes region, and would also like to make some recommendations for the future:

- The past should be taken in account. Peace and reconciliation cannot be built if the lessons of the past are not learned. The 1994 genocide remains a central issue and a benchmark to understand the situation in the Great Lakes region. Perhaps an initiative to do something similar to the *Cambodia Genocide Program* is necessary for Rwanda.
- Justice is crucial. No Reconciliation is possible in Rwanda as long as justice is not done and also seen to be done by survivors and the larger population. Justice is

also necessary to break the cycle of violence and impunity which continues to fuel conflict in Central Africa.

- There is no political alternative to the present Rwanda government. Its legitimacy still comes from the fact that it defeated a criminal regime that organised a genocide. Foreign aid, which is still far from the levels which were given to the Habyarimana regime, needs to be boosted.
- The military threat at the border between Rwanda and The Democratic Republic of Congo should be seriously addressed. For the Tutsi, survival is at stake. I think it is very difficult to ask the Rwandan government to be really serious about human rights as long as they face destabilisation from abroad by the same people who carried out the genocide in 1994 and whose dream is openly "to finish the job".

My book "Rwanda and Genocide in the 20th Century" written in 1994 as well as the 1997 report of the Belgian Senate Committee are at your disposal.

Thank you very much for your attention.

Alain Destexhe

OUTGOING CODE CALL

DATE: 11 JANUARY 1994

HHR 47

11 1994

TO: BARIL/DPROVONATIONS NEW YORK	FROM: DALLNER/OMANIER/KIGALI
FAX NO: MOST IMMEDIATE-CODE CABLE-212-963-6882 INMARSAT:	FAX NO: 911-256-84873
SUBJECT: REQUEST FOR PROTECTION FOR INFORMANT	
ATTN: NGEN BARIL	ROOM NO. 3092
TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS ONE: 2	

1. FORCE COMMANDER PUT IN CONTACT WITH INFORMANT BY VERY VERY IMPORTANT GOVERNMENT POLITICIAN. INFORMANT IS A TOP LEVEL TRAINER IN THE CADRE OF INTERHAMWE-ARMED MILITIA OF MRND.

2. HE INFORMED US HE WAS IN CHARGE OF LAST SATURDAY'S DEMONSTRATIONS WHICH AIMS WERE TO TARGET DEPUTIES OF OPPOSITION PARTIES COMING TO CEREMONIES AND BELGIAN SOLDIERS. THEY HOPED TO PROVOKE THE RPF EN TO ENGAGE (BEING FIRED UPON) THE DEMONSTRATORS AND PROVOKE A CIVIL WAR. DEPUTIES WERE TO BE ASSASSINATED UPON ENTRY OR EXIT FROM PARLIAMENT. BELGIAN TROOPS WERE TO BE PROVKED AND IF BELGIANS SOLDIERS RESORTED TO FORCE A NUMBER OF THEM WERE TO BE KILLED AND THUS GUARANTEE BELGIAN WITHDRAWAL FROM RWANDA.

3. INFORMANT CONFIRMED 48 RGF PARA COO AND A FEW MEMBERS OF THE GENDARMERIE PARTICIPATED IN DEMONSTRATIONS IN PLAIN CLOTHES. ALSO AT LEAST ONE MINISTER OF THE MRND AND THE SOUS-PREFECT OF KIGALI WERE IN THE DEMONSTRATION. RGF AND INTERHAMWE PROVIDED RADIO COMMUNICATIONS.

4. INFORMANT IS A FORMER SECURITY MEMBER OF THE PRESIDENT. HE ALSO STATED HE IS PAID \$180,000 PER MONTH BY THE MRND PARTY TO TRAIN INTERHAMWE. DIRECT LINK IS TO CHIEF OF STAFF RGF AND PRESIDENT OF THE MRND FOR FINANCIAL AND MATERIAL SUPPORT.

5. INTERHAMWE HAS TRAINED 1700 MEN IN RGF MILITARY CAMPS OUTSIDE THE CAPITAL. THE 1700 ARE SCATTERED IN GROUPS OF 40 THROUGHOUT KIGALI. SINCE UNAMIR DEPLOYED HE HAS TRAINED 100 PERSONNEL IN THREE WEEK TRAINING SESSIONS AT RGF CAMPS. TRAINING

2/2

FOCUS WAS DISCIPLINE, WEAPONS, EXPLOSIVES, CLOSE COMBAT AND TACTICS.

6. PRINCIPAL AIM OF INTERMAMNE IN THE PAST WAS TO PROTECT KIGALI FROM RPF. SINCE UNAMIR MANDATE HE HAS BEEN ORDERED TO REGISTER ALL TUTSI IN KIGALI. HE SUSPECTS IT IS FOR THEIR EXTERMINATION. EXAMPLE HE GAVE WAS THAT IN 30 MINUTES HIS PERSONNEL COULD KILL UP TO 1000 TUTSIS.

7. INFORMANT STATES HE DISAGREES WITH ANTI-TUTSI EXTERMINATION. HE SUPPORTS OPPOSITION TO RPF BUT CANNOT SUPPORT KILLING OF INNOCENT PERSONS. HE ALSO STATED THAT HE BELIEVES THE PRESIDENT DOES NOT HAVE FULL CONTROL OVER ALL ELEMENTS OF HIS OLD PARTY/FACTION.

8. INFORMANT IS PREPARED TO PROVIDE LOCATION OF MAJOR WEAPONS CACHE WITH AT LEAST 135 WEAPONS. HE ALREADY HAS DISTRIBUTED 110 WEAPONS INCLUDING 38 WITH AMMUNITION AND CAN GIVE US DETAILS OF THEIR LOCATION. TYPE OF WEAPONS ARE G3 AND AK47 PROVIDED BY RPF. HE WAS READY TO GO TO THE ARMS CACHE TONIGHT-IF WE GAVE HIM THE FOLLOWING GUARANTEE. HE REQUESTS THAT HE AND HIS FAMILY (HIS WIFE AND FOUR CHILDREN) BE PLACED UNDER OUR PROTECTION.

9. IT IS OUR INTENTION TO TAKE ACTION WITHIN THE NEXT 24 HOURS WITH A POSSIBLE M HR OF WEDNESDAY AT DAWN (LOCAL). INFORMANT STATES THAT HOSTILITIES MAY COMMENCE AGAIN IF POLITICAL DEADLOCK ENDS. VIOLENCE COULD TAKE PLACE DAY OF THE CEREMONIES OR THE DAY AFTER. THEREFORE WEDNESDAY WILL GIVE GREATEST CHANCE OF SUCCESS AND ALSO BE MOST TIMELY TO PROVIDE SIGNIFICANT INPUT TO ON-GOING POLITICAL NEGOTIATIONS.

10. IT IS RECOMMENDED THE INFORMANT BE GRANTED PROTECTION AND EVACUATED OUT OF RWANDA. THIS HQ DOES NOT HAVE PREVIOUS ON EXPERIENCE IN SUCH MATTERS AND URGENTLY REQUESTS GUIDANCE. NO CONTACT HAS AS YET BEEN MADE TO ANY EMBASSY IN ORDER TO INQUIRE IF THEY ARE PREPARED TO PROTECT HIM FOR A PERIOD OF TIME BY GRANTING DIPLOMATIC IMMUNITY IN THEIR EMBASSY IN KIGALI BEFORE MOVING HIM AND HIS FAMILY OUT OF THE COUNTRY.

11. FORCE COMMANDER WILL BE MEETING WITH THE VERY VERY IMPORTANT POLITICAL PERSON TOMORROW MORNING IN ORDER TO ENSURE THAT THIS INDIVIDUAL IS CONSCIOUS OF ALL PARAMETERS OF HIS INVOLVEMENT. FORCE COMMANDER DOES HAVE CERTAIN RESERVATIONS ON THE SUDDENNESS OF THE CHANGE OF HEART OF THE INFORMANT TO COME CLEAN WITH THIS INFORMATION. RECCE OF ARMED CACHE AND DETAILED PLANNING OF RAID TO GO ON LATE TOMORROW. POSSIBILITY OF A TRAP NOT FULLY EXCLUDED, AS THIS MAY BE A SET-UP AGAINST THE VERY VERY IMPORTANT POLITICAL PERSON. FORCE COMMANDER TO INFORM SRSG FIRST THING IN MORNING TO ENSURE HIS SUPPORT.

12. PEUX CE QUE VEUX. ALLONS-Y.

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"Rwanda: Genocide and the Continuing Cycle of Violence"
Testimony of Alison Des Forges, Human Rights Watch
 before the Subcommittee on International Operations and Human Rights
 Tuesday, May 5, 1998

Thank you, Mr. Chairman, for holding this important hearing and for inviting me to testify. My name is Alison Des Forges, consultant to the Africa division of Human Rights Watch and the organization's specialist on Rwanda and Burundi.

The U.S. government has acknowledged that it was wrong in trying to ignore the Rwandan genocide. Now that President Clinton and Secretary of State Albright have admitted this serious error in policy, it is important to examine in detail how it happened and how similar errors might be avoided in the future. Such an examination is all the more pressing given the continuing violence in the region. Hence the importance of this hearing this morning.

The lesson from the tragedy is indisputable: we must heed the warnings of a genocide in preparation and, should efforts to avert violence fail, we must intervene early to halt the slaughter. While always stressing this fundamental lesson, we must also have the wisdom and imagination to go beyond the obvious. It is unlikely that we will soon be presented again with conditions exactly like those of Rwanda in 1994. It would be both irresponsible and counterproductive to assume that we need not act until and unless a situation of similar horror presents itself. We must realize that not just genocide but any large-scale ethnic strife will impose incalculable suffering on the local people as well as unacceptable political and financial costs on the international community.

POLICY ERRORS BEFORE THE GENOCIDE

Tolerating Discrimination

In the decade before the genocide, the U.S. and other major donors supported the government of General Juvenal Habyarimana because it offered stability and apparently satisfactory progress in economic development. Eager for a model of success, the donors ignored the Rwandan practice of officially identifying persons by ethnic group and the systematic discrimination against the minority Tutsi in education and employment opportunities. In 1991 consultants recommended to U.S. AID that removing ethnic classification from identity cards be made a condition for continued economic assistance, but the advice was ignored. Rwandan authorities were permitted to believe that isolation of and discrimination against Tutsi was acceptable to the international community.

Weak Response to Ethnically-Based Killing

In the years preceding the genocide, the U.S. failed to take a firm, consistent stand against official Rwandan use of violence for political ends even though human rights organizations and the U.S. Special Rapporteur on Arbitrary and Summary Executions documented government-directed massacres against Tutsi beginning in 1990. The U.S. also

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 Liane Levich
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 Joanna Wambler
 Legal Assistant
 Representative
 Jonathan Patton, Chair

failed to act in neighboring Burundi in late 1993 when Hutu political and administrative leaders incited the slaughter of thousands of Tutsi and Tutsi soldiers killed thousands of Hutu civilians. Nor did the U.S. insist on accountability for organizers of these killings, whether military or civilian officials. In view of the ineffective response from the U.S. and other donor nations, organizers of the Rwandan genocide felt encouraged to believe that even larger scale slaughter of civilians would be tolerated.

False Economics

The U.S., along with other donors, invested considerable effort in bringing about the Arusha Accords that ended the war between the Rwandan government and the Rwandan Patriotic Front. But the U.S. then led efforts to cut the costs of the U.N. peacekeeping operation that was necessary to oversee implementation of the Accords. Haunted by the ghosts of Somalia, the U.S. wanted a successful peacekeeping operation, but faced with paying a substantial part of the cost of such an operation, it refused the means needed to ensure such a success. When U.N. military experts proposed a force of 8,000 or, at the very least, 5,000 troops, the U.S. suggested 500. In the end, some 2800 troops were sent. Because the force was of such minimal size, its mandate was also limited. Instead of a force to protect civilians throughout the country in the period of transition to a new government, the peacekeepers were tasked only with exercising a general supervision over security in the capital.

Ignoring the Warnings

For six months before the genocide, the radio and newspapers in Rwanda incited Hutu to violence against Tutsi and predicted the impending cataclysm. Radio RTLM, known to be financed and supported by high government officials, called for the assassination of the prime minister and other political leaders known for their moderation. Through songs, jokes and editorials, the radio sowed fear and hatred of Tutsi, promoting the idea that Hutu would be justified in taking up arms against their neighbors in a campaign of so-called "self-defense." The anti-Tutsi political party, the Coalition for the Defense of the Republic, issued a press release in late November 1993 in which it called on the "majority population," meaning the Hutu, to be "ready to neutralize by all means its enemies and their accomplices."

Representatives of foreign embassies knew, and presumably communicated to their home governments, that weapons were being distributed to civilians. The Bishop of Nyundo, a diocese in northwestern Rwanda, issued a press release in late December asking the Rwandan government to explain why firearms were being handed out to certain civilians. Embassy personnel also knew also that militia were being recruited and trained by regular military instructors in a number of locations.

In early December 1993, five months before the genocide began, several leading officers of the Rwandan army wrote to General Romeo Dallaire, commander of the U.N. peacekeeping operation, telling him that massacres "are being prepared and are supposed to spread throughout the country, beginning with the regions that have a great concentration of Tutsi."

A month later, General Dallaire informed both his superiors in New York and the ambassadors of the U.S., France and Belgium that he had received details of preparations for systematically eliminating Tutsi from Rwanda. He reported that groups of militia were ready to attack throughout the capital and to kill up to 1,000 Tutsi in twenty minutes. He requested permission to confiscate stocks of arms and he asked for protection for his informant. He was refused both requests. The U.N. peacekeeping office in New York, fearing "serious political repercussions" of any such firm action, told Dallaire that his mandate did not permit him to confiscate the arms; he had the authority to enforce the existence of a weapons-free area, but not to create a weapons-free area. The U.N. would not grant

protection for Dallaire's informant but instead directed him to seek such help from one of the three important embassies in Rwanda, that of the U.S., of Belgium, or of France. When Dallaire approached these ambassadors, all three refused to offer protection to the informant, thus making it highly unlikely that he would furnish any further information. At the direction of his New York office, Dallaire asked these three ambassadors also to raise the preparations for mass killing directly with President Habyarimana. After discussion among themselves, the ambassadors decided not to do so, apparently at the request of the French ambassador.

Some U.S. analysts were sufficiently concerned about the movement towards renewed violence to request a CIA study of the question. The study, produced at the end of January 1993, concluded that if conflict were to begin again in Rwanda, up to one half million lives would be lost. A source in the intelligence community told us that this analyst's work was usually highly regarded by others, but that in this case, his superiors did not take the assessment seriously.

General Dallaire appealed without success for a stronger mandate in late January. In early February he cabled New York that the success of the entire peacekeeping operation would be jeopardized by continued delay in confiscating the arms being stockpiled by the militia. He predicted "more frequent and more violent demonstrations, more grenade and armed attacks on ethnic and political groups, more assassinations and quite possibly outright attacks" on the U.N. peacekeepers.

In February, Belgian authorities also became increasingly concerned about the threats of violence, both in general against Rwandans and, more specifically, against Belgian troops which were serving in the peacekeeping force. They tried to move the U.N. to a firmer interpretation of the mandate, but could not prevail against opposition led by the U.S. and the U.K. These governments refused to support any measure which might increase the cost of the operation. During this month also, the assassinations of two leading politicians, attempts against others, and the killing of dozens of people in the capital underscored the likelihood of immediate and serious violence.

During this period, the Rwandan government sought to receive several plane loads of arms, in violation of the Arusha Accords. Although the U.N. was able to block such major deliveries, weapons were still circulating in the area. In mid-March, the Belgian Minister of Defense Leo Delcroix found Kigali "awash with weapons" and proposed that the peacekeeping mandate be strengthened. Again nothing was done.

Belgian intelligence sources reported regularly to Belgium and to the U.N. about secret meetings to plan the massacres, information that was presumably passed on to the U.S. Between January and March, Dallaire six times requested more troops and a stronger mandate from the U.N. and warned that the peacekeeping operation would fail unless it had the means for taking tougher action against extremists.

When the mandate of the peacekeeping operation was being considered for renewal just before the genocide was launched, the Secretary-General reported to the Security Council on the preparations for genocide, including the distribution of arms and the training of militia, the assassinations and violent demonstrations. But he chose to stress the problems of banditry rather than those of politically motivated crimes. Instead of backing the request of the top commanders of the peacekeeping force for more troops and heavy guns, he proposed adding forty-five policemen, a measure that would mean only a minimal increase in the cost of the operation. Hardly an appropriate response to the threats recorded, this measure did fall within the financial parameters set by the U.S. and the U.K.

THE GENOCIDE

The genocide was sparked by the shooting down of the plane carrying President Juvenal Habyarimana of Rwanda and his counterpart from Burundi. Responsibility for this crime remains unclear and largely uninvestigated. A scholar in Belgium has published the serial numbers of the launchers used to fire the missiles that supposedly struck the plane and has claimed that missiles bearing those numbers were in the stock of booty taken by France after the Gulf War. French officials have rejected all responsibility and have asserted that the missiles were given by the U.S. to Uganda, which passed them to Rwanda. U.S. officials have denied this claim, but have contributed little information to help attribute responsibility for the crime. Should the U.S. possess indications that missiles with the published numbers were once in French hands, it would do well to make that information public.

Regardless of who was responsible for the assassination of the Rwandan president, his death only served as pretext for launching a killing campaign that had been planned for some time.

The organizers of the genocide were at the start only a small circle of military and political leaders, but they had at their command the three most important elite military units in Kigali, including the Presidential Guard, as well as several thousand militia members. Even with this advantage, it was not clear that they would succeed in mobilizing hundreds of thousands of Rwandans to kill their fellow citizens. The propaganda barrage of the previous months had prepared a large segment of the population to distrust and even hate Tutsi and moderate Hutu, but it would require considerable organizational resources to move them from these sentiments to actually taking up their weapons to kill people.

Moderate military officers at first opposed efforts by the extremists to take power and sought support from the international community. Several leading officers contacted U.S., Belgian and French representatives, either in Kigali or in foreign capitals, seeking backing against the forces of genocide, but got none. Lacking any clear foreign assistance, they failed to organize any coherent movement of opposition. When extremists saw the moderates dithering, they pushed their advantage and removed them from key posts where, with time, they might have been able to organize an effective resistance to the killing campaign.

Once in effective control of much of the military apparatus, the organizers of the genocide used soldiers, members of the national police forces, members of the military reserves, and retired soldiers to initiate and supervise genocidal massacres throughout the country. In every major massacre investigated by Human Rights Watch, some members of the regular military sparked and directed the killings carried out by civilians. In one community after another, we found evidence that members of the armed forces had incited and indeed ordered civilians to participate in the killing campaign.

The organizers also appropriated the dense and effective administrative system and turned its personnel and practices to the purposes of exterminating Tutsi. A small country, Rwanda had a highly centralized administration that functioned efficiently down to the level of the neighborhood. Under pressure from superiors and from the military, even administrators who were not personally hostile to Tutsi carried out the many separate tasks that together made up the genocide: driving Tutsi from their homes and assembling them at places of slaughter, mobilizing masses of assailants, communicating instructions, chairing meetings, providing transportation and materials, arranging for the disposal of corpses, and directing the division of looted property and confiscated land.

The organizers won support quickly from regions where parties loyal to President Habyarimana

were strongest, but in the center and south, they encountered resistance from the local administration. On the weekend of April 16 to 17, the organizers decided to push the genocide into these areas. At that time, they made changes in both high-ranking military posts and in local administration, removing those who had opposed the slaughter and naming others whom they expected to implement the killing campaign more effectively. Two governors (*préfets*) who resisted the genocide were removed and killed. Several lower level officials were also slain. Faced with the clear threat that their own lives might be the price of continued opposition, other administrators gave in, some becoming enthusiastic proponents of exterminating Tutsi, others complying reluctantly with efforts to wipe out the minority.

Once the organizers had control over the military and administrative systems, they had the means to compel participation of the population at large. They called on the people to join in the killing. They offered as incentives the opportunity to pillage the goods of victims and, even more important in this country of land-starved farmers, the chance to obtain the lands of those slain. For all those decent people who would not be moved by greed, the organizers used fear to push them to action, fear not just of the Tutsi as generated by the months of propaganda, but fear of their own military and civilian authorities who threatened them with retribution should they fail to join in the attacks.

U.S. AND INTERNATIONAL REACTION TO THE GENOCIDE

The Evacuation Force

According to one U.S. official, the first days of the genocide were a time of "total confusion," when policymakers "didn't know who was shooting at whom."¹ Yet even press reports, poor as they were generally, stated on April 11 that thousands of civilians had sought refuge in U.N. posts because they were "terrified by the ruthless campaign of ethnic cleansing and terror" and that casualties were "quite heavy and primarily ethnic in nature."² On that same date, the International Red Cross estimated some 20,000 dead in four days of terror, about half of them in areas remote from any battle zone. This evidence certainly accorded with all the warning signals of the weeks and months before. Had policymakers previously failed to grasp the meaning of the virulent propaganda, the training of the militia, the distribution of arms, and the information from confidential sources, surely they must have understood what was happening by April 8.

France, Belgium and Italy rushed troops to Rwanda to rescue foreign nationals and a few hundred fortunate Rwandans linked to them in various ways, while several hundred U.S. marines stood by twenty minutes away by air from the capital of Rwanda. Had these troops joined with the U.N. peacekeepers, they could have quelled the violence in Kigali. Because the campaign was so highly centralized, stopping the slaughter in the capital would have led to a quick halt in killings elsewhere. The commander of the Belgian contingent of the peacekeeping force wrote later:

The responsible attitude would have been to join the efforts of the Belgian, French and Italian troops. . . with those of UNAMIR and to have restored order in the country. There were enough troops to do it or at least to have tried. When people rightly point the finger at certain persons presumed responsible for the genocide, I wonder, after all, if there is

¹Thomas W. Lipman, "U.S. Troop Withdrawal Brub Frustrating Mission to Save Rwandan Lives," *The Washington Post*, October 3, 1994

²Paul Lewis, "U.N. Forces Shelter Thousands in Rwanda," *New York Times*, April 11, 1994

not another category of those responsible because of...their failure to act.³

During that first weekend of the genocide, the Rwandan Patriotic Front offered to undertake a joint operation with U.N. peacekeeping troops and those troops of the Rwandan army opposed to the genocide, but the effort came to nothing. Although Dallaire called for a revision of the mandate and an increase in his troops, there was no support in New York for decisive action against the genocide. After ten Belgian peacekeepers were killed in the early hours of the genocide, Dallaire was ordered to do everything possible to minimize the risk to his troops. As the peacekeepers were regrouped from their outlying posts to more secure locations, they abandoned Rwandans who had sought protection under the U.N. flag. In the worst such case, that of the Kicukiro technical school, some one hundred, fully armed Belgian soldiers drove out of the school, leaving behind two thousand unarmed persons. Outside the compound were the military and militia who had been waiting for days for the chance to attack. As the Belgians drove out one gate, the killers stormed in the other. Most of those who had trusted in the protection of the U.N. troops were slain. At a psychiatric hospital near the capital, troops of the evacuation force arrived to escort foreigners to safety, ignoring the pleas for help of Rwandans on their knees before them.

Easy though it is for us to condemn such behavior, we must remember that it was our governments that passed the orders to these troops to withdraw and leave the Rwandans behind.

The Withdrawal of the U.N. Peacekeepers

After Rwandan soldiers killed the Belgian peacekeepers, the Belgian government decided to withdraw its forces from the operation. To cover its embarrassment at this ignoble departure, Belgian officials worked hard to persuade members of the Security Council that the entire force should be withdrawn. The U.S., ready to oblige a friendly government, at first agreed. As of the close of business April 15 in New York, the U.S. was supporting a policy of total withdrawal of the peacekeepers in confidential Security Council meetings. Rwanda, by happenstance, held a seat on the council at the time and its representative no doubt was keeping the Rwandan government apprised of these discussions. The next morning, the Rwandan Council of Ministers decided to push ahead with the genocide in the southern part of the country, confident that there would be no significant international opposition to the killing campaign.

The U.S. ultimately reconsidered its position and decided to support maintaining a token force in the country, a position that was adopted by the Security Council. Though hampered by lack of equipment and by restrictive orders from New York, this small force did protect some 20,000 Rwandans during the course of the genocide.

Genocide and War

Throughout the tragedy, U.S. policymakers, like those of other countries, failed to distinguish the genocide from the war between the Rwandan government and the Rwandan Patriotic Front. Rather than dealing with the genocide as a heinous crime demanding prompt action, they treated it as an unfortunate aspect of a war that could best be settled by the usual methods of diplomacy. They concentrated primarily on getting a cease-fire in the renewed combat. They placed more importance on retaining political "neutrality" that might be useful in negotiating between the parties than on the moral and legal duty to halt the genocide.

³Colonel Luc Marchal, "Support refused our Ops d'Evacuation des exposités (08-19 avr 94) au RWANDA," 01 août 1994, p. 15

Using the Appropriate Term

Giving primacy to the settling the war would have been more difficult had there been an acknowledgment that the slaughter of Tutsi constituted a genocide. Using the appropriate term for the extermination campaign would also have entailed dealing with the moral and legal obligations incumbent on the U.S. and other governments which had signed the convention against genocide. For these reasons, U.S. officials were directed not to use the term, a position widely ridiculed after it was revealed in the press in early June.

The U.S. reluctance to use the appropriate term was mirrored by a similar hesitation at the Security Council, where member states also attempted to carry on with diplomacy as usual. In an April 29 resolution, the council in effect recognized the killings as genocide but never used the term itself, no doubt at the insistence of the U.S., and perhaps, other members also.

When the Security Council accorded a hearing to a delegation sent specially by the genocidal government to explain its position, the majority of its members failed to confront them with the crimes being carried out by their government. Throughout the genocide, the representative of the government responsible for genocide continued to sit on the council and even to vote on issues concerning Rwanda. No other member contested the right of representatives of a genocidal regime to sit at the table of a council supposedly devoted to the maintenance of peace.

The Second Peacekeeping Force

The Security Council, apparently concerned about the destabilizing effect in the region of the massive outflow of refugees after the end of April, decided to send a second peacekeeping force to Rwanda. Armed with a stronger mandate and more troops, the second operation was meant to protect Rwandan civilians and to assure them humanitarian aid. At first, the U.S. delayed implementation of the decision as it sought guarantees that the operation would conform to Presidential Decision Directive 25, (PDD 25), the just established policy concerning U.S. support for peacekeeping forces. After lengthy discussions resulted in clearing the plans for the operation, the U.N. experienced much difficulty in getting nations to contribute troops and then in getting other nations to contribute the equipment and supplies needed for the troops. The U.S. required seven weeks to negotiate a contract for delivering armored personnel carriers--a period needed to arrange the desired terms "for maintenance and spare parts"--but other nations also contributed little, if anything, or contributed it slowly. The U.K., for example, came up with only fifty trucks.

Such delays were not unusual for mustering U.N. operations. What was unusual was the context. The resolution authorizing the sending of the second force had finally used the term "genocide," not outright, but in its more tentative form of "acts of genocide." Even after the Security Council had finally acknowledged the crime for what it was, still U.N. members were unable to get help to Rwanda in time to make a difference. The first troops of the new contingent arrived after the RPF had already defeated the government responsible for the genocide.

Silencing the Radio

The radio which incited to killing before April 6 became the radio for giving instructions to killers after April 6. Although it would have been feasible to jam its broadcasts without any military action, neither the U.S. government nor any other government was willing to do so.

THE IMPACT OF INTERNATIONAL POLICIES WITHIN RWANDA

Rwandans of all groups closely followed international reactions to the genocide. Tutsi and moderate Hutu looked to the international community--and particularly to its local representative, the U.N. peacekeepers--for protection. Even after the first force disappointed them so horribly and was withdrawn, many kept hope alive day after terrible day, believing that rescue would come from abroad. Six weeks after the slaughter began, when the Security Council decided to send in a second peacekeeping force in mid-May, I talked by phone with a Tutsi friend who crept out of his hiding place every few days to call me for news. I told him with great satisfaction that a new U.N. force was to be sent soon. He too was pleased, but weary. He said, "Tell them, please hurry." He was found and killed two days later and the second U.N. force arrived two months after that.

Moderate politicians, military officers and leaders of civil society had hopes, too, that the international community might help resist the extremists. But they too were disappointed and could not find the force to organize an internal resistance without any hope of external support.

The extremists were equally sensitive to positions taken abroad. Government officials followed expressions of foreign opinion very closely and by the end of April were dispatching delegations to try to win support among other governments in Africa and Europe. Soon after, they sent the pair of firm believers to try to justify the genocide at the U.N. Military officers needed foreign supplies of arms and anxiously courted old friends, such as France, to try to ensure continued support. Businessmen and intellectuals of national importance regularly discussed how to present events in Rwanda in the most positive light elsewhere in the world. When the French government told Rwandan military representatives that France could not give them open assistance so long as there were public killings of Tutsi, the national radio immediately broadcast the orders, "Please no more killings on the roads." When U.S. officials finally condemned the killings, that disapproval was reflected in government orders all the way down to the most local level. At community meetings held on the distant hills of the western prefecture of Kibuye, local officials instructed the people to halt the killings because, they said, the U.S. had made that a condition of dealings with the Rwandan government. Local officials even warned citizens that satellites overhead were monitoring what happened in their communities and informing the rest of the world about it.

Given that timid, half-hearted and tardy censure could produce such results down through the administrative hierarchy, it seems probable that a firm, united and prompt reaction by the international community would have cut short the genocide at its very beginnings.

LESSONS

Many participants and observers have commented that the international inertia in the face of the genocide resulted from a lack of political will rather than from a lack of knowledge. This analysis was repeated just yesterday by Kofi Annan, who headed the peacekeeping division of the U.N. in 1994.

Whether there will be sufficient political will to deal with other massive killings of civilians, even with other genocides, remains unclear. What is more certain is that we are unlikely to see again a situation in which preparations for a genocide are carried out so openly and where genocidal intentions are so publicly broadcast. Although the International Criminal Tribunal is still in the first stages of prosecuting those accused of leading the genocide, the extent of international revulsion against the genocidal plan has no doubt been felt by leaders and potential leaders in this region and elsewhere.

With the growing importance of respect for human rights as an indicator of the legitimacy of governments, we have experienced increasing difficulty in learning the truth about alleged abuses, particularly those most serious cases where military forces have been accused of massacring large numbers of civilians. The recent withdrawal of the U.N. investigatory commission from the Democratic Republic of the Congo illustrates the problem. In other cases, international authorities have been permitted to do the research, but the final report has been influenced by political considerations, such as that on the massacre by Rwandan government troops at the Kibeho displaced persons camp in April 1995; or the report has been delayed, such as that on the assassination of Burundian president Melchior Ndadaye; or it has been suppressed altogether, such as the report on 1994 killings by the Rwandan Patriotic Front produced by the Gersony team of consultants to the UN High Commissioner for Refugees. The special rapporteur on the Congo has been denied access to carry out investigations in that country, while the post of Special Rapporteur for Rwanda has been ended altogether following astute political maneuvers by the Rwandan government. The first UN Human Rights Field Operation for this region of central Africa was set up in Rwanda following the genocide. Similar offices have now been created in Congo and Burundi. But just as the operation is expanded elsewhere, the Rwandan government is in the process of insisting that the Field Operation halt monitoring within Rwanda. Rwandan authorities wish the operation to continue offering technical assistance and financial support to the local judiciary but to stop investigating alleged abuses, particularly those by its military in the war against the growing insurgency. The U.S. must make the continuation of monitoring a condition of its support for the Field Operation. It must make clear to all the importance that it attaches to complete and honest investigation of alleged abuses and to the prosecution of those charged with such abuses.

Even as we work on fortifying the political will to act in cases of grave violations of international humanitarian law, we must take care to inform ourselves responsibly on alleged cases of such abuses. When we knew, we did nothing. If now we chose not to know, what is the likelihood that we will act?

The horror of the Rwandan genocide must live on and our sense of responsibility along with it. The lesson of the catastrophe is not just the need to be alert and to intervene whenever genocide threatens but also the importance of prompt, firm action to insist on compliance with international law whenever and wherever lives are threatened.

Security Issues, Arms Flows and Violence in Rwanda
Testimony of Kathi Austin, independent consultant to non-government organizations,
and Visiting Scholar, Center for African Studies, Stanford University (starting 1 June 1998)
House Committee on International Relations
Subcommittee on International Operations and Human Rights
Tuesday, May 5, 1998

Introduction

Good Morning, Chairman Christopher Smith. I want to thank you, your colleagues on the Subcommittee, and the subcommittee staff for calling this important and timely hearing on Rwanda. You could not be concerned with a nobler cause than that of preventing genocide, crimes against humanity and wide-scale violence against innocent civilians.

Since the middle of 1994, I have traveled to Rwanda and the Great Lakes region on several lengthy field investigations, most often as a consultant to Human Rights Watch, in an effort to research and document the impact of arms flows and military assistance on the continuing conflicts in Central Africa.

Since the outbreak of civil war in Rwanda in 1990, the country has experienced a rising tide of militarization with a corresponding decrease in human security. As a consequence, Rwanda and the surrounding Great Lakes area have emerged as one of the most volatile regions in the world with well over one million deaths in just the past 4 years. Contributing to this horrific state of affairs is the seemingly unending flow of weapons and military assistance—with few constraints and virtually no conditionality applied—into the region. My research clearly indicates that foreign arms and military assistance increase the potential for violence on a massive scale as well as the lethality and duration of conflict with very little consideration given to the victims.

My research also shows that one area of total policy failure has been the United States' minimalist concern for security flows, including arms, training and military equipment for all of the warring parties, not only in Rwanda but also the Great Lakes region. If U.S. policy forcefully addressed the on-going militarization of the region, the prospect of repeated cycles of genocide or massive violence would be different.

Methodology

As an arms researcher and analyst, I have tracked and monitored arms networks, weapon flows and other forms of military security assistance, including training and mercenary activities, to human rights abusers, whether they are governments, security forces, armies, rebel groups, armed gangs, ethnic militias or civilian defense groups. My research is based on long-term field investigations and involves interviewing a large number of persons about their direct knowledge concerning their activities relating to the arms trade, military assistance and warfare. These include, arms traffickers, cargo industry personnel, government officials, military officers, rebel officials, politicians, diplomats, foreign military personnel, UN officials, members of the clergy and civil society, international aid workers and refugees. I have worked with appropriate institutions and governments which have been serious about undertaking credible investigations of specific allegations involving their policies, nationals or national territories.

My research has coincided with growing public concern about the significance of the arms trade, especially the trade in small arms and light weapons, and its relation to conflict and human rights abuses. Governments in general are protective of arms networks either because they serve as an instrument of

Institutions and governments which have been serious about undertaking credible investigations of specific allegations involving their policies, nationals or national territories.

My research has coincided with growing public concern about the significance of the arms trade, especially the trade in small arms and light weapons, and its relation to conflict and human rights abuses. Governments in general are protective of arms networks either because they serve as an instrument of foreign policy or provide a commercial benefit. In the past, arms trade and security issues were viewed as "sensitive" or esoteric subjects. Today, the volatility of the Great Lakes region demands that more attention be paid to arms trade issues by policy-makers in the fields of foreign affairs, justice, customs, law enforcement and intelligence.

During these brief remarks, I will first talk about security issues in the context of the Rwandan genocide and its aftermath. Second, I will highlight the implications for U.S. policy. Third, I will briefly describe the impact of the arms networks. I have provided the Subcommittee with a more detailed statement which I asked to be submitted in full for the written record. I have also provided an Addendum which summarizes research for the past 4 years on arms trafficking to the Great Lakes region.

Background to Current Patterns of Conflict and Supply

The current chapter of turbulence in the Great Lakes region could begin with the period leading up to the genocide when civil war raged in Rwanda between the Habyarimana regime and the Rwandese Patriotic Front (RPF). During the height of the 1990-1994 Rwandan civil war, the Habyarimana regime and its security forces were the 3rd largest importer of weapons in Africa behind two other volatile regimes, Nigeria and Angola, to the tune of \$100 million in imports. Covert arms brokering and delivery schemes to the Rwandan government involved for example the governments of France, South Africa and Egypt. The Rwandan Patriotic Front (RPF), meanwhile, was supplied largely by Uganda, which permitted its territory to be used as a base for recruitment, training and the launching of armed attacks into Rwanda. Key members of the RPF, including the current Rwandan Vice-President Kagame, were receiving military training in the United States at the outbreak of the civil war. Although a small U.N. mission to stop Uganda supplies to the RPF, UNOMUR, was established, it was inadequate for the task. Much of the military assistance to the Rwandan combatants flew in the face of the internationally negotiated Arusha peace agreement between the two warring parties.

In 1993, ethnic tensions exploded in Burundi after an abortive coup where nearly 50,000 Burundians were slain in a single week. The Burundian bloodbath of 1993 should have served as a warning to the international community of the volatility of ethnic conflict in the region. In Rwanda, however, the Arusha Accords, along with the arrival of U.N. peacekeepers in the country, lulled policy-makers into thinking that they were doing enough. Weapons flows were assumed to cease automatically and the peacekeeping forces were expected to monitor security. Neither was the case. Though U.N. intelligence and human rights reports warned of the distribution of weapons and impending violence, nothing was done to interfere with increasing militarization nor the planning and execution of the 1994 genocide.

extend Rwanda's political strife throughout the region and lay the groundwork for continued regional warfare. France and Zaire both facilitated the safe exit of the defeated Rwandan army (the ex-FAR) and its allied militias along with their weapons. Since very few weapons were confiscated as these forces crossed international borders, the refugee camps quickly became militarized.

Following the genocide, I spent 4 months in the field documenting the rearming of the perpetrators of the Rwandan genocide based in refugee camps, in violation of an international arms embargo. I was able to document how in contravention of the U.N. arms embargo, weapons poured into eastern Zaire for the ex-FAR from governments or traffickers based for example in Belgium, China, France, South Africa and the Seychelles. I was able to interview and observe the comings and goings of key architects of the Rwandan genocide, including Colonel Bagasore and the former Prime Minister Kambanda. In my interviews, they spoke openly of their plans to finish "the job" in Rwanda. Despite calls from the International Tribunal for the arrest of the genocidaires, the international community shunned its role in Zaire where many of the perpetrators were based.

A successfully rejuvenated ex-FAR and its militias forged alliances with local Zairean military and political authorities as well as Burundian insurgents in order to attack Rwanda, Burundi, and certain ethnic groups within eastern Zaire, particularly the Banyarwanda of Masisi region and the Banyamulenge of South Kivu. Again, the international community failed to address the mounting security concerns. A policy aimed at conflict prevention would have required the dismantling of the refugee camps and an end put to the military threat of the ex-Far and its allied militias.

The U.S. government was well aware that failure to address these security concerns would lead to a Rwandan invasion and the massive loss of human life among the refugee population. As early as December 1994, U.S. military intelligence was reporting that:

Unless international action occurs soon, the region very likely will explode as the Rwandan Government, after exhausting all avenues and abandoned by the international community, uses military force in neighboring countries.

In May 1995, U.S. intelligence again reiterated this concern:

For Rwanda, the government's top priority is security. If Kigali believes the rebel bases in eastern Zaire pose a major threat, the Rwandan Patriotic Army probably will launch preemptive strikes that would result in the deaths of tens of thousands as the Hutu insurgents use the refugees in Zaire's camps as shields.

At the same time, U.S. intelligence indicated that Rwanda's military campaigns were contributing to the heightening of tensions:

The RPA will continue to aggressively and ruthlessly pursue its counterinsurgency campaign, and this effort will discourage Hutu repatriation and cause refugees to continue fleeing to Tanzania and Zaire.

The war in Zaire in 1996-1997 was a direct outgrowth of the regional destabilization by the allied Hutu insurgent forces. Both the Rwandan and Burundian governments became actively involved in invasive military operations to stymie the constant insurgent attacks on their territories. A significant number of soldiers—artificially identified as Banyamulenge but inclusive of nebulous elements of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL—received arms, training and military assistance from Rwanda and Burundi. These soldiers along with the Rwandan Patriotic Army and elements of the Burundian military were deployed in Zaire with the first objective to disband the vast refugee camps and annihilate the insurgents and their supporters.

The war widened as arms and other forms of military support were provided to the ADFL from such notable sources as Uganda, Eritrea, and Angola. The leader of the ADFL, Laurent Kabila, had been described in the region previously as an arms smuggler. During the war, Kabila also received direct support from U.S., British and Canadian corporations which sought new investment opportunities. The U.S. provided military equipment and training to other regional governments who were militarily supporting the ADFL forces. By the time the ADFL conquered the capital Kinshasa, the RPA and allied ADFL forces had massacred possibly as many as 200,000 Hutu refugees, innocents and genocidaires alike, whose deaths some U.S. officials in the region described as "collateral damage".

Persistent Conflict and Weapons Flows

Currently civil war wages on in both Rwanda and Burundi. While the U.S. government has issued a statement that "genocidal acts" are being committed in Burundi, the Clinton Administration appears most preoccupied with preventing the resurgence of genocide in Rwanda though the U.S. government is itself doing little to actually prevent such an occurrence. At the same time, there are a growing number of reports of the intensification of military cooperation between the governments of Rwanda, Burundi, Uganda and the Democratic Republic of Congo and their plans to launch offensives against the remnants of the former Rwandan army (ex-FAR), the former Zairean security forces, extremist Hutu insurgents and UNITA (National Union for the Total Independence of Angola). War is again in the wind. As in the past, civilians also are likely to be the primary targets of the warring parties.

What is especially troubling is the chronic and cyclical nature of the Great Lakes conflicts, which tend to spill over into one another with an enormous humanitarian toll. The constant flow of new weaponry and security assistance into the region extends and intensifies these conflicts. Clearly, policy initiatives aimed at addressing the militarization of the region are necessitated by the on-going loss of life, the high degree of civil strife, the potential for mass violence—including genocide—and the recurring threat to international peace and security.

Implications of Past U.S. Policy

In reviewing the horrific facts of Rwanda's cycles of violence, it is necessary to take stock of what difference the U.S. could have made. The failure of early warning and preventative action is absolute. As with the genocide, the militarization of the refugee camps and the massacres of thousands of refugees by the ADFL—all foretold—there was an unwillingness to risk either military or more robust strategies which would have been necessary to mitigate the violence. Given the intelligence available and repeated warnings from human rights groups, non-governmental organizations, foreign diplomats and locals, it was clear that outside interventions were necessary to prevent outbreaks of conflict.

Policy choices made by the U.S. illustrate that it took a narrow view of what it regarded as its strategic interest over humanitarian or moral concerns as well as likely costs (financial, political and humanitarian). One area of total failure has been the U.S.'s minimalist concern for security flows, including arms, training and military equipment for all of the warring parties. If U.S. policy addressed the on-going militarization of the region, the prospect of repeated cycles of massive violence would be different.

The failures to intervene during the genocide and then afterwards to demilitarize the refugee camps clearly were failures of inaction. However, the U.S. response to the Zaire crisis of 1996-1997 might be seen as a failure of actions taken. Slowly emerging is a picture of a U.S. security policy towards Rwanda

which wittingly or unwittingly may have contributed to the massive loss of civilian life inside Zaire as well as internal human rights violations and atrocities within Rwanda.

From the get-go, the U.S. government has provided training and support to the military leader of the RPF, General Paul Kagame. After halting the genocide and seizing control over Rwanda, U.S. military intelligence hailed Kagame as "one of the most successful guerilla leaders in African history." Despite its own intelligence reports of discipline problems, "ruthless" counter-insurgency campaigns, possible military strikes on Zaire, country-wide military training, and a "covert internal security force in civilian attire", to name a number of security concerns, U.S. officials sought to provide on-going political, advisory and logistical support to Kagame's new regime. This support came in the following ways for example:

- Military assistance in the form of de-mining equipment and personnel in lieu of bilateral security assistance while the U.N. arms embargo was in place;
- A pledge by the Department of Defense of humanitarian assistance if the arms embargo was not lifted;
- Political assistance in ending the arms embargo against the Kagame regime;
- Regular presence of U.S. personnel on military operations with the RPA;
- Direct military assistance such as:
 - Psychological operations
 - JCET, IMET and Expanded IMET
 - Training not covered under these official programs but which were described to me by U.S. military personnel on the ground at the time as counter-insurgency training (with a little "c"). Referring to U.S. special forces, one U.S. senior embassy official stated, perhaps facetiously, that the killers are here training the killers;
- Hiding from the public view its knowledge of Rwandan troops inside of Zaire;
- The decision taken by the U.S. embassy in Kigali not to pass on information in cable traffic relating to security matters that was provided purposefully by an array of humanitarian sources when it did not suit the bias of the embassy;
- Failure to pressure the ADFL and Rwandans for consent and access for the humanitarian operations during the refugee crisis, though U.S. officials were in routine contact and present at key sites.

It cannot be understated that the security concerns for Rwanda and ethnic Tutsi in the region were very real. It cannot be understated that little was being done by the international community to address these concerns. But it is also the case that U.S. policy has erred in addressing these concerns by becoming partisan—at minimum by closing an eye to human rights abuses and atrocities, at worst, providing military, political and psychological support which encouraged these offenses. For example, some might question why the U.S. would provide training on "patrolling" as in its IMET program when the embassy and human rights groups had information that civilians were being forced on joint-military patrols. Many outside observers have actually questioned whether in fact the U.S. embassy in Kigali crossed the line in waging a propaganda war on behalf of its Rwandan allies.

What is most troubling is that U.S. security assistance to Rwanda and other governments in the region facilitated the killing of tens of thousands of refugees in Zaire.

The U.S. justifies its military assistance to Rwanda in terms of engagement and as integral to the ability

of the government to defend itself and address domestic concerns. But this has been done with minimum human rights conditionality. Also of concern should be the emergence of Rwanda's regional alliance with other warring parties and governments, rebel groups and ethnic or political militias that share a common political agenda, such as Rwandan direct military intervention in Zaire in support of the ADFL, when these various elements have been known to commit human rights abuses.

The U.S. government continues to justify the 1996-1997 events in Zaire as an "African solution" to an "African problem". The negative side of this apathetic approach elicits no concern for which Africans should devise what solutions to which problems. Under the guise of sovereignty, policy-makers are

conditioning themselves to take into account the priorities and consent of warring parties and authoritarian governments rather than humanitarian or civil society imperatives.

Key Finding With Implications for Current United States Policy

To conclude, I would like to point out several key security and human rights themes which emerge from my field missions:

On Security Issues:

*The resort to violence on all sides of the conflict in Rwanda has overwhelmed the political process and the security aspects of this are not being addressed effectively by U.S. foreign policy;

*Most of the foreign and domestic political changes wrought in Rwanda and neighboring countries has been through the potential threat of or actual barrel of the gun. In this respect, much of the political process has evolved around shoring up one's military prowess and alliances and finding both external and internal legitimacy for one's military campaigns. What is frightening about this sorry state of affairs is that moderates continually are pushed out of the political process. The all out pursuit of "military might" lessens the efficacy of diplomacy or negotiating to achieve peace. U.S. policy in support of the Rwanda government as well as its own geopolitical strategic interest has become entrapped in this dynamic.

*I want to make it clear that the emphasis on "military might" and attempts at acquiring it applies as well to activities by non-state actors, such as insurgents, rebels and armed militias. This is indicative of the leaders of the weaker alliance forged between insurgents from Rwanda, Burundi, western Uganda, and eastern Zaire. To its detriment, the U.S. does not have a coherent, stated policy towards these sub-state actors.

On Security and Arms Transfers:

*Security assistance and weapons are being acquired not only by regular armies and insurgencies but also irregular groups, such as civilian defense forces and ethnic militias, in large part because being armed has

in some cases become a prerequisite for survival in absence of international and national mechanisms to ensure security.

*Security assistance and weapons transfers not only impact the military equation in Rwanda but also negatively effects the work of different types of non-governmental organizations: refugee, development, relief and human rights monitors. In fact, often humanitarian organizations and operations have been used to wittingly or unwittingly ferry weapons.

*The U.S. has taken a minimalist response towards the problem of weapons flow and military assistance to the Rwandan belligerents and to the region in general. The U.S. has not been transparent about its own military involvement nor has it effectively monitored the end use of its military transfers to the region.

*The U.S. has not included human rights conditionality more decisively in its military assistance policy towards Rwanda.

On Conflict Prevention:

*The U.S. has continued to ignore its own intelligence data and forecasts of large civilian casualties. Its failure to prepare for the transformation of ethnic conflict or civil war into genocide has resulted in missed opportunities of prevention.

*The U.S. cannot address the on-going violence in Rwanda without addressing simultaneously the on-going violence in Burundi and eastern Zaire.

The Private Arms Trade

One alarming trend that has emerged in the Great Lakes region is the priority that leaders of warring parties have placed on cheap and fast procurement of light weapons. It has become clear to them that those who gain ground in the Great Lakes conflicts are those with the best access to these foreign weapons supplies. Tragically, it is small arms and light weapons that account for most of the casualties and displaced populations that have resulted from the conflicts in the Great Lakes region. These weapons are more readily obtainable than heavy weapons and easier to use against civilians in communal conflict situations, where populations are characteristically targeted for being of the wrong ethnicity, political party, or military faction.

The turbulent events in the Great Lakes region have been accompanied by a growing reliance by governments, insurgents, and militia forces on covert foreign assistance or private arms networks—some government-backed and some entirely commercial—to support their military campaigns. In many cases, this reliance was driven by a desire on the part of both suppliers and recipients to disguise their mutual ties. During the Rwandan civil war, for instance, both sides wanted to conceal their various military backers, particularly as international calls for peace negotiations grew louder. Later, when a U.N. arms embargo was imposed following the outbreak of the genocide, suppliers to both sides sought to conceal their role for fear of being censured. The exiled perpetrators of the genocide had earned pariah status, so foreign governments could not be seen supporting them. The ADFL has wanted to conceal its foreign military support in order to appear as an indigenous movement.

Foreign governments also militarily have aided their regional allies in a passive manner, by failing to prevent their nationals from engaging in private arms trafficking or mercenary activities, or by failing to interdict arms transfers that are transhipped through their ports and airfields or are ferried by train or truck across their territory. These governments have even taken steps to shield private arms networks from exposure or prosecution when this might interfere with other covert operations in the Great Lakes region or elsewhere in Africa. For example, diplomats in the region have cited U.S. pressure to refrain from exposing the arms networks catering to both Rwandan and Burundian Hutu rebels in Kenya, as these same networks also serve U.S.-supported Sudanese rebels, like the Sudanese People Liberation Army (SPLA). Governments are generally reluctant to provide information to foreign or international investigating bodies on the criminal activities of their nationals, often citing domestic laws.

The continuing flow of arms to the Great Lakes region through both licit and illicit channels has stood in sharp contrast to a global picture of declining arms transfers. As disclosed by primary field research in the Great Lakes region over the past several years, both illicit and diverted small arms transfers are prolific, and are fast becoming the mainstay of most of the warring parties. Such weapons--automatic rifles, machine guns, grenades, and land mines--are less expensive to procure and maintain, which gives them a distinct advantage in this profoundly poverty-stricken region.

Light weapons also can be more readily concealed than heavy weapons from the scrutiny of international observers, whether they are disguised as non-lethal cargo or as humanitarian supplies. Light weapon transfers are more difficult to monitor and track. Increasingly, transnational companies and private networks are widely employed to circumvent national, regional, and international controls, usually by brokering or shipping weapons to third countries under fictitious end-user certificates. The ability to conceal weapons flows is significant, given the regional and international embargoes that have been imposed on belligerents in the region, the pariah status of various governments and rebel groups, and the campaigns being mounted by human rights and humanitarian organizations to curb the flow of arms into the region.

Conclusion

While the U.S. talks endlessly of how to stem ethnic warfare or avert another genocide in the Great Lakes region, there remains a noticeable silence about the way in which foreign weapon transfers and security assistance influence the likelihood of such outcomes. Even graver still, certain members of the international community continue to supply arms or other forms of military assistance, often covertly, to various parties at war. Others have allowed insurgents to base and arm themselves within their countries. More commonly, private merchants take advantage of foreign government sponsorship, loose restrictions on arms transfers, pliable transshipment countries, poor controls at border points, and/or corrupt officials to operate with impunity in the region. While efforts at reversing the rising tide of militarization in the Great Lakes is complex and the challenges are obviously enormous, no other place in the world is in as dire need of such efforts as is the highly volatile Great Lakes region.

Recommendations:

- *The United States should establish a coherent security policy towards the Great Lakes region which emphasizes conflict prevention and minimizes further militarization;
- *The United States should work with European allies and pressure other foreign countries with ties to the Great Lakes region to strategically coordinate security policy;
- *The United States government should make public all information on its own security assistance, training and arms flows to Rwanda (and the region) since 1993, as well as publicly disclose all information on current and future sales/transfers/assistance and pressure other foreign governments to do the same;
- *The United States government should condition security assistance to Rwanda on its human rights record and obtain assurances that it will not use such assistance to invade neighboring countries;
- *The United States government should monitor the end-use of its provision of training, military equipment, arms transfers and security assistance to all warring parties in the Great Lakes region;
- *The United States should investigate whether any foreign soldiers that received either U.S. training or security assistance participated in the 1996-1997 Zaire conflict;
- *The United States government should refrain from allowing soldiers from the Great Lakes region to participate in IMET, JCET and ACRI where these soldiers might use these programs to their advantage in intra-state conflicts;

*The United States government should support a regional arms embargo, and failing to do this, support an arms embargo against Burundi;

*The United Nations recently reactivated the United Nations Commission of Inquiry into Arms Trafficking into the Great Lakes region (UNICOI). The mandate of the newly reactivated UNICOI should be extended. Rather than be limited only to investigations of arms flows, it should include measures to prohibit current and future transfers. Its mandate should also be extended to include Burundi.

*The United States government should stop its nationals or companies from selling weapons, serving as mercenaries, or providing private security services to any of the belligerents in the Great Lakes conflicts, regardless of whether the nationals are operating at home or abroad.

Addendum: Forthcoming Chapter in a book sponsored by AAAS and the Carnegie Commission for Prevention of Deadly Conflict

The Nature of the Beast - Arms Trafficking to the Great Lakes Region of Africa

Since the end of the Cold War, the Great Lakes region of Africa--an area that includes Rwanda and Burundi as well as parts of Uganda, Tanzania, and Democratic Republic of the Congo (formerly Zaire, now commonly referred to as the DRC), has experienced a rising tide of militarization with a corresponding decrease in human security. As a consequence, there is little dispute that this area has emerged as one of the most volatile regions in the world. Contributing to this tragic state of affairs is the seemingly unstoppable flow of small arms and light weapons into the region. The proliferation of weapons in this conflict-ridden zone underscores the failure of regional and international actors to curb arms flows to governments, insurgents, armed political factions, militias, and other non-state actors that use these weapons to undermine responsible governance and democracy, commit serious and widespread abuses of human rights, violate humanitarian principles and international laws, and target civilian populations in pursuit of their political agendas.

Within the past few years, civil war, genocide, ethnic cleansing, military operations, and political strife have taken the lives of well over one million people in this region, and have produced more than two million refugees and internally displaced. But these high figures cannot do justice the traumas and scars produced by the region's recent conflicts: the 1990-94 civil war in Rwanda; the ethnic slaughter of roughly 50,000 Burundians in a single week following Burundi's abortive 1993 military coup; the 1994 Rwandan genocide, which claimed upwards of one million lives within a three-month period; the ethnic killing of tens of thousands in eastern Zaire/Congo by both Hutu and Tutsi forces; the ousting of the Mobutu regime by an insurgent drive in early 1997; and the outbreak of army mutinies and militia violence in the Central Africa Republic in Congo-Brazzaville in 1996 and 1997, respectively.

Current Demand - Resort to Light Weapons

The surge in intra-state tensions throughout the 1990's has led to a constant demand for armaments in Central Africa. At the same time, governments in the region have received fewer heavy weapons and lucrative military assistance packages from their traditional patrons in the North. As a result, small arms and light munitions are the weapons of choice for government armies, ethnic militias, rebel groups, insurgents, and civilian defense forces. Such weapons—automatic rifles, machine guns, grenades, and land mines—are less expensive to procure and maintain, which gives them a distinct advantage in this profoundly poverty-stricken region.

One alarming trend that has emerged in the Great Lakes region is the priority that leaders of warring parties have placed on cheap and fast procurement of light weapons. It has become clear to them that those who gain ground in the Great Lakes conflicts are those with the best access to foreign weapons supplies. This trend has forced even the moderate political actors to pursue military options in order to retain power and gain strength at the negotiating table. In Burundi, for example, members of the moderate Front of Burundi Democrats (Frodebu) defected to the armed National Council for the Defense of Democracy (CNDD) movement when the Catholic religious order San Egidio initiated "secret" negotiations between the CNDD and the Pierre Buyoya regime. As Frodebu members explained to the author, they realized they could only be included in negotiations if they had clout as part of an armed resistance wing.

Light weapons also can be more readily concealed than heavy weapons from the scrutiny of international observers, whether they are disguised as non-lethal cargo or as humanitarian supplies. Light weapon transfers are more difficult to monitor and track. These transfers are often discovered only after a trafficker is detained for refusing to pay bribes to local police and customs officers or when a plane crash reveals the hidden nature of its cargo. As will be illustrated below, transnational companies and private networks are widely employed to circumvent national, regional, and international controls, usually by brokering or shipping weapons to third countries under fictitious end-user certificates. The ability to conceal weapons flows is significant, given the regional and international embargoes that have been imposed on belligerents in the region, the pariah status of various governments and rebel groups, and the campaigns being mounted by human rights and humanitarian organizations to curb the flow of arms into the region.

Tragically, it is small arms and light weapons that account for most of the casualties and displaced populations that have resulted from the conflicts in the Great Lakes region. These weapons are more readily obtainable than heavy weapons and easier to use against civilians in communal conflict situations, where populations are characteristically targeted for being of the wrong ethnicity, political party, or military faction. As the governments of the Great Lakes states weaken and favor one group within society over others, armed groups acting as self-defense forces for their various communities are appearing everywhere.

Politicians in the region continue to exploit the fears of citizens, so that the dictum "kill or be killed" resonates psychologically throughout the conflict zone. As light weapons proliferate, armed factions or even neighbors within a communal conflict area can more readily initiate slaughter against those accused of harboring or providing support to a suspected "enemy." One particularly alarming trend is the widespread need felt by individual citizens to arm themselves as a prerequisite for survival. This region has also witnessed a stunningly high number of casualties among humanitarian workers, human rights monitors, and religious organizations from the diffusion of land mines and small arms.

Impediments to Demand-Side Controls

As elsewhere in the world, weapons transfers have been justified by governments in the Great Lakes region as integral to the ability of states to defend themselves and address domestic concerns. However, what is of particular concern in the Great Lakes region is the emergence of regional alliances of warring parties, linking governments, rebel groups, and ethnic or political militias that share a common political agenda. Witness the recent backing of Laurent Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) by the governments of Rwanda, Burundi, Uganda, Angola, Zambia, and Eritrea. Increasingly, these regional allies are banding together to procure arms, train, fight, and provide both economic and political support for one another. As reported by a correspondent for The New York Times covering central Africa, there is a "new willingness of African armies to engage in conflicts beyond their borders, which threatens to make armed insurrection, with the help of neighbors, the preferred means of political change on this continent."

Another serious stumbling block to controlling the demand for arms is the approach foreign governments and policymakers are taking toward the region in calling for "African solutions to African problems." The negative side of this apathetic approach elicits no concern for which "Africans" should devise what "solutions" to which "problems." Under the guise of sovereignty or, as the case may be for recognized rebel groups, "quasi-sovereignty," local political and military actors are endowed by the international community with responsibility for the welfare of the affected peoples under their territorial domain. As a result, policymakers are conditioning themselves to take into account the priorities and consent of governments,

warring parties, armed factions, and even pariah groups rather than humanitarian or civil society imperatives when addressing arms proliferation issues.

Moreover, a sophisticated understanding of the politics of the Great Lakes region is required for successful arms control attempts at the recipient end. For example, disarmament campaigns launched by both the Tutsi-dominated governments of Rwanda and Burundi have been used as a guise to intimidate, harass, and initiate counterinsurgency campaigns against opposing ethnic groups, resulting in numerous civilian deaths. Arms control efforts also would require complex interactions between donor and international organizations as well as the warring parties and other local elements--in a region where there is considerable distrust on all sides. Consider, for example, how difficult it has been for the United Nations High Commission for Refugees (UNHCR) to obtain access and consent for its humanitarian operations in the region.

It may be true that, without consent, even well-managed local arms control efforts would be rendered deficient and incomplete. Enforced consent may not yield adequate results either. Even when there is seeming political will for regional cooperation, effective implementation may be lacking. A notable example is the current porousness of the regional trade embargo against the Burundian government. While an international arms embargo against the entire region would hold the most promise for curbing arms proliferation, such a measure is opposed by France and the United States--both of which continue to vie for strategic advantage in the region. Given the absence of a regional embargo and the region's high degree of conflict and lack of respect for the rule of law, it would appear timely and useful to institute better controls on the supply side of the arms equation.

Role of the Supply Side

Throughout the period of upheaval in the Great Lakes area, foreign governments supplied a wide variety of arms to selected governments and sub-state forces in the area, or allowed their territory to be used for the transshipment of arms to belligerents in other countries or to rebel groups operating from bases within their borders. Initially, much of the military equipment flowing into the Great Lakes area was supplied by foreign governments as part of official military cooperation agreements with states in the region. France, for instance, was a major supplier to the Habyarimana regime in Rwanda up until the outbreak of the genocide in 1994. Since 1994, however, direct supply activities of this sort have become less common as suppliers and recipients alike have come to rely more on private arms networks, many operating illegally.

In turning to covert operations of this sort, foreign governments have found creative channels for aiding their regional allies. For example, France used private contractors to provide light weapons to ex-FAR units based in refugee camps in eastern Zaire, and provided financial assistance to the Mobutu regime in 1996 for third-party arms transfers. China has hid behind nominally autonomous companies that disguised light weapons transfers and ammunition under the cover of humanitarian deliveries. At the height of the war in Zaire, the U.S. government transferred large stocks of military equipment to Uganda, Ethiopia, and Eritrea--at least some of which wound up in the hands of the ADFL combatants.

Foreign governments have also aided their regional allies in a passive manner, by failing to prevent their nationals from engaging in private arms trafficking or mercenary activities, or by failing to interdict arms transfers that are transhipped through their ports and airfields or are ferried by train or truck across their territory. These governments may also take steps to shield private arms networks from exposure or prosecution when this might interfere with other covert operations in the Great Lakes region or elsewhere in Africa. For example, diplomats in the region have cited U.S. pressure to refrain from exposing the arms networks catering to both Rwandan and Burundian Hutu rebels in Kenya, as these same networks also serve

U.S.-supported Sudanese rebels, like the Sudanese People Liberation Army (SPLA). Governments are generally reluctant to provide information to foreign or international investigating bodies on the criminal activities of their nationals, often citing domestic laws.

Motives: Politics and Profit

Arms traffickers have themselves acknowledged that their networks often serve several different agendas simultaneously. In some cases, foreign overnments may employ such networks in the furtherance of their regional political objectives. This has been true, for example, in the case of French operations in Rwanda and U.S. operations in Uganda and southern Sudan. In other cases, the networks serve the interests of a regional political alliance, such as that linking Yoweri Museveni's Uganda, Paul Kagame's Rwanda, and Laurent Kabila's Congo. Or, the networks may owe political favors to or seek the advance of allies who are caught in an internal power struggle, as in the case of Ugandan military support for Jean-Baptiste Bagaza over Major Pierre Buyoya in Burundi. Finally, and most commonly, private networks operate for profit, as in the case of the Belgian traffickers who have been supplying weapons to the Hutu rebel forces based in Tanzania as well as the current Burundian government military.

The covert networks that supply the weapons to the various armed parties in the Great Lakes region overlap with wider networks that cater to the demand for weapons throughout Africa (as well as other continents) and whose clients can often be found on both sides of a conflict. The South African company GMR Group, for instance, offered weapons to the Burundian military before selling the same stocks to Burundian rebels based in Tanzania. Networks operating out of Belgium have transferred weapons from the Soviet Union and eastern Europe to the Burundian government, the Zairean military (before the establishment of the DRC), and Hutu rebel forces based in eastern Zaire (at least until the end of 1996). These networks also supply other clients in southern Africa, such as the rebels of the National Union for the Total Independence of Angola (UNITA) in Angola.

Evading Public Scrutiny

At present, private arms networks are supplying much of the light weaponry that is fueling the conflicts in the Great Lakes region. These networks, which deliver arms from the production line to the front line, include financiers, procurers, suppliers, shippers, those who facilitate transshipment via their territories, and those who purchase the weapons. Throughout the entire course of the arms procurement and delivery process, these networks regularly violate international and domestic laws, regional embargoes, and government policies pertaining to import/export activities, arms trafficking, export licensing, and customs procedures in countries of origin and transshipment.

Since both the private arms networks and the government-sponsored procurers are aware that by supplying sub-state actors and/or pariah government forces they may be violating domestic and international laws, they have constructed elaborate cover operations to escape public scrutiny. These include the transshipment of arms through foreign territories and the use of false bills of lading, flight plans, and end-user certificates. Transshipment of arms often involves complicity on the part of the government or nationals of the country whose territory is being used as a conduit for the onward shipment of military goods.

A tried and true technique of the arms dealers is the falsification of documents. End-user certificates or cargo manifests often indicate recipients who, in fact, turn out not to be the ultimate recipient. For example, the cargo manifests in several Chinese weapons shipments to the Burundian government (shipped via Tanzania) listed Rwanda and Uganda, not Burundi, as the final destination. In order to hide the actual destination of arms deliveries or the sensitive nature of a particular cargo, traders may use fake licences,

disguise arms as humanitarian cargo, or exploit loopholes in the customs controls of the supplying or transit countries. Not atypical of this pattern was a shipment from China to Burundian government forces listed the cargo as "farm implements."

Pilots engaged in illicit arms shipments to the Great Lakes region often file false flight plans, listing destinations like Swaziland, Gabon, and Nigeria, in order to disguise the true nature or destination of their cargoes. Frequently, moreover, these pilots take indirect routes to their destination. For example, European traffickers involved in arms shipments to Burundi have flown weapons to Zaire and then on to South Africa before shipping them to clients in the Great Lakes region. Arms traffickers are also known to use "front" companies or organizations, sometimes disguised as relief agencies. One trafficker, previously cited for supplying arms to Renamo rebels in Mozambique, has been operating under the cover of a Christian aid organization in Burundi. Another trafficker has flown relief operations in Burundi in addition to carrying weapons into the area.

To further disguise their operations, traffickers often change their base of operations, the name of their company, their business registrations or license, and the roster of individuals working with them. This was the case, for instance, of a number of traffickers who shifted their operations from Zaire to the Belgian port of Ostend in 1996. Belgian officials have acknowledge the difficulties of thoroughly investigating suspect companies: "The Belgian government is trying to look into arms dealers and stop these sort of practices," one official noted. "But it is not easy.... We know that these companies change their name, or a part of their name, as well as shareholders regularly. They do this to stay ahead of the game."

Procurement and Procurers

Crucial to the entire arms trafficking network is the procurement process. Key regional arms procurers and middlemen operate from within their own countries, or from other African nations such as Nigeria, Cote d'Ivoire, Mozambique, and Egypt. Some of the procurers act under diplomatic guise or as "businessmen." In other cases, arms brokers have procured weapons on behalf of regional clients both from their own national territory and from other countries. For example, French, Belgian and Pakistani nationals negotiated arms deals for Burundi in Belgium, and a South African national arranged for deals for Burundi from a business office in Uganda as well as an international hotel in Kenya. To avoid breaking South African domestic laws, arms dealer Ters Ehlers arranged arms purchases for the ex-FAR from the Seychelles.

Many of the weapons and military systems trafficked through these covert pipelines to state and sub-state actors in the Great Lakes region originated in the large military stocks available in eastern Europe and the former Soviet Union, as well as in some western European countries. The role of Belgium and France as suppliers of arms to Central Africa is particularly noteworthy. Also noteworthy is the role of the U.S. government in providing military aid and training to government forces in Rwanda and Uganda, some of which was subsequently diverted to the war effort in Zaire. Another major supplier is China, which has often used covert channels and third-party transfers in its deliveries to the Great Lakes region. Typically, the belligerent parties in the region have received weapons overland via Tanzania, Uganda, and Kenya, by air from central and southern African states, or by boat across the lakes from Tanzania, Zambia, and Zaire. The role of other African states in the arms pipelines, particularly in the use of their territory for the transshipment of arms, cannot be emphasized enough.

The Criminal Dimension

While primary research has revealed many of the motives, methods, routes, and disguises of the black-market trade, the information known to date is far from complete. It is often difficult to obtain prosecutable evidence against suspected dealers because of the false documentation, lack of paper trails, and mobility of arms traffickers. Illicit arms operators may also be dangerous: in the Great Lakes region they overlap with other criminal cartels involved in gold and mineral smuggling, money-laundering, trafficking in endangered species (primates, ivory, birds, forestry products, and so on), and the growing drug trade. But the black-market arms business need not be viewed as mysterious or esoteric: it can become a known quantity if effective international criminal investigations are carried out involving experts in the fields of foreign affairs, justice, customs, law enforcement, and intelligence.

Before tackling the criminal trade in arms, clear distinctions must be made between the black and gray markets. In the Great Lakes region, it is still difficult to discern the line between illegal (black) and government-sponsored covert activities (gray). Many of the existing arms pipelines are holdovers from the Cold War or the former South African government's regional destabilization effort. While many of these former foreign government-backed covert operations were officially shut down in the early 1990s, often the aircraft, airstrips, and cargo companies that were used in them were privatized and turned over to their former operators--many of whom, in interviews with the author, confessed that they did not want to relinquish their former "lifestyle." Arms profiteering offers them adventure, profit, local color, and macho experiences that they are unwilling to give up.

The Humanitarian Dilemma

Another impediment to suppression of the black-market arms traffic is the fact that some of the cargo companies based in Europe, South Africa, and China that have been involved in the shipment of military equipment to the governments or sub-state actors in the Great Lakes area have also been contracted to carry humanitarian relief supplies for some of the international aid agencies. In some cases, arms shipments have been concealed in consignments of humanitarian supplies or identified as such goods in cargo manifests. This has endangered urgent relief programs and provided arms traffickers with a false flag behind which to conceal their deadly cargoes.

Arms trafficking to the Great Lakes region has, on occasion, received international publicity when governments attempted to interdict weapons shipments that were cloaked as, or combined with, cargoes of humanitarian aid. For example, a Belgium-based company operating under several names but registered in Liberia has attracted such attention. One of the company's aircraft, registered as ELAJO, made frequent flights in 1994 and 1995 to deliver weapons to the former Rwandan military and militias in Zaire in violation of the international arms embargo. In August 1996, this same aircraft was impounded by local authorities in Goma, Zaire after it was founded to be carrying undeclared military uniforms to be off-loaded in Uganda; at the time, the plane was manifested only as carrying relief goods to refugee camps in the area on behalf of the UNHCR, Oxfam, and CARE.

The major relief programs of U.N. agencies, whose air and land transport needs are enormous, are particularly susceptible to manipulation by cargo carriers with double agendas. World Food Program officials, interviewed by the author, have indicated that they are aware that the program's logistical and transport infrastructure has been used as a cover for military assistance and arms transfers from foreign governments and private sources to belligerents in the Great Lakes region and elsewhere, such as Somalia and Sudan.

Prior Efforts to Curtail Arms Trafficking

A number of steps have been taken by the international community over the past few years to stem the flow of arms into the Great Lakes region. The U.N. Security Council imposed an arms embargo on Rwanda in May 1994; it was suspended on August 16, 1995 and lifted on September 1, 1996 (although it remains in effect against forces of the former Rwandan government and allied militias). There is at present no international arms embargo on Burundi or Burundian insurgent forces based in neighboring countries, although discussions to this effect have taken place in the Security Council. The European Union imposed an arms embargo on Zaire in mid-1993, and it remains in place against the DRC. In addition, a number of individual suppliers have taken unilateral decisions to ban weapons deliveries to various countries in the region, either because they have a policy of denying weapons to nations at war (or accused of egregious human rights violations), or for other political reasons. Lastly, the leaders of six countries in the Great Lakes region imposed a comprehensive trade embargo (including arms) on Burundi following the military coup of 1996.

Advocates in the preventative action, arms control, human rights, and humanitarian aid community have asserted that governments—whether or not there is a formal embargo in place—have a moral responsibility to deny arms and other forms of military assistance to governments or insurgent forces that engage in a consistent pattern of gross abuses of international human rights and humanitarian law and which threaten prospects for peace. During this period, various non-governmental organizations flagged the Rwandan belligerents as a major concern in this regard. Some of these groups made specific recommendations for addressing security needs arising from the militarization of the Rwandan refugee camps.

At least some of the recommendations made by the NGO community found their way into U.N. Security Council Resolutions. For example, Security Council Resolution 997 of June 9, 1995 calls on states in the region to consider permitting the presence on their territories of international military observers to staunch the flow of small arms and light weapons into conflict zones in the Great Lakes area. However regional governments would not consent. Instead, the Security Council decided in September 1995 to establish an International Commission of Inquiry (Rwanda)—commonly known as UNICOI—to investigate allegations of arms flows made by human rights groups and other humanitarian agencies. The important, and very concrete recommendations made by the Commission in the course of its work in 1996 were ignored. The various Security Council Resolutions on arms trafficking in the Great Lakes region have done little to the flow of weapons into the region, even to the most egregious of all belligerents --- the perpetrators of the Rwandan genocide. The key problem has been that no enforcement mechanisms were established to ensure their implementation.

Recent Developments

In response to continuing pressure from NGOs to address the problems described above, the U.N. Security Council adopted a resolution on April 9, 1998 calling for the reactivation of UNICOI. The following week, U.N. Secretary-General Kofi Annan issued a report on Africa calling for "more effective measures to punish the continent's arms traffickers." While it is too early to tell if sufficient political will can be mustered to provide adequate support for these initiatives, clearly they provide mechanisms for future progress. Also hopeful is the recent decision by West African states to establish a moratorium on the import, export, and manufacture of light weapons in West Africa.

Recommendations for Further Action

What further steps can be taken to stem the flow of weapons, whether through legal or illegal channels, into the Great Lakes region? A number of mechanisms and measures have been proposed or already exist, which, if activated simultaneously and with force, could dissuade states as well as private traders from capitalizing on the misery of the region's civilian population. Such measures or mechanisms should target the recipients of weapons, the states that provide them or permit their transshipment, and the international black market in arms.

International and Regional Initiatives

Given the magnitude of the human misery and loss of life in the Great Lake region, an international arms embargo on the region as a whole would offer the greatest promise. Because, as shown in this chapter, the problem is regional in scope, an arms embargo cannot be effectively enforced unless it has a regional dimension. A proposal for an international arms embargo of this sort has been advanced by EU member states; however, the United States and some EU members oppose a regional embargo. While the United States would support an embargo on Burundi, it opposes an embargo on the entire region due to its military support for the current regimes in Rwanda and Uganda; France, on the other hand, has renewed its military cooperation with Burundi and opposes an arms embargo against that country alone. Nevertheless, the Security Council should hold a serious debate regarding the merits of an international arms embargo on the Great Lakes region. If an embargo is established, it should be enforced uniformly throughout the region and vigorously enforced by the international community.

On a number of occasions, the Security Council has considered the deployment of U.N. or Organization of African Unity (OAU) military observers at key border crossings and airstrips in the Great Lakes area to monitor violations of current embargos and to deter illicit flows. It would be most effective if such observers were deployed in Burundi, Rwanda, Uganda, Tanzania, Angola and the DRC. The observers should also be mandated to monitor the activities of armed organizations that operate from the territories of the states in the region. These observers should have the technical capacity for monitoring arms flows and military operations and should not be considered as a peacekeeping or intervention force.

Furthermore, a regional conference on arms trafficking, security, and human rights in the Great Lakes region should be convened under the aegis of the United Nations and the OAU. This measure already has support from the EU parliament, the OAU, and some U.N. members. At the same time, resources should be provided for a disarmament commission to study ways to undertake the demobilization of sub-national military forces and their integration into the national armed forces of the Great Lakes states, along with weapons destruction and buy-back programs.

To prevent the further abuse of aid programs by arms traffickers, U.N. agencies and related NGOs should put in place and strictly enforce safeguards to prevent traffickers from using their transport capabilities for the shipment of arms. They should also abjure the use of cargo operators that also carry military equipment. Even if the inclusion of relief goods on a vessel or plane that is also carrying military equipment does not necessarily provide the military cargo with a humanitarian cover, it can be perceived to be doing so by the recipients of the humanitarian aid or by one or more parties to conflicts in the region--thus putting the staff of humanitarian agencies under threat. The same agencies should make lists of contract violators and make them available to other relief organizations to prevent further misuse of the humanitarian "vector" by war profiteers.

National Initiatives

At the national level, individual governments should take unilateral action to prevent their territories from being used as a conduit for arms shipments. They should also stop their nationals from selling weapons or serving as mercenaries on any side of a conflict, regardless of whether the nationals are operating at home or abroad. In doing so, national governments have a number of tools at their disposal: import and export regulations, end-user certification, end-use monitoring mechanisms, laws and policies on brokering, and other forms of control. These tools need to be strengthened and made uniform by both supplier and transshipment countries.

Such efforts can benefit from the special commissions established in recent years by a number of supplier governments to investigate covert arms trafficking in their territory. These bodies, including the Cameron Commission in South Africa and the Scott Inquiry into the Export of Defense Equipment and Dual-Use Goods to Iraq in Great Britain, have made useful recommendations with respect to the strengthening of national controls on the arms trade. In 1997, moreover, the Belgian government initiated a special interagency investigation into arms trafficking at Ostend airport; law enforcement agencies in the Netherlands have initiated a similar inquiry. Hopefully, these efforts will lead to tougher and more comprehensive restraints on international arms trafficking.

The Need for Further Disclosure

It is often difficult to obtain detailed information from governments about either their own arms transfers or their knowledge of private transfers under their jurisdiction. Governments consider arms transfers as legitimate tools of foreign policy, and often wish to cloak the overseas activities of arms firms based on their territory. While information on major conventional weaponry transferred from one government to another is often reported, the same does not apply to the vast quantities of light weaponry being supplied. Governments typically cite commercial "proprietary reasons" or "confidentiality" as justification for their silence. If the violence in the Great Lakes area is to be abated, however, arms flows into the region must be exposed to international scrutiny.

As a first step, foreign governments should make public all information on arms transfers to the Great Lakes region since 1993, including types and quantities of weapons, ammunition, military materiel (including dual-use items) and military services. Although activities by both the French government and the Clinton Administration in the Great Lakes area have been the subject of inquiries by parliamentary bodies, further scrutiny is warranted. Governments should also make public any information they may have collected on the arms-supply activities of private networks and other governments.

In the future, supplier governments should confine their arms transfers to channels that can be monitored by independent observers. These governments should also publically disclose their own arms transfers and those of private entities in their jurisdiction prior to initiation of the transaction. At the same time, the states of the Great Lakes region should establish a regional arms transfer register to which they would submit information on their imports and exports of weapons, ammunition, and military materiel on an annual basis.

Conclusion

While the international community talks endlessly of how to stem ethnic warfare or avert another genocide in the Great Lakes region, there remains a noticeable silence about the way in which weapon transfers influence the likelihood of such outcomes. Even graver still, certain members of the international community continue to supply arms or other forms of military assistance, often covertly, to various parties at war. Others have allowed insurgents to base and arm themselves within their countries. More commonly,

private merchants take advantage of foreign government sponsorship, loose restrictions on arms transfers, pliable transshipment countries, poor controls at border points, and/or corrupt officials to operate with impunity in the region.

Weapons will continue to pour into Central Africa until curbing arms proliferation is put at the top of the political agenda. Currently, the international community is only at the initial stages of instituting arms control mechanisms in the region. Further coordinated and strategic action is imperative to curtail the weapons flows. While efforts at arms control are complex and the challenges are obviously enormous, no other place in the world is in as dire need of such efforts as is the highly militarized, volatile Great Lakes region.



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The 1994 Rwandan Genocide and U.S. Policy

**Testimony of Holly Burkhalter, Physicians for Human Rights
Subcommittee on Human Rights and International Operations
May 5, 1998**

Thank you for holding this important hearing, Chairman Smith, and for inviting me to testify. My name is Holly Burkhalter, and I am the advocacy director of Physicians for Human Rights. Physicians for Human Rights, based in Boston, mobilizes the medical and health communities to protect and promote human rights for all people. Since our founding in 1986, PHR has sent over 75 medical and forensic teams to dozens of countries to investigate reports of torture, disappearances, and extrajudicial executions; prison conditions; landmines; use of chemical weapons and other issues. I commend you and Representative McKinney for taking this initiative to investigate U.S. policy during the Rwandan genocide of 1994.

Mr. Chairman, it is a perverse fact of life that the larger the number of victims the easier it is for the world to ignore them. In this testimony I make many references to "genocide," but that word tends to obscure the fact that genocide -- and torture, pain, and death -- occurs one person at a time. We at Physicians for Human Rights were forcefully reminded of that fact when our doctors and anthropologists excavated a mass grave at Kibuye at the behest of the International Criminal Tribunal for Rwanda. We spent months with the victims -- both the living and the dead. We learned about the genocide first hand as we carefully lifted each of 450 victims from the grave: the skull cleaved in two by a machete blow, the baby tied to his dead mother's back, the children with achilles tendons cut so that they couldn't run, the priest in his clerical garb. And we saw that the suffering of the survivors of genocide is experienced one person at a time as we worked with families to help identify the clothing our team retrieved from the mass grave. Physicians for Human Rights collected yet more evidence of the impact of genocide on individual Rwandans when we conducted a medical survey documenting widespread and heartbreaking mental trauma among child survivors in the refugee camps.



ORGANIZATION
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At today's hearing, I will use the opportunity to review what I believe went badly wrong during those terrible months of April through June, and to recommend a number of policies which, if enacted, would enable the U.S. to respond more appropriately if there is a resurgence of genocide or mass ethnic killing in Rwanda or elsewhere. We are deeply concerned that four years after the genocide there has been no discernable effort by the executive branch to change American peacekeeping policy so that an appropriate response would be possible during future genocides. And we see no indication that Congress would provide the financial and political support for such policies even were they to be advanced by the executive branch. I hope that this hearing contributes to new thinking in both branches of government.

Mr. Chairman, my organization believes that the Rwandan genocide of 1994 continues today, as the Interhamwe and ex-FAR (former Rwandan army) continue their targeted slaughter of Tutsi exclusively on the basis of their ethnicity. Every week we learn of dozens of killings of unarmed Tutsi men, women, and children by the insurgency whose goals and methods of "eliminating in whole or in part" the Tutsi ethnic minority in Rwanda have not changed over the last four years. It is of course the case that the genocidaires' *capacity* to commit genocide is greatly reduced from the time that they controlled the military resources of Rwanda, that their victims today number in the hundreds as compared to the hundreds of thousands, and that they are not in a position to topple the present government of Rwanda. None of these factors has the slightest bearing on the fact that the Genocide Convention requires its signatories to do today what it did not do in 1994: to prevent genocide and punish the perpetrators.

It is appropriate and honorable for the Clinton Administration to acknowledge the United States's failure to respond appropriately to the 1994 genocide, as Secretary Albright did in December and President Clinton did last month. Physicians for Human Rights welcomes their candor and commends them for it. We were also highly gratified by President Clinton's pledge to "increase our vigilance and strengthen our stand against those who would commit such atrocities in the future." Yet apologies alone are a poor tribute to the victims of genocide if the policies which frustrated an international response to stop genocide and save lives are still in place. A pledge of "never again" is a hollow one if there is no planning, preparation, resources, or political commitment to take the steps necessary to act on that pledge.

Accordingly, Physicians For Human Rights calls upon the Clinton Administration to develop a "Genocide Prevention and Response" policy initiative, and for the Congress to strongly support it, politically and financially. Such a policy, which I will discuss in detail below, should include the following elements:

- * President Clinton should announce that prevention and suppression of genocide is a vital U.S. interest, and that it is the policy of the United States to act on an urgent basis to comply with its obligations under the Genocide Convention.

- * Presidential Decision Directive 25 (regarding U.S. guidelines for participation in or

support of international peacekeeping endeavors) should be replaced with another directive which explicitly authorizes U.S. support for a United Nations-sanctioned military intervention to deter or stop genocide and to protect the victims.

To prevent or deter genocide, the U.S. should take the following actions:

- * Respond quickly and publicly to early warnings of mass ethnic killing or genocide-in-the-making. Publicly condemn actions which foment ethnic hatred, pressure governments responsible by withholding non-humanitarian foreign aid, deny visas to and seize assets of genocide-provoking individuals.

- * Engage at the highest levels with other governments to coordinate international condemnation, stigmatization, and isolation of genocide-provoking individuals, entities, or governments, and begin contingency planning with our allies for the use of force to protect victims and stop mass killings;

- * Engage in intensive monitoring in the affected area and urge other governments and the United Nations to do the same. Appoint a senior official to direct intelligence gathering and analysis for the purpose of protecting vulnerable communities; deterring attacks; gathering evidence for identification, stigmatization, isolation, and potential prosecution of genocide perpetrators; tracking weapons flows; assisting in the provision of humanitarian relief for the victims; and assessing the likelihood of actual genocide.

- * Take steps to stop the flow of weapons and other military aid to perpetrators of ethnic violence.

- * Forcibly stop the broadcasting of specific incitements to kill or injure minorities or other targeted groups by jamming the airwaves or providing the equipment and political support for others to do so.

To stop genocide in progress and protect the victims:

- * As soon as it becomes apparent, publicly call and condemn by name -- genocide -- acts with intent to destroy in whole or in part, a national, ethnical, racial or religious group, and condemn those who are engaged in directing or participating in it.

- * Provide the United Nations with the financial, military, political, and diplomatic resources to establish and support a standing rapid reaction interventionary force or a standby force such as the African Crisis Response Initiative with Chapter VII authority for the express purpose of intervening to prevent or stop genocide and to protect victims.

- * Until such forces are established, equipped, and trained, commit in advance and pre-position equipment and vehicles to permit an ad hoc force to be deployed quickly. Provide

resources to the U.N.'s Office of Peacekeeping to draw up contingency plans for intervening in specific situations to suppress genocide.

* Apprehend those indicted for genocide and turn them over to the appropriate international tribunal, if such exists. If such a tribunal has not been formed, take the lead in creating such a court immediately.

Ignoring Early Warnings: In a speech to genocide survivors in Rwanda President Clinton apologized for Western inaction during the genocide. His remorse was welcome, but we take exception to the President's suggestion that the U.S. did not respond because the government didn't know what was happening at the time. As early as 1993, human rights organizations such as Human Rights Watch, where I was working at the time, made available to Congress, the executive branch, and the U.N. early indicators of the trouble ahead in Rwanda. Those warning signs included selective killings of Tutsi, the formation of armed militia by extremist political parties, the drawing up of lists of Tutsi "enemies" (who were later exterminated), the stockpiling and distribution of thousands of guns and other light weapons to civilians throughout the communes, and the broadcasting of virulently anti-Tutsi messages by extremist radio stations.

We now know that the United Nations, and, presumably, Security Council members, had a great deal more information than the early warning indicators provided by human rights groups. On January 11, 1994, Major General Romeo Dallaire, the Canadian commander of the United Nations peacekeeping force in Rwanda (UNAMIR), sent a fax to the United Nations providing details of the genocide to come. The information came from an informant to General Dallaire, and it stated that the informant had been ordered to register all Tutsi in Kigali for purposes, the informant believed, of their extermination. Dallaire requested U.N. authorization to confiscate arms caches within 36 hours, and to provide asylum to the informant and his family. Dallaire's fax also informed U.N. officials that the genocide plan included provoking the Belgium troops making up the bulk of the UNAMIR contingent, killing some of them, and thus ensure that Belgium would withdraw its troops from UNAMIR. This is precisely what occurred.

The United Nations official to whom Dallaire appealed, Major General Maurice Baril, refused to authorize the actions and, according to Belgian Senator Alain Destexhe, ordered Dallaire to inform the President Habyarimana and his political party of the informant's intelligence, along with the U.N.'s decision not to act on it. Secretary General Kofi Annan's spokesman stated that all senior officials at the U.N. Office of Peacekeeping were behind General Baril's decision.

We believe that the U.S. Ambassador in Kigali, Ambassador Rawson, also had extensive information on the gathering genocide. We are troubled by the United Nations's claim that the peacekeeping office did not respond positively to General Dallaire's request because it could not assess the validity of the intelligence he was relying upon. The U.S. could have helped investigate and corroborate Dallaire's information. It would be very useful for this Subcommittee to request

all cable traffic between U.S. Embassy/Kigali and the State Department and United Nations to assess what role the U.S. actually did play at this critical time.

Speaking more generally, we believe that the United States and others should devote significant resources to gathering intelligence in situations where preparations for mass ethnic killing appear to be underway *so that they can quickly intervene to stop the killing*. In Rwanda, we may assume that the government of Belgium was collecting intelligence on such matters as the creation of extremist militia, the broadcasts of hate radio, targeted killings of Tutsi, and the influx of light weapons into communes if only because hundreds of Belgian troops were deployed within UNAMIR and their security would have been of high concern to Brussels.¹

In Rwanda as in Bosnia, the real issue has not been the gathering of intelligence but rather the analysis of it and acting on it to prevent abuse and apprehend abusers. Quantities of information so vast as to be unusable are collected through satellite photography, radio and telephone intercepts, etc. The key to using this material effectively to inform a response to burgeoning genocide is in 1) telling the intelligence gatherers what to look for in a specific area of search and to focus the inquiry on indicators of trouble ahead (such as troop movements, flow of weapons, positioning of vehicles, orders given, received, and acknowledged, etc.) 2) ordering that the material be analyzed and evaluated specifically for purposes of information about the possibility of mass killing; and 3) making that information available to policy makers both in the U.S., the U.N., and other foreign capitols so that it can be acted upon.

Everyone agrees that "early warning" is essential for appropriate response to humanitarian disasters, and the collection and analysis of intelligence and deployment of international monitors can serve this function. But all the warnings in the world are worthless if there is no response. The Clinton Administration could have taken but did not take the following actions in the months before the Rwanda genocide, in response to the early warning indicators: 1) convened a diplomatic meeting of governments with influence on Rwanda, including neighboring governments and donors such as France and Belgium, and publicly demanded that arms caches be identified and destroyed, that hate radio be stopped, that killings of Tutsi leaders be investigated and prosecuted promptly, and that extremist militia be disbanded and disarmed. 2) responded to General Dallaire's intelligence report of genocide to come (the January 11 fax to the United Nations) by insisting that he be authorized to take the actions he requested and leading efforts at the UN to enlarge UNAMIR's mandate if such were required and provide him with the resources with which to carry it out.

"Peacekeeping" During the Genocide: Shortly after the genocide, General Dallaire stated that he could have saved significant numbers of lives, if not stopped the genocide, if he had had 1,800 additional troops, appropriate mandate, and armored vehicles. The Carnegie

¹Similarly, we may assume that vast quantities of military intelligence was being collected in Bosnia by the NATO countries at the time that Srebrenica fell, and that neither the attack nor subsequent butchery of the enclave's Muslim men and boys was a surprise to Western authorities.

Commission on Preventing Deadly Conflict, in cooperation with the U.S. Army and the Institute for the Study of Diplomacy at Georgetown University, addressed General Dallaire's premise and largely concurred with it, concluding that "a modern force of 5,000 troops could have significantly altered the outcome of the conflict."

As you know, Dallaire and his 2,500-strong UNAMIR force were deployed in Rwanda for purposes of monitoring the Arusha peace accord and assisting in the transition to a coalition government, demobilizing military forces, integrating some RPA units into the Rwandan army, and establishing a demilitarized zone. Though UNAMIR's mandate did include contributing to the security of Kigali, some observers believe that in order for UNAMIR to have checked the genocide a Chapter VII mandate to reestablish peace and security and rules of engagement permitting offensive action would be necessary.

It is, however, important to note that even while Dallaire was denied the rules of engagement that he felt were required to take offensive action to save Rwandan lives, UNAMIR troops made several excursions into the countryside for the explicit purpose of evacuating European expatriates without any change in rules or mandate. It would be useful to this investigation if the Subcommittee would solicit information from the U.N. peacekeeping office, from General Dallaire, and from Secretary Albright and those who served with her at the United Nations about this apparent discrepancy between what protection UNAMIR was permitted to offer Europeans and Rwandans during the genocide.

As noted above, the United Nations peacekeeping office denied Dallaire permission for UNAMIR to take steps to head off the genocide four months before it began. He appealed on numerous occasions thereafter, in the period from January - April, 1994, for an increase in troops and a mandate to save lives and was repeatedly denied. Thus when President Habyarimana's plane was shot down on April 6 and the organized killing of Tutsi and moderate Hutu political figures began in Kigali, UNAMIR was ill-equipped to deal with the problem. As predicted by General Dallaire's informant, the extremists did indeed target the Belgian troops, in particular those who were assigned to protect Hutu Prime Minister, Agathe Uwilingiyimana. She was murdered along with three Belgian peacekeepers. The remaining seven peacekeepers in the contingent laid down their arms in the hope that they would appear nonthreatening, given their rules of engagement which required them to avoid combat. They were tortured and murdered.

Within days, Belgium had deployed 850 troops under its own flag to evacuate Belgian citizens from Rwanda. Once that was accomplished, Brussels withdrew its 420 soldiers from UNAMIR. Other soldiers panicked and were sent out of the country, and Dallaire was left with a weakened force while troop contributing nations were demanding assurances that they were not in jeopardy. For two weeks, the Security Council discussed the fate of UNAMIR, with Washington strongly supporting complete withdrawal of the force on the grounds that it could neither carry out its duties nor be protected. On April 21, the Security Council voted to draw down UNAMIR to a skeletal force of 250.

The decision essentially to withdraw the force as the genocide was gathering speed had enormous practical and political consequences inside Rwanda. It made it impossible for existing troops to expand their efforts to protect the tens of thousands of Tutsi who had taken refuge in churches and schools throughout the country, and sent an unmistakable message to the genocidal forces that there would be no impediment to their finishing the job.

The Clinton Administration defends its support for the Security Council decision on the grounds that no nation wanted to contribute troops and that there was no mandate for UNAMIR to use lethal force to even protect itself, much less Rwandan civilians. But in retrospect, one can imagine a host of different responses. When the decision was made, killings were still largely confined to Kigali and its environs and it is possible that in the early days of the genocide a relatively small force which had appropriate vehicles, weapons, and mandate, could have protected itself and concentrations of Tutsi in the capitol, and sent an unmistakable signal to the presidential guard and militia to stop the killings. Such a force could also have dismantled the road blocks which were erected in Kigali and were rapidly going up all over Rwanda, and helped keep Tutsi civilians in their homes.

This last point is crucial. As noted by Col. Scott Feil, in "Preventing Genocide, How the Use of Force Might Have Succeeded in Rwanda," Rwandan Tutsi are thoroughly integrated into communities and are not easily identified by appearance or name. Thus the militia and Rwandan army soldiers bent on exterminating the Tutsi had to first get whole villages moving and funnel everyone through checkpoints where identity cards could be checked and Tutsi then separated for extermination. "Under these circumstances, measures to prevent people from leaving their villages would be extremely important; "safe sites," smaller and more easily defended community groupings, would be the best way to stabilize and secure the population in Rwanda."²

Sabotaging Humanitarian Intervention: In the days following the April 21 decision to reduce UNAMIR forces, mass killings skyrocketed. On April 29, Secretary General Boutros Boutros-Ghali asked the Security Council to reconsider its decision and to consider "forceful action to restore law and order and end the massacres." On May 2, the Secretary General wrote to African heads of state requesting troops for an African peacekeeping force -- a force that at the time the Clinton Administration said it would help finance, equip, and transport.

The African force never materialized. In part, U.S. refusal to commit its own troops to the effort reduced the prestige of the mission and discouraged troop-contributing nations which would have been eager to join an American-led intervention. Accordingly, the U.N. Secretary General floated a new plan -- a UNAMIR II which would enlarge the existing contingent by 800 men and augment it with another battalion within a few weeks. The mandate for UNAMIR II was limited to obtaining a cease-fire, supporting humanitarian assistance, and opening the airport. The U.S. offered an alternative plan, and weeks were lost in negotiating the differences. Finally on

²Preventing Genocide, How the Use of Force Might Have Succeeded in Rwanda, Colonel Scott R. Feil, Carnegie Commission on Preventing Deadly Conflict, December 1997.

May 17, the Security Council voted unanimously to support a compromise plan. But even then, the U.S. insisted that the mandate of the force (which included no Americans) not be expanded to include the use of force to stop killings and demanded a review of the plan before its actual implementation, including before initial planned deployment of 150 military observers.

Moreover, the Pentagon successfully blocked even the provision of vehicles and equipment, which, had they been provided, could at least have been used by the existing UNAMIR troops to enhance their security and enable them to travel outside of Kigali to defend concentrations of displaced Tutsi in the countryside.

The case of the mythical armored personnel carriers is a good example. The U.N. formally requested 50 APC's from the U.S. on May 19 and Washington agreed to provide them two weeks later. For the next two *months* the U.S. managed to stall on its commitment: weeks were lost while bureaucrats dithered over how much the U.S. would be reimbursed for their use. Weeks later there were hot debates over whether to use tracked or treaded vehicles. Further time was lost while it was determined that the vehicles were the wrong color, then no one was able to figure out how to transport the vehicles from Frankfurt to the African continent, and so on. The upshot of such shenanigans was that the carriers were ready to roll long after the RPA had seized control of Rwanda and ended the genocide.

A New Peacekeeping Policy: The unhappy fate of UNAMIR and UNAMIR II illuminate several policies which could be developed which would permit a more useful response in the event of future genocides.

First, because of American leadership at the Security Council, the U.S. has the capacity to slow deliberations on humanitarian intervention to a virtual standstill, even when there are no American troops involved. Some of the obstruction and delay in 1994 were necessitated by the fact that expanded UNAMIR and other humanitarian initiatives were ad hoc, and American representatives, ever mindful of Congress's opposition to paying its U.N. dues or participating in its operations, put the brakes on while they scrutinized every detail of each new initiative. That is understandable, but in 1994 the genocidal killers moved much more quickly than did the U.S. and U.N. bureaucrats. While U.S. officials demanded reviews, plodded through Pentagon and U.N. procurement bureaucracies, and checked Congress's pulse about intervention, hundreds of thousands of civilians were butchered.

But if it were the policy of the U.S. government to respond vigorously and affirmatively to genocide, a different outcome might be possible. First, peacekeeping policy as articulated in Presidential Decision Directive 25 must be changed, and here, Congress has a very important obligation. PDD 25 was promulgated at the height of the genocide, on May 5, 1994. It appeared to have been designed to thwart American participation in situations just like Rwanda's, including such requirements that any U.N. mission must be a response to threats to international peace and security, must advance American interests at acceptable risk, and must have adequate command and control procedures and an exit strategy. To my knowledge, there were very few public

criticisms of the limited nature of PDD 25 by the Congress and no clamor at Congressional hearings to amend the policy in such a way so as to permit an appropriate response to the genocide which at that very moment was unfolding in Rwanda.¹

If peacekeeping policy was changed so that suppressing genocide was identified as a vital American interest and included among the purposes of U.S. peacekeeping policy, one can imagine a host of activities that the executive branch might engage to operationalize that goal. Steps could include offering U.S. military advice to the U.N. peacekeeping office to draw up interventionary plans on an urgent basis in advance of an actual outbreak of genocide so that the weeks of fumbling during the Rwanda genocide might be avoided. The Pentagon should be ordered to do what the U.N. has long desired: locate, refurbish, and designate a supply of vehicles and equipment which could be seconded to the U.N. on an urgent basis when needed. The Pentagon's red tape for procurement is exceeded only by the U.N.'s. That red tape must be obliterated in times of genocide. The President should order that supplies and equipment and vehicles be identified now, for possible use in times of crisis, and supply them immediately. Congress should warmly support the initiative.

But in some cases, these measures alone may not be sufficient to prevent or stop genocide if there are no troops to intervene. In such circumstances of genocide, our own government should offer troops, as well as the material and technical assistance described above, to stop the killing.

Additionally, there are many sophisticated proposals for an international interventionary force and it is not within the expertise of Physicians for Human Rights to endorse any of them in particular. I would note, however, that the standing rapid reaction interventionary force which was proposed many years ago by Sir Brian Urqhart, still offers a vision for preventing and responding to genocide. While we realize that there does not now exist the political will to establish such a force, we urge policy makers to reconsider such an initiative, in light of the genocide in 1994 Rwanda and in Bosnia.

The African Crisis Response Initiative may at some point be able to serve such a function, at the behest of the U.N. or the OAU. As you know, as it is currently configured, ACRI is not designed to play a Chapter VII role; it is, rather, a classic peacekeeping (Chapter VI) initiative. But the ACRI model -- advance training of certain units in a number of countries in advance of any specific crisis -- may lend itself to a different role. One proposal I have heard discussed would be for ten countries (not necessarily all African) to each designate 5,000 troops that would train together as a unit on a regular basis at a U.N./U.S. peacekeeping training facility. They would be reimbursed at U.N. rates, and groups of them would be available for an operation. Commanders for each unit would have been identified long before the intervention and would

¹Representative David Obey was an honorable exception. The Congressman bitterly denounced the policy as "zero degree of involvement and zero degree of risk and zero degree of pain and confusion."

have trained with the troops and familiar to each other. Thus instead of a pick-up scramble at the last minute -- when chances of success are lowest -- a trained and ready fighting force would be available for intervention before a genocidal situation spiraled out of control. In the absence of a standing U.N. rapid deployment force, the ACRI-plus model or other plans which involve advance training of designated units, deserves close consideration. A key component of any such project must be advance training, drill, and discipline in the laws of armed conflict. Peacekeepers have themselves committed extremely serious abuses against the unarmed local population.

Finally, it is worth noting that the failure of troop-contributing countries to supply the United Nations with troops to separate armed men from the gigantic Rwandan refugee camps in Zaire has contributed to the continued killing of Tutsi in the region. As you know, the genocidaires, operating from the refugee camps, exterminated thousands of Zairian Tutsi and launched continuous military operations across the border, killing thousands of Rwandan Tutsi civilians.

Responding to Genocide Today: Mr. Chairman, most of my policy suggestions relate to situations where it is government authorities who are engaged in genocide. In Rwanda today, the attempt to exterminate the minority Tutsi is of course not a government initiative but rather a continuation of the 1994 genocide by the defeated Rwandan military (now known as ex-FAR) and the militia. To my knowledge, the government of Rwanda, which is engaged in active counterinsurgency measures, has not requested international intervention of any type to suppress the genocidaires. Nonetheless, the insurgents have inflicted huge casualties on Rwandan Tutsi civilians, and attacks appear to be spreading throughout the country. Rwandan Hutu civilians who do not necessarily support the genocidaires, are forced to give them food, and, all too often, are targets of reprisals by Rwandan government forces. Numerous human rights organizations, including my own, have reported on killings of Hutu civilians by the RPA in the context of a counterinsurgency campaign which has been extremely brutal.

Physicians for Human Rights believes that the United Nations should take specific actions to help suppress the insurgency, including taking into custody ex-FAR and militiamen engaged in the killing of Tutsi civilians, and delivering them for prosecution for genocide. We also would support the provision to the Rwandan authorities of intelligence and other military assistance which would enable them to respond to attacks by the insurgency if attacks and reprisals by the RPA against civilians have stopped and the perpetrators have been punished.

Mr. Chairman, I would conclude by noting that the West's refusal to suppress the genocide in Rwanda was extraordinarily costly in three ways: first and foremost, it was costly in the terrible loss of hundreds of thousands of Tutsi Rwandan men, women, and children and of the courageous Hutu civilians who sheltered them. A second casualty of the genocide was the image and thus the potential effectiveness of the United Nations and its various organizations. In particular, the U.N.'s failure to stop the genocide and subsequent refusal to disarm the camps -- assured, in part, by the United States -- has contributed to a "go it alone" mentality on the part of the Rwandan authorities that has had disastrous consequences for human rights in Rwanda and

Congo.

As you know, the Rwandan authorities repeatedly appealed to the international community to disarm the refugee camps. When such action was not forthcoming, the Rwandan army took matters into its own hands and emptied the camps. That action eliminated a very important source of support for the insurgency, but many thousands of unarmed refugees died as a result. When the insurgency surged within Rwanda, as the genocidaire began to return home with the refugees, the RPA again took care of things its way: at the cost of thousands of civilian lives.

Physicians for Human Rights in no way equates RPA killings of Hutu civilians in the Congo and Rwanda with the genocide. We do note, however, that the ruthless character of both the invasion of Congo and the counterinsurgency at home and Rwanda's desperate go-it-alone approach are part of the legacy of the genocide and the West's failure to suppress the genocidaire today. Accordingly, we urge that Rwanda's donors target their military assistance to programs which support reform elements within the Rwandan military and which upgrade both troop behavior and military justice systems designed to address violations by the military. We also urge Rwanda's donors to help the country recover from the genocide by providing generous non-military aid so that health care, housing and jobs may be increased considerably, and shared by all Rwandans.

**LE GENOCIDE ET LA CONTINUITE DE LA VIOLENCE AU RWANDA: QUEL
DOIT ETRE L'APPORT DE LA COMMUNAUTE INTERNATIONALE?**

**Francois-Xavier NSENUWERA
Secrtaire-general de la FIDR,
Ancien President du Collectif des Ligues et
Associations de Defense des Droits de l'Homme au Rwanda.**

Statement for presentation at the hearing on

**Rwanda: Genocide
and the Continuing Cycle of Violence**

May 3, 1998

**House Committee on International Relations
Subcommittee on International Operations and Human Rights**

**LE GENOCIDE ET LA CONTINUITÉ DE LA VIOLENCE AU RWANDA: QUEL
DOIT ÊTRE L'APPORT DE LA COMMUNAUTÉ INTERNATIONALE?**

François-Xavier NIBANZUWERA

Le génocide des Rwandais tutsi et les massacres politiques des opposants politiques hutu, des Hutus assimilés aux victimes tutsi et des Hutu qui ont refusé de participer aux massacres de leurs compatriotes tutsi au printemps 1994 fut l'œuvre d'un appareil étatique avec ses plus hauts responsables.

En effet, nous sommes convaincus, nous pouvons même avoir des preuves que le génocide des Tutsi fut planifié et mis en exécution par des plus hauts responsables politiques et administratifs de l'Etat, par certains membres de l'Etat major de l'armée et de la gendarmerie nationale.

Des miliciens Interahamwe du parti MRND et leurs alliés Impuzamugambi du parti CDR aidés par des éléments de l'armée et de la gendarmerie nationale participèrent à l'extermination des Tutsi et des Hutu opposants politiques ou des Hutu qui ne participaient pas au génocide. Sur les collines des paysans hutu manipulés par leurs autorités administratives participèrent également aux massacres. Les autorités leur promettaient de prendre des terres de leurs voisins tués. Mais pendant les massacres, plusieurs familles hutu sauvèrent la vie de leurs voisins tutsi en les cachant souvent au péril de leur propre vie jusqu'à la victoire du Front patriotique rwandais.

Avec la victoire militaire du Front patriotique rwandais, des centaines de milliers de rwandais à majorité hutu, encadrés par leurs anciennes autorités administratives et par les ex-Forces armées rwandaises et les milices s'enfuirent au Zaïre et en Tanzanie. Que furent les conséquences du génocide, des massacres politiques et de l'exode massif des réfugiés? Quelle fut l'attitude de la Communauté internationale face à l'une des plus grandes tragédies si ce n'est la plus grande tragédie de ce 20ème siècle finissant qui avait laissé beaucoup d'espoir aux jeunes générations?

Dans ce bref exposé, seuls la justice, la mémoire, le droit de propriété, la liberté d'expression, la sécurité des gens et la reconstruction du pays vont retenir notre attention.

1. LA JUSTICE ET LA MÉMOIRE

Après la fin du génocide et la guerre, l'armée a procédé aux arrestations des suspects de participation au génocide. Des centaines, des prisonniers sont arrivés aux dizaines de milliers. Aujourd'hui, l'on parle officiellement de 130.000 prisonniers. Ne sont pas compris dans ce chiffre

des prisonniers détenus dans les cachots des communes et des camps militaires. Sont-ils tous coupables? Certainement non car plusieurs d'entre eux furent dénoncés pour des règlements de compte personnels, à cause de leurs maisons illégalement occupés ou des postes occupés et convoités par ceux qui les dénonçaient. Cela fait plus de quatre ans que ces gens attendent que justice leur soit rendue. Il y a également plus de quatre ans que des milliers de rescapés attendent que justice leur soit rendue. Au rythme des procès actuels, le Rwanda attendra quatre siècles pour juger 130.000 prisonniers. Et pourtant plusieurs responsables politiques et des magistrats dont l'ancien ministre de la justice Alphonse-Marie Nkubito et moi-même avions demandé l'aide des magistrats étrangers. Cette proposition acceptée par le gouvernement fut rejeté par l'Assemblée nationale (le Parlement rwandais). Pourquoi, puisque le crime de génocide est un crime contre toute l'humanité entière et appelle la collaboration de tous les pays. L'arrivée de ces magistrats de plusieurs pays, membres de la Communauté internationale avaient plusieurs raisons d'être:

- le grand nombre de personnes à juger,
- la crédibilité des procès,
- tranquiliser les magistrats rwandais qui travaillent sous le poids de l'Armée. Celle-ci s'ingèrent dans le travail de la justice,
- tranquiliser les prisonniers hutu qui n'ont pas confiance dans un appareil judiciaire dominé par les Tutsi,
- la solidarité internationale face aux besoins de justice d'un pays qui sort d'un génocide.

Nous pensons que plus que jamais cette idée de la collaboration des magistrats de plusieurs pays est la seule façon de permettre au Rwanda de rendre justice. Mais quel pays convaincra le Rwanda de se rendre compte qu'il est incapable de rendre seul justice?

Concernant le travail du Tribunal international d'Arusha qui aura à juger les cerveaux du génocide rwandais, beaucoup de progrès commencent à se réaliser mais ce tribunal saura-t-il juger tous les cerveaux du génocide et les criminels de guerre des deux camps qui se sont livrés aux massacres de civils même si le nombre des victimes civiles des deux camps au conflit n'est pas le même? Les Etats qui hébergent les auteurs des cerveaux du génocide comme la Belgique, la France, le Kenya et d'autres pays acceptent-ils de collaborer avec le Tribunal pénal international pour le Rwanda? Des pays qui soutiennent le Gouvernement rwandais actuel comme les Etats Unis, la Hollande ou l'Allemagne reconnaissent-ils que des éléments de l'Armée patriotique rwandaise ont tué des civils pendant le génocide et la reprise de la guerre et même après? Si tous les criminels de tous bords ne sont pas tous punis, l'impunité au Rwanda restera surtout au sein de la classe dirigeante quelles que seront les époques.

1.2. LA NEGATION DU DROIT DE PROPRIETE

Avec la victoire du Front patriotique rwandais, des anciens réfugiés rwandais rentrèrent massivement au Rwanda. Ils s'emparèrent des terres et des maisons des Hutu partis à leur tour en exil. La plupart de ces réfugiés tutsi avaient également quitté trente ans avant leurs maisons et leurs

terres. Aujourd'hui, malgré le retour des réfugiés hutu, malgré la décision du gouvernement leur demandant de libérer ces biens, beaucoup continuent de les occuper. Cette situation est une des raisons qui empêchent d'autres réfugiés, surtout des intellectuels hutu se trouvant en Europe, de rentrer au Rwanda.

1.3. SUR LE PLAN DE LA DEMOCRATIE

Aujourd'hui cinq partis politiques participent au gouvernement d'union nationale. Mais que représentent ces partis, quand les activités politiques sont interdites, quand ces partis n'ont pas de base sociale? Il en est de même au Parlement. Et puis n'oublions pas que les leaders charismatiques de l'ancienne opposition sont morts pendant le génocide, que d'autres sont partis en exil quand il y a eu la première crise du gouvernement actuel. Quel équilibre peuvent apporter ces leaders qui n'ont pas de base. Face aux durs du FPR surtout les militaires, de quels alliés peuvent avoir des modérés du FPR face aux faucons du régime qui sont en train de militariser toute la société? Sans un espace démocratique tous les Rwandais se trouvant à l'extérieur du Rwanda ne rentreront pas et le pays va continuer à produire des réfugiés politiques et même économiques.

1.5. LE RETOUR DES REFUGIES RWANDAIS.

L'on a beaucoup parlé de la prise en otage des réfugiés rwandais dans les camps par des forces génocidaires. Ceci est vrai car les miliciens et les ex-forces armées rwandaises promettaient au réfugiés un retour par les armes. Mais beaucoup de réfugiés avaient également peur de rentrer au Rwanda à cause des arrestations massives, des exécutions sommaires et des disparitions. Et puis la Tanzanie, le Burundi et le Zaïre ont expulsé un grand nombre de réfugiés dans des conditions indignes et au mépris des conventions internationales.

En octobre 1996 commence la guerre dite de libération du Congo avec l'Alliance des Forces démocratiques du Congo aidées par l'Armée patriotique rwandaise. Aujourd'hui de nombreux témoignages dignes de foi font état des massacres à grande échelle de réfugiés dont des femmes et des enfants qui n'ont jamais connu le génocide et le Rwanda. Des réfugiés ont été condamnés à mourir de faim et de maladie. Est-ce que le retour massif de réfugiés qui sont rentrés au Rwanda, est-ce que le fait de faire disparaître le danger de déstabilisation que constituaient les camps de réfugiés exigeaient comme prix les massacres délibérés des milliers de réfugiés dont des enfants et des femmes innocents?

1.8. LA RECONSTRUCTION DU PAYS.

Comment reconstruire un pays dont la population vit aujourd'hui dans la peur de la rébellion et de l'armée?
 Comment reconstruire un pays dans lequel seule les femmes sont aujourd'hui les seules forces vives, les hommes étant en prisons, d'autres se cachant, etc...?

Comment reconstruire un pays qui refuse d'intégrer des réfugiés intellectuels, universitaires rentrés au pays qui, aujourd'hui vivent dans les campagnes?

Comment reconstruire un pays dont les dirigeants considèrent tout rwandais critique vivant à l'extérieur comme génocidaire, comme ennemi du pays? Comment reconstruire un projet de société commun dans ce refus de dialogue entre toutes les forces vives de la nation?

Autant d'interrogations qui font que aujourd'hui, le pays est dans une impasse. Mais comme toujours la Communauté internationale ne veut pas se rendre compte de ce danger de déstabilisation qui peut engendrer une autre catastrophe humanitaire.

2. L'ECHEC DE LA COMMUNAUTE INTERNATIONALE FACE A LA TRAGEDIE RWANDAISE ET DE LA REGION DES GRANDS LACS.

2.1. FACE AU GENOCIDE.

Le génocide du printemps 1994 ne fut pas une surprise pour la communauté internationale. Il y eut beaucoup de signes précurseurs. Non seulement le 7 avril 1994 il y avait les casques bleus mais en mars 1993, dans un rapport qui a été largement diffusé les ONG des droits de l'homme Human Rights Watch, la Fédération internationale des Ligues des Droits de l'Homme avaient alerté la communauté internationale sur ce qui se passait au Rwanda et le risque d'explosion. Le rapport parlait déjà d'actes de génocide.

Ce qui s'est passé est trop connu et triste. Le Conseil de sécurité de l'ONU retira les casques bleus abandonnant les rwandais aux bourreaux. Et pourtant les victimes avaient eu confiance dans les soldats de la paix.

Cet abandon de la communauté internationale ne s'arrêta pas. Quand des pays comme le Zaïre, la Tanzanie et le Burundi expulsèrent les réfugiés au mépris des conventions internationales on trouva cela normal. Quand des milliers de réfugiés furent massacrés, la communauté internationale resta indifférente. Ceux qui eurent le courage de dénoncer ce nouveau crime contre l'humanité furent traités de négationnistes et de révisionnistes. Pour certains pays, tous les réfugiés étaient rentrés et puis tous ceux qui étaient morts étaient des génocidaires; terrible logique à l'aube du 21ème siècle.

Aujourd'hui, face aux violations graves des droits de l'homme, l'argument, l'excuse est de dire que le Rwanda sort du génocide. Le génocide ne peut pas justifier les autres violations des droits de l'homme. La communauté internationale ne devrait pas continuer à commettre les mêmes erreurs: les démocrates rwandais, aussi bien à l'intérieur qu'à l'extérieur du Rwanda ont besoin d'un espace de parole pour un dialogue constructif, le seul avenir du Rwanda. Donnez-leur cette chance pour faire taire ceux qui sont dans la logique des armes. N'oubliez pas que vous êtes les gardiens de cette promesse des pères fondateurs de la Charte des Nations Unies: "préservier les générations futures du fléau de la guerre."



Testimony of
JEFF DRUMTRA
Africa Policy Analyst

U.S. COMMITTEE FOR REFUGEES
on
"RWANDA: GENOCIDE AND THE
CONTINUING CYCLE OF VIOLENCE"

before the
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

MAY 5, 1998

Background of USCR

I am Jeff Drumtra, Africa Policy Analyst for the U.S. Committee for Refugees. Thank you for conducting this hearing on "Rwanda: Genocide and the Continuing Cycle of Violence."

The U.S. Committee for Refugees (USCR) is a nonprofit, nongovernmental organization that regularly monitors and assesses the plight of refugees and displaced people around the world, and their efforts to reintegrate or resettle when conditions permit.

USCR has conducted regular site visits to Rwanda during the past 15 years to document conditions, analyze the political environment, and offer informed policy recommendations. USCR staff have undertaken 12 assessment trips to Rwanda since 1994. USCR staff were on the ground days before the genocide began in April 1994 and repeatedly traveled into Rwanda to document the genocide as it was occurring. Our two most recent visits to Rwanda were in late 1997.

In the past four years, USCR has produced some 50 reports, action alerts, briefings, editorials, and public information advisories in an effort to help policy makers, the press, and the American public understand and respond to events in Rwanda. We published our most recent report, *Life After Death: Suspicion and Reintegration in Post-Genocide Rwanda*, in February 1998. We have distributed copies of that report to members of this Subcommittee. We can provide you with all USCR publications and documents pertaining to Rwanda if you wish.

Outline of Testimony

This testimony consists of five sections.

Firstly, an explanation of the purpose of this testimony and, we believe, of this hearing.

Secondly, a brief review of action and inaction during the Rwandan genocide.

Thirdly, a review of U.S. policy failures during the genocide.

Fourthly, a discussion of steps to improve U.S. response in the future.

And fifthly, a discussion of the legacy of genocide in current-day Rwanda.

I. Purpose of Testimony

Let's be frank. Many people—including perhaps some Members of this Subcommittee—find it odd to hold a Congressional hearing in mid-1998 about an event and a series of U.S. policy decisions that occurred four years ago in a small country that was of negligible strategic interest to the United States. Nothing we say here today can change what happened in Rwanda in mid-1994. Therefore some observers might view this hearing as an exercise in irrelevance as it regards the past, and an exercise in futility as it regards the future.

That sense of fatalism is understandable, but dangerous. A tragedy of epic proportions

occurred in Rwanda in 1994. It was the first legally defined genocide in the post-World War II world. U.S. leaders shamed themselves and degraded the highest ideals of our human race by their inaction during Rwanda's genocide. The mass murder in Rwanda was the most intense bloodletting in modern times.

USCR therefore participates in this hearing with several purposes. First, we want to help make the historical record of the genocide as complete and accurate as possible. This is the least we can do. Television cameras and journalists might be absent from this hearing—just as they were largely absent during the genocide itself—but we have to believe that history is listening and watching these proceedings. If our contemporaries ignore this hearing, at least we can provide a historical record for future generations.

Secondly, we believe our testimony at this hearing can help identify U.S. mistakes during the genocide and assess why they occurred. President Clinton acknowledged during his brief visit to Rwanda in March that the U.S. government "must bear its share of responsibility" for the Rwandan genocide. His acknowledgement was an important first step, albeit four years late. The task today, we hope, is to identify our nation's mistakes honestly, and demand higher standards in the future. Parliamentary inquiries have occurred in Belgium and France. It is time for the United States to look in the mirror.

Thirdly, it is probably fair to say that we all are participating in this hearing today because we want to fulfill a responsibility to the dead victims of genocide. Let us not shirk the uncomfortable truth: among the million people who lost their lives in Rwanda were hundreds of thousands of victims who died in part because specific U.S. officials refused to help them, prevented others from giving help, and refused even to acknowledge the need to help. That is the awful truth lurking behind President Clinton's statement in March that "we did not act quickly enough after the killing began," and his confession that "we did not immediately call these crimes by their rightful name: genocide."

President Clinton told Rwandans that "we owe to those who died and to those who survived...our every effort to increase our vigilance and strengthen our stand against those who would commit such atrocities in the future." Those are eloquent words, but are they more than empty rhetoric? This American nation and the international community must find a way to rebuild a credible commitment to the post-Holocaust ideal of "never again." It is now clear that we as a nation did not really mean those noble words the first time. A fourth purpose here today should be to push, prod, urge, shame, or inspire our nation and its leaders—beginning with some Members of this Human Rights Subcommittee—to dare to do better when the next awful moment of truth arrives elsewhere.

Fifthly, it is our hope that this hearing will be one small step in helping to restore commitment and integrity to international humanitarian principles and international law. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which the United States is a signatory, is nothing more than a scrap of paper unless principled leaders, beginning with our own U.S. officials, infuse it with life and commitment. This hearing will serve an important purpose if it gives us another opportunity to reflect on the fact that appalling evil occurs when world powers such as the United States dismiss our own highest principles as empty rhetoric.

Finally, we are participating in this hearing to help understand and render wise assistance to post-genocide Rwanda. We want to impress upon Congress, the Administration, and the American public that a phenomenal challenge is underway at this moment

in post-genocide Rwanda that may well be unique in human history. Rarely, if ever, in recorded history has a society attempted to live together again, side by side, in the aftermath of a genocide. It is a complex and sensitive situation. "We must work to remedy the consequences of genocide," President Clinton stated in Rwanda. He is correct. But it is not a task done easily or quickly. One purpose of this hearing, we believe, is to help channel U.S. policy in the proper direction.

II. Genocide Revisited: Review of Information & Inaction

Those of us in the West consistently emphasize that Rwanda's past and present leaders must be held accountable for their actions. We in the West are slower to acknowledge, however, that our own U.S. and other Western leaders also should be accountable for their actions and inactions, particularly at the time of the Rwandan genocide.

In order to impose proper accountability on our own leaders for ignoring Rwanda's mass murder as it unfolded, it is important to make one fact abundantly clear at this hearing: Almost as soon as the genocide began on April 6, the cold-blooded, systematic, calculated nature of the killing was identifiable and comprehensible to us in the West. U.S. officials cannot credibly excuse their own inaction by characterizing the situation in Rwanda as "confused" or "chaotic" or "beyond comprehension." Even as the genocide was occurring, the political motives behind the mass killings were within the scope of our Western understanding. Indeed, sources on the ground in Rwanda expressed alarm to USCR and to other international analysts in March and early April 1994 that hardliners in the government were on the verge of fomenting major violence.

Days after the genocide began, and throughout the long weeks of slaughter, nongovernmental organizations (NGOs) regularly disseminated international alerts and analyses to inform U.S. policy makers and galvanize a response that never came. Following is a partial review of information and policy advocacy during the genocide, and the U.S. government's response to the horrific events.

Genocide Weeks 1-2

USCR conducted a public briefing on April 11 and stressed that the killings were an attempt by Rwandan hardliners to sabotage the country's peace process, rather than a spontaneous "tribal bloodletting." USCR wrote to the Administration on April 13 "to emphasize that the violence...is not simply due to ethnic differences." USCR's letter explained that the killings "were instigated...by hardline military and political elements determined to sabotage democratic reforms at all costs." USCR issued a public statement on April 14, reporting that "tens of thousands" were dead at the hands of "hardline political and military leaders in Rwanda...[who] have capitalized on internal ethnic divisions...to thwart democratic reforms and terrorize the population."

An op-ed by USCR published on April 14 warned that "it would be an unforgivable mistake to pass off the latest orgy of violence in Rwanda as simply another case of African tribal bloodletting that foreigners can never understand and are powerless to prevent.... Characterizing Rwanda's upheaval as the product of primordial ethnic hatreds misses the point of what is really happening there.... The real instigation of violence in Rwanda is shamelessly political, not ethnic." A USCR "Fact Sheet" published April 19 warned that Rwanda's "shift of violence to rural regions is ominous, since most Rwandans live in rural areas."

A handful of other U.S. organizations also sounded the alarm immediately and tried to explain the political nature of the killings and the need for an international response to stop the

massacres. One of the most notable was Human Rights Watch/Africa (HRW). "The carnage that has been inflicted over the past two weeks is neither random nor inevitable, and the United Nations can play a significant role in helping end it," HRW wrote on April 19. HRW noted that "the campaign of killing was planned weeks before" it began.

U.S. Policy Response During the first two weeks of the genocide, the primary response of the U.S. government was to evacuate American citizens and close its embassy in Kigali.

Genocide Week 3

USCR conducted a joint briefing with HRW entitled "Insights Into Rwanda's Crisis." The April 21 briefing included one of the first eyewitness accounts by a Rwandan who had escaped the genocide. USCR staff took a team of CBS television journalists into Rwanda to provide one of the first American broadcasts of the killing and why it was occurring.

HRW issued an analysis on April 20 that Rwandan genocidaires were ousting moderate colleagues as part of a strategy to expand the killings into previously calm areas of the country. "Keeping the peace is not a goal of the authorities," HRW explained. The International Committee of the Red Cross (ICRC) estimated on April 21 that perhaps "hundreds of thousands" were dead and that "the human tragedy in Rwanda is on a scale that the International Committee of the Red Cross has rarely witnessed."

U.S. Policy Response During the third week of the genocide, the primary political and security response of the U.S. government was to strongly support the withdrawal of some 2,000 UN peacekeeping troops from Rwanda. The United States and other UN Security Council members—which, incredibly, included the government of Rwanda engaged in the genocide—pointedly refused to give a small number of remaining UN troops authority to stop the killings. U.S. officials argued erroneously that the mass killings were being caused by renewed warfare, when in fact the opposite was the case—the war was re-igniting because of wholesale, deliberate massacres. American officials called for a ceasefire between combatants and asked specific Rwandan military officials "to do everything in their power to end the violence."

Genocide Week 4

USCR issued a series of "Action Alerts" and a "Media Advisory" to draw attention to the accelerated killings in Rwanda and the political context for the massacres. A USCR "Action Alert" on May 2 made 13 recommendations to U.S. officials and other international policy makers to protect Rwandan civilians, demand accountability for the massacres, and diplomatically isolate Rwanda's genocidaire government. USCR publicly urged the U.S. government "to declare formally that the massacres in Rwanda constitute genocide as defined under international law." USCR called on the United States "to take the diplomatic and financial lead in the UN to return international peacekeeping troops to Rwanda."

On May 3, USCR published, "Responding to the Rwandan Crisis: Declare Genocide, and Other Policy Steps," which contained 14 policy recommendations. The document encouraged U.S. officials to "jam" extremist radio broadcasts emanating from Kigali that were fanning the genocide. It called for immediate humanitarian assistance inside rebel controlled areas of Rwanda, where tens of thousands of survivors and hundreds of thousands of other innocent civilians had congregated. It also urged U.S. authorities to strip Rwanda's genocidaire government of official diplomatic recognition. A USCR media advisory on May 3 reported that an estimated 200,000 persons were already dead, and noted that American media had generally "mischaracterized" Rwanda's massacres as "uncontrollable tribal violence." The advisory stated that "it is important to understand that the slaughter in Rwanda was planned and consciously triggered by a privileged

clique of extremist political and military leaders.... The staggering massacre of Tutsi appears to be an organized, calculated attempt to erase all possibility of ever forming a multi-ethnic, broad-based political system."

HRW continued to issue its own updates describing the campaign of bloodshed and reported that propaganda continued to air on Rwandan radio urging an intensification of the killings. HRW called on international officials to denounce the leading genocidaires by name. HRW observed that "a ceasefire between the warring parties is largely irrelevant to the mass slaughter of noncombatants being carried out throughout Rwanda...by the army and militia."

U.S. Policy Response During the fourth week of the genocide, the U.S. government supported a UN Security Council presidential statement that condemned the violence in Rwanda. U.S. officials effectively blocked an initiative that would have bolstered the UN's peacekeeping presence in the country.

Genocide Weeks 5-6

USCR conducted a site visit to genocide locations in Rwanda and interviewed survivors. USCR also assessed Rwanda's massive humanitarian needs in areas no longer controlled by the genocidal government. "Militia gangs are roaming the...streets, their machetes in hand," USCR reported. "They are killing any ethnic Tutsi they find. They are doing it at this moment, as we sit here. Just as they did it last night. And the night before that. And the week before that. And the week before that. And the week before that, all the way back to the night of April 6." USCR stated that "this is genocide.... It is the genocide we in the West legally pledged under international law would happen 'never again.'"

On May 16, HRW criticized the U.S. government for "effectively blocking" a UN vote that would send peacekeeping troops to Rwanda and pointed out that U.S. inaction at the UN was "allowing the slaughter in Rwanda to continue." The organization emphasized that "the slaughter of 200,000 unarmed and unresisting civilians is...far more than a Rwandan problem. Given this extraordinary violation of the international laws...this catastrophe confronts the United States...with a moral imperative..."

U.S. Policy Response During the fifth week of the genocide, a secret report by the Defense Intelligence Agency stated that "there is an organized...effort of genocide being implemented." During the sixth week of the genocide, the U.S. government and the UN Security Council formally agreed that new peacekeeping troops might be needed in Rwanda. But U.S. officials effectively blocked implementation by insisting on more weeks of study before allowing final approval. The UN resolution pointedly refused to characterize the killings as "genocide."

Genocide Week 7

USCR concluded its site visit to Rwanda and conducted extensive public and private briefings for U.S. government officials, NGOs, and journalists in Washington, D.C. and elsewhere. USCR cited flaws in U.S. government analysis of the killings. USCR recommended additional peacekeeping troops and explained how to deploy them effectively. Our agency reported "a dramatic need for medical services" for wounded civilians inside Rwanda, and recommended that U.S. humanitarian officials and NGOs could work safely in eastern zones of the country. We urged government aid officials to send an assessment team to Rwanda and repeated calls for the jamming of Rwanda's "hate radio."

Other human rights and humanitarian NGOs remained seized with the crisis and the daily loss of lives. HRW deplored U.S. restrictions on UN peacekeeping troops and urged "the United

States to immediately cease obstructing efforts to come to the aid of thousands of persons threatened by genocidal slaughter." HRW and a UN investigator identified locations of large numbers of Rwandan Tutsi still alive and in need of protection. Médecins Sans Frontières (MSF), which maintained medical staff in Kigali, decried inadequate actions by members of the UN Security Council. "We have known for a month what is going on," MSF stated. "A clearly defined and targeted United Nations intervention is not an option for Rwanda. It is an obligation."

U.S. Policy Response The U.S. government refused to allow its own aid officials to enter safe areas of Rwanda to assess humanitarian conditions. A "Situation Report" issued by the U.S. Agency for International Development (USAID) neglected to identify the ethnic nature of the killing and failed to characterize it directly as "genocide." The report described the violence as "indiscriminant massacres waged against the civilian population."

Genocide Weeks 8-9

USCR continued to contact U.S. officials to share findings of our site visit to Rwanda and urge specific U.S. measures. USCR emphasized that the emerging refugee crisis outside Rwanda should not distract American officials from addressing ongoing genocide inside Rwanda.

USCR published a lengthy analysis in the *Washington Post* on June 5 indicating that a quarter-million to a half-million people were already murdered, but that "hundreds of thousands of Tutsi trapped in Rwanda can still be saved." USCR again urged U.S. leadership for rapid deployment of international troops, and predicted that many genocidaires would cease the massacres "at the first sign of UN troops." USCR stated that it was "hard to believe that Clinton would want to go down in history as the president who timidly allowed the clearest case of genocide that the world has seen in 50 years to proceed on his watch without taking action to stop it." Our analysis noted that U.S. officials "have refused to call it genocide because the word 'genocide' carries heavy legal obligations under international law." USCR repeated its call for rapid U.S. humanitarian aid to survivors and other innocent civilians inside Rwanda and argued that "the U.S. State Department...should not allow diplomatic legalisms about sovereignty to slow assistance to civilians who are in need in rebel-controlled areas."

HRW published a report reviewing the first two months of genocide and the international response. The report noted that various American officials had condemned the killings but concluded that leaders had taken "no effective response to the genocide." An HRW situation update on June 6 estimated "500,000 people [were] slain...in the last eight weeks" and stated that "the United States led the effort to withdraw UN peacekeepers at the start of the crisis, just at the moment when reinforcement and effective action by these troops could have limited the disastrous loss of life." The overall U.S. response to the genocide continued to be "tardy and weak," the organization stated.

U.S. Policy Response The United States joined other UN Security Council members in giving final approval for deployment of UN troops. The troops did not arrive, however, until nearly two months later. U.S. officials repeated their pledge to give 50 armored personnel carriers to UN troops already deployed in Rwanda, but imposed restrictions that delayed delivery more than a month. Several U.S. officials began to describe the killings as genocide. The U.S. government stated it was "deeply distressed" that Rwanda's hate radio broadcasts continued to incite massacres, and U.S. officials requested that "responsible parties...bring these broadcasts to an immediate halt." U.S. policy makers refused to jam the broadcasts, however.

Genocide Weeks 10-11

USCR conducted a third site visit to genocide sites in Rwanda, accompanied by a ranking staff member of the U.S. Senate. USCR conducted a briefing for Congressional staff in Washington and urged policy makers to take specific steps to ostracize Rwanda's genocidal government and respond to the killings by implementing the Genocide Convention. USCR urged Congress to push for rapid deployment of international troops with sufficient mandate to stop massacres and arrest perpetrators. USCR warned that official investigations into the genocide should proceed quickly to lay the groundwork for trials and punishment.

USCR joined with an affiliated NGO to publish an "Action Alert" on June 8 that called for "U.S. resources to support an Africa peacekeeping force. The President must announce that the funds have been set aside [and] the equipment is available..." The document reminded that "although as many as a half-million lives may have already been lost, the massacres continue...[and] many lives may still be saved" if the U.S. would provide urgent support for a protection force.

A coalition of NGOs and religious organizations urged the U.S. government to "publicly recognize that the atrocities in Rwanda constitute genocide" and to provide leadership and resources to facilitate immediate deployment of international troops "sufficient to protect potential victims and prevent further mass killings." The NGO coalition stated that it was "appalled that the United States lacks the political courage" to respond appropriately to the genocide.

HRW criticized the U.S. government for forbidding its officials to describe the Rwandan killings as "genocide," as alleged by the *New York Times*. "How can this be defined as anything except genocide?" HRW stated. "The United States has not provided any protection to the helpless victims." In a letter to President Clinton on June 10, HRW criticized U.S. delays in providing vehicles needed by UN troops in Rwanda. "As the genocide enters its tenth week and approaches as many as half a million victims, further delay in providing the matériel and troops needed to protect the innocent is immoral and unconscionable," HRW stated. The agency identified locations in Rwanda where religious personnel awaited rescue.

An official of the Oxfam organization stated that "during the past months of slaughter, the United States has been the key player in halting action on Rwanda, creating a series of excuses and inventing problems that do not exist."

U.S. Policy Response U.S. officials conducted the government's first assessment trip inside Rwanda since fleeing the country when the genocide began. U.S. Ambassador to Rwanda, David Rawson, explained that the United States refused to characterize the massacres as genocide because "as a responsible government, you don't just go around hollering 'genocide.'" U.S. Secretary of State Warren Christopher questioned whether there was "any particular magic in calling it genocide..." In private discussions, Ambassador Rawson told USCR that Rwanda was a "Hutu country" and that the United States was reluctant to jam Rwanda's hate radio broadcasts because "the U.S. has always stood for freedom of the airwaves."

Genocide Week 12

USCR concluded a site visit to Rwanda and briefed U.S. officials and NGOs in Washington D.C. regarding findings and recommendations. USCR informed authorities that killings continued in Rwanda, but at a slower pace.

USCR issued an "Advocacy Action Alert" on June 27 offering 19 policy recommendations. The "Action Alert" specified six exact sites where trapped Rwandans awaited protection by

international troops, reiterated the need to jam extremist radio broadcasts inciting massacres, and urged international efforts to arrest suspected genocidaires still in Rwanda, in refugee camps, or traveling internationally. "Many militia leaders are escaping and pose a security risk in refugee camps..." we warned. USCR stated that "shamefully passive" U.S. officials should declare Rwanda's genocidal regime illegitimate and should "acknowledge reality and declare that the massacres in Rwanda constitute genocide as defined under international law." The United States' failure "to confront the genocide constitutes a massive moral failure by the Clinton Administration and an historically shameful abdication of moral leadership by the United States," the agency stated.

The UN Commission for Human Rights issued a special report on June 28, based on an on-site investigation. The UN report declared that "genocide" had indeed occurred in Rwanda. The investigators reported that the massacres "being perpetrated at present are unprecedented in the history of the country and even in that of the entire Africa continent. They have taken on an extent unequalled in space and time." UN investigators said they were "absolutely certain" that the killing "appears to be well-orchestrated." The report concluded, "The massacres are all the more horrible and terrifying in that they give the impression of being planned, systematic, and atrocious... Whole families are exterminated... No one escapes, not even newborn babies." The report noted that the local radio station "does not hesitate to call for the extermination of the Tutsi, and it is notorious for the decisive role that it appears to have played in the massacres. It is known as the 'killer radio station,' and justifiably so."

U.S. Policy Response During the twelfth week of the genocide, the U.S. government voted in the UN Security Council to authorize deployment of French troops to Rwanda. U.S. officials continued to argue that jamming Rwanda's hate radio would violate international telecommunications law.

Genocide Week 13

USCR continued to brief U.S. officials about findings and recommendations from a recently completed visit to Rwanda. An editorial published by USCR reminded that "we should not lose sight of the fact that the horrible atrocities...in Rwanda are still occurring.... Terrified civilians who have sought refuge are still in dire danger." USCR issued a "Rwanda Fact Sheet" recommending stronger U.S. efforts to speed UN troops to Rwanda. USCR called for increased medical and other humanitarian aid inside Rwanda and urged the U.S. government to provide diplomatic and resource support for rapid human rights documentation of the genocide in preparation for eventual trials of genocidaires.

A coalition of 14 NGOs, including USCR, issued a "Statement on Rwanda Crisis" on June 30. The coalition stated that "the most pressing issue facing the United States today regarding Africa is the apparent lack of policy toward the ongoing genocide in Rwanda." The statement urged the U.S. government to: "provide immediate logistical and financial support for an African peacekeeping force"; "take immediate action to shut down" hate radio broadcasts; and "acknowledge that the killing of several hundred thousand Rwandans is the result of a planned, systematic genocide."

U.S. Policy Response During the thirteenth week of genocide, the U.S. government joined with other UN Security Council members in authorizing a "Commission of Experts" to analyze genocide evidence.

Genocide's Final Weeks

USCR issued a public advisory on July 12 drawing attention to the recent report by the UN Commission on Human Rights investigating Rwanda's genocide. "The report warrants special attention," USCR said. USCR issued a July 20 statement urging humanitarian and diplomatic support for Rwanda's new government in the aftermath of the genocidal regime's military defeat. "Failure to respond adequately to the humanitarian needs inside Rwanda...will unnecessarily reinforce the dependency and exile of refugees outside the country," the statement advised.

USCR joined other NGOs and UN officials on a site visit to Rwanda and neighboring countries in late July; the visit included the so-called French Zone in southwest Rwanda, where French troops were deployed and genocidaires leaders continued to circulate. On July 29, we published an "Advocacy Action Alert" with 16 policy recommendations, and warned that the newly exiled regime of genocidaires "continues to disseminate its propaganda in the refugee camps, terrorizing Hutu refugees..." USCR recommended that UN troops disarm genocidaires in the refugee camps and detain them. "Remnants of the former regime appear to be preparing for a future invasion of Rwanda. These hardline elements must not be permitted to continue their ways in Zaire," USCR advised.

As the genocide subsided, a UN human rights official decried the international inaction: "It seems...quite difficult to admit that in this century you can have a massacre of up to a half a million people with everyone watching."

U.S. Policy Response As the campaign of genocide drew to an end (later resumed and continued into 1998 on a different scale), the U.S. government on July 15 withdrew official diplomatic recognition from the Rwandan government that had perpetrated the genocide. One week later, U.S. Ambassador Rawson returned to Kigali to meet with officials of the new government.

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This lengthy summary is far from exhaustive. USCR and other NGOs made many efforts not mentioned here to inform and prod U.S. officials toward effective action that never materialized. The purpose of this compilation is to make the record crystal clear that the U.S. government cannot say now that it did not know or understand what was happening then.

Yet that is exactly what President Clinton now claims. President Clinton told Rwandans during his visit there in March that he personally "did not fully appreciate the depth and the speed with which [Rwandans] were engulfed by this unimaginable terror." Mr. Chairman, this is an extraordinary statement.

If we take the President at his word, then we are left to believe that our massive U.S. government—with all its intelligence gathering, analytic capacity, diplomatic contacts, and massive resources—suffered a monumental failure by neglecting to inform adequately its own leader about the clearest genocide the human race has seen in nearly 50 years. Mr. Chairman, a governmental communications breakdown of that magnitude is worthy of close examination by Congress, the State Department, the National Security Council, the Pentagon, and other pertinent arms of the U.S. government.

An alternative explanation is that weak U.S. policies and the glaring lack of strong moral leadership during the Rwandan genocide stemmed not from a lack of knowledge, but from a lack of interest and political will.

III. U.S. Policy Failures During the Genocide

The above review suggests numerous failures of U.S. policy. Government leaders from the beginning refused to acknowledge that a true genocide was occurring in Rwanda. This massive failure—or refusal—to recognize genocide and respond appropriately against it was a shameful moment and produced policies that were politically ineffectual and at times counterproductive. For example:

- U.S. officials and other world leaders refused to invoke the Genocide Convention, which would have provided a legal framework to take action against the mass murders in Rwanda. The non-response to the killing may have effectively permanently eviscerated the Genocide Convention as a component of international law.
- U.S. leadership in support of the withdrawal of UN peacekeeping troops as soon as the genocide began effectively condemned hundreds of thousands of Rwandans to certain death and gave the killers confidence that the world community would allow the genocide to proceed uninterrupted.
- Even after the United States government reversed course and belatedly agreed to authorize additional UN peacekeeping troops, U.S. officials delayed the troop deployment for months, effectively giving the killers in Rwanda a grace period to complete their campaign of genocide.
- U.S. officials allowed their own bureaucratic technicalities to delay delivery of 50 armored vehicles for more than a month to several hundred UN peacekeepers who remained in Rwanda. The poorly equipped UN soldiers saved the lives of thousands of Rwandans; more vehicles and other basic equipment might have helped save tens of thousands of additional lives at no significant cost or danger to the United States. Unwilling to commit U.S. soldiers or to deploy additional UN troops rapidly, the failure to send urgently needed basic military equipment displayed a lackadaisical attitude by U.S. officials that was careless and mean-spirited.
- The United States and other world powers refused repeated entreaties to shut down the propaganda radio broadcasts of Rwanda's genocidaires even though the vehement broadcasts were clearly pivotal in inciting and sustaining genocide. The continued broadcasts helped create a new humanitarian emergency by encouraging the exodus of more than 1 million Hutu Rwandan refugees into neighboring Congo/Zaire.
- The U.S. government continued to grant diplomatic recognition to the genocidaires during their entire campaign of slaughter. This reluctance by U.S. officials to break diplomatic relations sent the wrong message to extremists in Rwanda and to repressive regimes elsewhere in the world.
- The U.S. and other world powers failed to disarm or arrest genocidaires at their weakest moment, during their retreat to refugee camps in neighboring countries. This set the stage for new rounds of bloodshed and regional instability that continue to this day, serious crippling Rwanda's recovery.
- Although some branches of the U.S. government appeared to welcome information and analysis from NGOs during the genocide, many State Department officials appeared uninterested in receiving outside analysis, based on USCR's experience. While near the Uganda-Rwanda border, for example, Ambassador Rawson refused USCR's request that he travel with USCR into secure areas of Rwanda to see first-hand the impact of the genocide. Failures such as this might have compounded the State Department's lack of urgency and uncreative policy making.

- U.S. humanitarian officials, including experts at OFDA, did not conduct assessment trips into secure areas of Rwanda until the eleventh week of the genocide. This slow reaction impeded aid to genocide survivors and war victims inside the country, many of whom were suffering from horrific wounds and trauma.
- By failing to acknowledge in a forthright manner that genocide—the ultimate crime against humanity—was occurring in Rwanda, U.S. leaders did not properly educate the American public about what was happening and why. As a result, much of the public remains largely ignorant to this day about the historic nature of the awful events that took place in Rwanda, and the lessons that should be learned from Rwanda's tragedy.

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In addition, Mr. Chairman, we would like to draw your attention to a little-noticed report, *Lessons From the Rwanda Experience*, published in March 1996 by 20 major humanitarian donor governments, including the United States, and 18 international humanitarian assistance agencies. The report laid several specific failures at the doorstep of U.S. policy makers:

- "By omission and commission, the role of the United States was critical.... By not utilizing its capacity to act, and its formal leadership role in the United Nations, the U.S. must take considerable responsibility for the overall failure of the UN to respond" in a timely manner, the report stated. "...By acts of omission, the United States ensured that neither an effective national response nor a collective UN effort to mitigate the genocide materialized."
- "In the shadow of Somalia, the American and UN observers misinterpreted events on the ground [in Rwanda] and exaggerated difficulties into an impotence to respond effectively," the report stated.
- "Even such a concrete and seemingly clear-cut issue as hate radio was too problematic for the international community to deal with," the report concluded. "Although the vitriolic *Radio Milles Collines* clearly qualified as harmful and attacked even members of the diplomatic corps in Kigali, there was no decision to take forceful measures to silence it. Both the French and American ambassadors opposed such action. [U.S.] Ambassador Rawson claimed that Radio Milles Collines was the best radio for information, and its euphemisms were subject to many interpretations."
- "The idea of jamming the radio was discussed in a preliminary fashion" within the U.S. government, the report said. But jamming never occurred in part because "the United States was in principle wedded to a broad view of freedom of speech."

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Mr. Chairman, a thorough and truly revealing probe of U.S. government failures during the Rwandan genocide should include in-depth testimony by officials who were in key decision-making and fact collection positions during mid-1994. That roster would include former Secretary of State Warren Christopher, former U.S. Ambassador to the UN Madeleine Albright, former Assistant Secretary of State for Africa George Moose, former U.S. Ambassador to Rwanda David Rawson, former Deputy Assistant Secretary of State for Africa Prudence Bushnell, Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck, USAID Administrator Brian Atwood, former Director of the Office of Foreign Disaster Assistance Nan

Borten, former National Security Council Director for Africa Donald Steinberg, former DCM to Rwanda Joyce Lieder, as well as numerous others. And, Mr. Chairman, the question must be asked, what did the House of Representatives and the Senate of the United States do in a timely way to force an effective response to the genocide?

It is regrettable that none of these people are testifying at this hearing. Their remarks would be extremely valuable in identifying mistakes and why those mistakes occurred. Someday their voices should be heard if we are serious about strengthening U.S. policy making in moments of crisis.

IV. Steps to Improve U.S. Policy Making and Response

It is the view of USCR that the failure by the United States and the international community to respond appropriately to the Rwandan genocide in 1994 was not in any way, shape, or form a failure caused by poor information or inadequate technology. Our private discussions with U.S. officials and others during and after the genocide indicate that key parts of the U.S. government had a good understanding of what was occurring on the ground in Rwanda. Therefore, post-genocide discussions about the lack of "early warning" or similar defects are disingenuous, mere smokescreens to divert attention from the obvious fact that U.S. policy makers simply chose not to act.

The U.S. media's general failure to report accurately what was occurring during the genocide only facilitated the morally vacuous approach adopted at the time by the Clinton Administration. With the American public confused and distracted, the Clinton Administration was free to make a choice not to respond in any meaningful way to stop genocide.

That choice by U.S. officials did not end when the genocide "ended" in mid-1994. The U.S. choice to remain passive continued throughout the next two years, as genocidaires rearmend in eastern Congo/Zaire and resumed the genocide inside Rwanda. Once again, there was no lack of understanding among U.S. officials about what was occurring in the refugee camps-cum-military bases in Congo/Zaire. American authorities who needed to know, knew. Some NGOs took the dramatic step of withdrawing from the camps in eastern Congo/Zaire on moral grounds, citing the control exerted in the camps by genocidaires and the resumption of military activity. Throughout the refugee period of 1994-96, U.S. authorities chose the course of inaction. The U.S. strategy was to wait for the situation on the ground in Central Africa to change itself, in hopes that U.S. policy makers would be presented with a painless set of new policy options. As the situation in the region continued to deteriorate into worsening bloodshed during 1996, the Rwandan government took action to pursue its own national security interests, with all of the controversial implications that action precipitated.

Mr. Chairman, U.S. policy toward Rwanda during 1994-96 was more frequently wrong than right, more irresponsible than responsible. President Clinton seemed to offer an apology of sorts during his visit to Rwanda, and he indicated that the U.S. government would "improve...our system." But what does this mean? It remains unclear what changes, if any, are being put in place. In any case, how does one instill political backbone where one is lacking, or insert a moral compass when the government's is broken?

Part of the answer, we believe, is through accountability. The U.S. Committee for Refugees encourages this Subcommittee to promote the creation of a commission to study the

performance of the U.S. government pertaining to the genocide during the 33 months beginning January 1994. The mandate of the commission should be to depose, under oath, U.S. officials—many of them cited above—and others as necessary. The commission should identify the political and moral failures within the U.S. government that led to such tragic consequences, and to formulate mechanisms for better accountability to help mitigate against such gross failures in the future. Such a commission, composed of public and expert members, should report to Congress and the American people early next year.

Belgium and France have initiated special inquiries in an effort to understand their governments' roles during the 1994 genocide. Today's hearing might be the start of a U.S. inquiry, but a single hearing lasting a few hours is hardly sufficient in time or in scope to thoroughly consider our own government's role. The United States of America, the world's only superpower, the essential leader within the UN, the country that regularly judges the actions of other nations, should itself be held to the highest standard of accountability. Individual American officials should be accountable for the decisions they made during the fatefully bloody weeks of 1994 and afterwards.

We at USCR believe that the appointment of a commission composed of official and public participants to review thoroughly U.S. actions and inactions in 1994 is appropriate. Indeed, it appears essential in order to educate and help the American people our own future leaders understand our society's massive failure to respond to genocide, the ultimate crime against humanity.

V. Genocide's Legacy in Rwanda Today

This Subcommittee has indicated that one purpose of this hearing is to examine "continuing cycles of violence" in Rwanda in the aftermath of the 1994 genocide.

For a fuller discussion of this matter, we refer you to our report, *Life After Death: Suspicion and Reintegration in Post-Genocide Rwanda*, published in February 1998. The report examines the attitudes and psychology pervading Rwandan society four years after the genocide, as well as security issues, governance, problems of land and housing, the economy, health needs, food shortages, demographics, and other issues. The report contains 15 policy recommendations. Copies of *Life After Death* are readily available from the U.S. Committee for Refugees.

Rarely in human history has a society insisted that all its people live together again, side by side, in the aftermath of genocide. That is, however, the task at hand in Rwanda. The people of Rwanda are attempting to do what few societies in recorded history have ever done. In response to the Armenian genocide earlier this century, the international community carved out an independent nation for the Armenian people. After the Holocaust, the world created a sovereign Jewish state, Israel. After the "killing fields" of Cambodia in the 1970s, hundreds of thousands of Cambodians permanently resettled in other countries. In modern-day Bosnia, ethnic cleansing has produced defacto separation.

Post-genocide Rwanda, however, is charting a dramatically different course. The country and its people are trying to endure as one after being torn apart by an attempt to annihilate an entire group. The challenge is, arguably, unique in modern times. Rarely has any society of any age suffered genocide, civil war, massive refugee flight, hate propaganda, a culture of impunity, ongoing insurgency, and still managed to emerge intact.

Deep concern about personal safety has become ingrained in Rwandans. The armed insurgency by genocidaires—primarily in the northwest but occasionally erupting in other pockets of the west—costs large numbers of lives and poisons attitudes nationwide. Counterinsurgency offensives by the government military, the RPA, have killed innocent civilians as well as genocidaires. Many Tutsi view the insurgency as proof that the campaign of genocide continues against them, that they are still being preyed upon in their own country. Many Hutu fear that they might be victimized by revenge killings, detention, or other injustices.

This is the context for the current cycle of violence in Rwanda. Estimates of the death toll in 1997 varied widely, from 3,000 to 8,000, or more. International organizations, including the UN Human Rights Field Operation in Rwanda and the UN High Commissioner for Refugees, have limited their own presence in Rwanda's northwest conflict area due to fears about staff safety. USCR conducted two site visits to northwest Rwanda late last year, and traveled to rural areas deep in the conflict area. The paucity of regular first-hand reporting of northwest Rwanda's bloodshed is a major problem for the international community, and has intensified the sense of isolation felt by many local residents who believe the international community has abandoned them.

It is important to stress, Mr. Chairman, that there is another, more hopeful, side to this bleak picture of violence. Rwanda's insurgency and the most egregious abuses by the RPA primarily occur in the northwest corner of the country. By any measurement, the majority of Rwanda remains relatively free of wholesale violence. Citizens in most areas of the country are struggling to cope with social tensions in peaceful ways.

Unfortunately, the international community tends to oversimplify Rwanda. Many foreign observers initially overestimated how quickly Rwandans could "reconcile" after the genocide of 1994 and massive refugee repatriation of 1996-97. More recent conventional wisdom threatens to dismiss Rwanda incorrectly as a "lost cause." On the contrary, the people of post-genocide Rwanda are engaged in one of the most complicated social phenomenons in human history. They have not yet succeeded, but they certainly have not yet failed. Rwandans' efforts to live together again deserve the fullest and wisest support the United States can provide.

Recommendations to U.S. policy makers regarding current-day Rwanda:

- Sustain U.S. financial and diplomatic support for the International Criminal Tribunal for Rwanda.
- Help maintain a UN arms monitoring program in the region to enforce the existing arms embargo against the former government of Rwanda.
- Encourage Rwandan government's prosecution of abuses by RPA soldiers, particularly in the northwest.
- Work with Rwandan officials, other Central African leaders, and UNHCR to improve adherence to international refugee law and norms of refugee protection, which have been dangerously eroded in the region.
- Provide aid that is flexibly tailored to the needs of different areas of Rwanda and different segments of the Rwandan population.

- Provide full funding for the Administration's proposed Great Lakes Justice Initiative to strengthen Rwanda's still-overwhelmed justice system.
- Make more resources available to Rwandans to facilitate individual counseling and national social dialogue in the aftermath of the genocide and to lessen current social tensions.
- Provide resources and encouragement to help make Rwandan government more proactive in identifying and resolving property disputes which otherwise threaten to build resentment among many Hutu residents.
- Provide funding to conduct thorough assessments of Rwandan resettlement sites to ensure that chosen sites can adequately support new populations.



We thank you Mr. Chairman, and Congresswoman McKinney, and all other Members of this Subcommittee, for your interest in the well-being of the Rwandan people.

REFUGEES INTERNATIONAL

Statement of Lionel A. Rosenblatt,
President of *Refugees International*
on RWANDA:

GENOCIDE AND THE CONTINUING CYCLE OF VIOLENCE
for a meeting of
the Subcommittee on International Operations and Human Rights
Committee on International Relations
U.S. House of Representatives
May 5, 1998

Mr. Chairman, I appreciate the opportunity to submit a written statement on the occasion of the May 5, 1998 Subcommittee on International Operations and Human Rights open meeting regarding Rwanda: Genocide and the Continuing Cycle of Violence.

The recent history of the Great Lakes saw three failures of will on the part of the United States to intervene and prevent massive loss of life. During the 1994 genocide the U.S. blocked the deployment of additional peacekeepers to Rwanda and supported the withdrawal of those already on the ground. After the Rwandan Patriotic Force's (now Rwandan Patriotic Army, or RPA) victory over the *genocidaires*, and their retreat to eastern Zaire, the UN pleaded with the U.S. and other donors to disarm the Hutu militias who were asserting their control over the camps. Finally, in 1996, the U.S. undercut a Canadian-led effort to deploy a force to save refugees who were dispersed when the RPA took the initiative to confront the *genocidaires* and break up the eastern Zaire camps. Though this latter episode is less well known than the genocide, the RPA and their Congolese rebel allies herded and hunted innocent refugees on a death march across former Zaire in which, according to evidence collected by NGOs and the media, tens of thousands perished of disease or were massacred.

Against this backdrop, President Clinton during his recent visit to Kigali took an important step in acknowledging the failure of his administration to respond and promising a vigorous effort to prevent any further mass bloodshed. The Great Lakes region continues to be gripped by a protracted crisis, and a serious policy aimed at prevention will demand a substantial investment of attention and political will. We will see in the coming months whether the administration will follow through with the requisite strong sense of purpose.

In Rwanda, Burundi, and the Democratic Republic of Congo there are persistent insurgencies, human rights abuses, and estrangement between the governments and their citizens. *Refugees International* recommends that the U.S. should take the following steps to prevent another explosion of ethnic warfare and enhance stability:

DEMOCRATIC REPUBLIC OF THE CONGO

- Keep pressure on the Kabila regime and hold it to account for its atrocious human rights record, including the slaughter of thousands of refugees. The international community must be firm and unified in an insistence that human rights and

accountability in the DRC be upheld before any significant development aid -- aside from humanitarian relief, health, and education -- be granted to Kinshasa. With the planned summer Friends of Congo meeting approaching, the issue of coordination among donors and international financial institutions is crucial.

- Press especially for relief agencies to be permitted to assist refugees still missing from the 1996-97 crisis. It should also be remembered that many refugees are still hiding out in the Congolese forest or taking refuge in local villages. Lack of cooperation by the Kinshasa government with the UN High Commissioner for Refugees has disrupted that agency's work in finding and assisting remaining refugees, a critical humanitarian mission.
- Insist that authorities in eastern Congo desist from forcibly repatriating new Rwandan and Burundian refugees.
- Closely monitor the humanitarian impact of continuing instability in North and South Kivu and consider the possible resumption of emergency relief aid.

BURUNDI

- Work with regional mediators to remove the obstacles to all-party peace talks. Former Tanzanian President Julius Nyerere has been working for almost two years to convene negotiations among all the parties involved in the Burundian conflict. With the recent progress in cooperation between the Buyoya government and the Frodebu leadership of the parliament, armed elements and extremist parties may feel compelled to play the role of spoiler.
- Work in the UN Security Council for an international arms embargo against all sides in Burundi. While such a measure might not completely cut-off the flow of arms into the country, with serious enforcement measures, it would increase pressure on the contending forces to seek a peace agreement. An international embargo (complementing the embargo by Burundi's neighbors, who have called for a wider ban) could be especially useful in pressuring key individuals operating in the international arms market.
- Press for transparent and vigorous prosecution of Burundian army personnel who commit atrocities. The army claims to prosecute soldiers who target civilians (a widespread problem), but when these claims are scrutinized, it is not clear that anyone has really been punished. Only by carrying out transparent prosecutions can the Government of Burundi begin to gain the confidence of the people.
- Financially support the strengthening of the UN Human Rights Field Operation in Burundi (as well as in Rwanda). Over a year ago, donor governments, the UN High Commissioner for Human Rights, and the Government of Burundi agreed in principle to expand the Centre's presence in the country to have 40 international monitors. Because of lack of follow-through, the mission has never had more than 15 human rights monitors.

RWANDA

- Support the Rwandan government's counterinsurgency against the *Interahamwe* while monitoring the Rwandan Army's discipline in respecting the human rights of civilians. Taking cognizance of the growing level of insurgent violence in Rwanda, the U.S. should support Rwandan efforts to counter this violence, while simultaneously pressing for respect for basic human rights. New flows of refugees into Tanzania have been fleeing the violence. Recent prosecutions by the government of its soldiers who are guilty of atrocities are a positive step and a model for neighboring Burundi.
- Encourage the Government of Rwanda to consult and empower constituencies who are under-represented in the government and ruling elite. Clearly Kigali cannot be expected to negotiate with forces whose platform is genocide. However, the government can solidify public confidence by expanding its outreach and making policies and appointments, thereby basing its legitimacy on a more broadly representative governance.

GENOCIDE PREVENTION

- Support the creation of a stand-by rapid reaction force under the UN. If the fighting in Rwanda, Burundi, or eastern Congo threatened to escalate into a genocide, governments and the UN would be forced to assemble a peacekeeping force from scratch, a process that has proven time-consuming each of the many times it has been tried. The only way to boost the international community's ability to respond is to assemble, organize, and train an multi-national contingent ready to be deployed at a moment's notice. Rather than dedicating U.S. military units to the Force, it could be comprised purely of volunteers. Congressmembers who are wary of the commitment of American forces should support this proposal as a way to make UN peacekeeping a robust first resort before U.S. personnel are called into service.

With President Clinton's renewed pledge to prevent genocide, the key test question is: if a Rwanda-like situation breaks out tomorrow, is the United States better prepared in 1998 than it was in 1994? Only by developing a mechanism for rapid deployment will Clinton be able to make good on his promise of "never again."

THE GENOCIDE FAX

The United Nations was warned about Rwanda. Did anyone care?

BY PHILIP GOUREVITCH

WE were surprised," a Rwandan diplomat told me after the Secretary-General of the United Nations, Kofi Annan, announced that he would be visiting Rwanda this week. "Many people in my country are not happy with Mr. Annan. He was the head of U.N. peacekeeping when U.N. peacekeepers allowed a genocide in Rwanda. But let him come, and he can hear about it directly." In fact, Annan's staff say, the Secretary-General plans to acknowledge the United Nations' sorry record in Rwanda, in the hope of establishing his credibility there. The Rwandan diplomat wondered whether Annan would also answer some questions. "There is the affair of the fax—the famous fax," he said. "Many people have heard of it, and everyone would like to know more."

The famous fax is dated January 11, 1994—three months before the state-sponsored genocide, in which members of the Hutu majority massacred at least eight hundred thousand people from the Tutsi minority and also tens of thousands of Hutus who opposed the genocidal regime. The fax, headed "Request for Protection for Informant," was sent by Major General Roméo Dallaire, the U.N. force commander in Rwanda, to peacekeeping headquarters in New York, and it reported in startling detail the preparations that were under way to carry out precisely such an extermination campaign.

Dallaire's informant was a former member of the security staff of President Juvénal Habyarimana, Rwanda's Hutu dictator. At the time of the fax, the informant was being paid about a thousand dollars a month—a kingly wage in Rwanda—by Habyarimana's political party to compile lists of Tutsis and to train the militiamen known as the *interabamwe* ("those who attack together") to kill them.

Dallaire, a Québécois, wrote as he speaks, in a clipped military English, and his telegraphic prose underscored the ur-

gency of his message. The peace that his U.N. blue helmets were in Rwanda to keep was a fiction. Throughout the early nineties, government-sponsored massacres of Tutsis had become a regular occurrence, and Habyarimana's political and military cronies, whose ideology was known simply as Hutu Power, wanted them to continue. Their plan, according to Dallaire's informant, was once again to "provoke a civil war," and, as part of that plan, Belgian troops, who formed the backbone of the U.N. force, "were to be provoked and if Belgian soldiers resorted to force a number of them were to be killed and thus guarantee Belgian withdrawal from Rwanda." In the meantime, Dallaire's informant had been "ordered to register all Tutsi in Kigali," and Dallaire wrote, "He suspects it is for their extermination. Example he gave was that in twenty minutes his personnel could kill up to a thousand Tutsis."

As it happened, everything Dallaire's informant told him came true three months later. "He believes the President does not have full control over all elements of his old party/faction," Dallaire wrote, and, sure enough, on April 6, 1994, Habyarimana was assassinated—a move that created a pretext for the most radical elements of Hutu Power to seize control of the state and implement their program. The next morning, Rwandan troops captured, tortured, murdered, and mutilated ten Belgian blue helmets, whereupon Belgium—Rwanda's former colonial ruler—called the rest of its force home, triggering the collapse of the U.N. mission. During the hundred days that followed Habyarimana's death, an average of more than five Tutsis were murdered every minute in Rwanda, and it became clear that Dallaire's informant had not exaggerated the industrial killing capacity of the *interabamwe*.

Why had Dallaire's source told him so much? Because, Dallaire wrote, "he disagrees with anti-Tutsi extermination." The informant had offered to as-

assist the U.N. force in raiding *interahamwe* weapons caches, and all he asked in return was U.N. protection for himself, his wife, and their four children. Dallaire was eager to act. He announced his intention to raid an arms cache within thirty-six hours, and he recommended that his superiors in New York help the informant be "evacuated out of Rwanda."

DALLAIRE'S fax was, of course, a confidential document, and it remained secret until November of 1995, when it was described in the *London Observer*. A copy of the fax was then published in Belgium, where the news that the United Nations had known for months of Hutu Power's intention to massacre Belgian troops caused a furor.

Dallaire had labelled his fax "most immediate," addressed it to his superior in peacekeeping—Major General Maurice Baril, a fellow-Quebecois—and signed off in French: "*Prux et que veux. Allons-y.*" ("Where there's a will there's a way. Let's go.") Reports soon appeared in the Belgian press explaining that the response from U.N. headquarters had been: Let's not. Dallaire, the reports said, had been expressly instructed to refrain from taking

any direct preventive action. But the document containing these instructions failed to surface, and its author remained unidentified, so it was impossible to determine how high in the U.N. hierarchy Dallaire's fax had gone. Had it reached the Under-Secretary-General for Peacekeeping Operations, Kofi Annan? The Secretary-General, Boutros Boutros-Ghali? The Security Council?

With Annan's elevation to the office of Secretary-General last year, the questions only intensified, causing Annan's spokesman, Fred Eckhard, to complain, "We're taking a bum rap on this." But somebody with access to U.N. files disagreed with Eckhard, and one day my fax machine rang and a copy of the missing



response to Dallaire spun into my office. It bore the same date as Dallaire's fax, it was also labelled "most immediate," and its subject was "Contacts with Informant." It had been sent under the name of Iqbal Riza, who was Annan's deputy in the peacekeeping office and is now his chief of staff.

"New York," as U.N. people call headquarters, told Dallaire that the "operation contemplated" in his fax—and the extension of protection to the informant—could not be allowed under the Rwanda peacekeeping mandate imposed by the Security Council. Instead, Dallaire was instructed that if he was "convinced that

the information provided by informant is absolutely reliable" he should share it with President Habyarimana, and inform him that the activities of the *interahamwe* "represent a clear threat to the peace process" and a "clear violation" of the "Kigali weapons-secure area." Dallaire was also told to share his information with the Ambassadors to Rwanda from Belgium, France, and the United States—the primary foreign sponsors of Rwanda's so-called peace process.

Never mind that Dallaire's informant had explicitly described

the plans to exterminate Tutsi and assassinate Belgians as emanating from Habyarimana's court: the mandate said that peace-treaty violations should be reported to the President, and New York advised Dallaire, "You should assume that he"—Habyarimana—"is not aware of these activities, but insist that he must immediately look into the situation."

Dallaire did as he was told, and—but for the genocide—that might have been the end of the matter. Not surprisingly, Dallaire's informant stopped informing, and last year, when the Belgian Senate established a commission to sort out the circumstances under which some of its soldiers had been slaughtered while on duty for the U.N., Kofi Annan refused to allow

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DATE: 31 JANUARY 1994

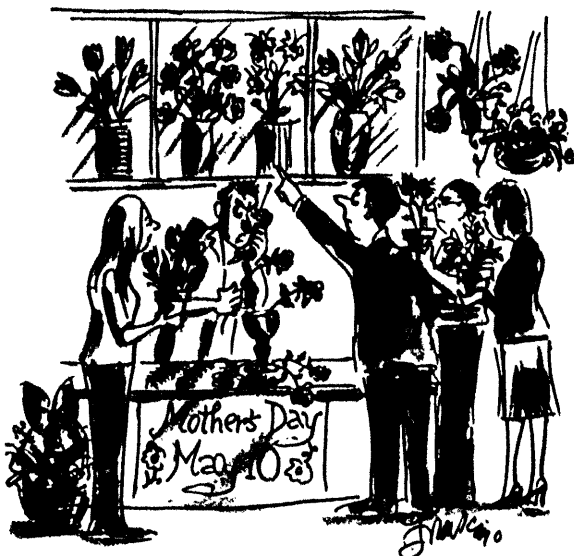
TO: BARIL/OPS/OPERATIONS NEW YORK	FROM: ILLIEN/OPS/OPS/OPS/OPS
REF NO: HQST TRNG/OPS-0000 SABLS-211-241-0011 REPARAT	REF NO: 211-241-0173
PROPERTY/PROPERTY FOR PROTECTION FOR INFORMANT	
ATTN: MAJOR BARIL	BOOK NO. 2082
TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS ONE: 2	

1. SOURCE OPERATIONS PUT IN CONTACT WITH INFORMANT BY VERY VERY IMPORTANT GOVERNMENT POLITICAL. INFORMANT IS A TOP LEVEL TRADER IN THE CASE OF INTERAHAMWE MILITIA OF RWANDA.

2. HE INFORMED US HE WAS IN CHARGE OF LAST SAFURDAY OPERATIONS WHICH AIMS WERE TO TARGET DEPUTIES OF OPPOSITION PARTIES GOING TO CHAMBERLAIN AND BELGIAN SOLDIERS. THEY HOPED TO PROVOKE THE RWANDESE TO BOMB (BEING FIRED UPON) THE OPERATIONS AND PROVOKE A CIVIL WAR. DEPUTIES WERE TO BE ASSASSINATED UPON DEPARTURE FROM PARLIAMENT. BELGIAN TROOPS WERE TO BE KILLED AND IF BELGIAN SOLDIERS REPORTED TO FUROR A NUMBER OF THEM WERE TO BE KILLED AND THIS GUARANTEED BELGIAN WITHDRAWAL FROM RWANDA.

This week, Secretary-General Kofi Annan travels to Rwanda, where people are asking who saw a fax sent by Canadian General Roméo Dallaire (top) in 1994, detailing the Hutu government's plans for genocide.





"What the hell do you want? You know this is my busiest day, Mother!"

General Dallaire to testify. In a letter to the Belgian government, Annan explained that past and present U.N. officials were protected by diplomatic immunity, and he did not see how waiving that immunity was "in the interest of the Organization."

THE issue here is a lack of judgment and historical memory," Alain Destexhe, a Belgian senator, who has written several books about the international response to the Rwandan genocide, told me recently. "I would like to know if ever before, in the years since 1945, the U.N. has received a fax or a cable announcing an extermination. Look at that word: 'extermination'—registering Tutsis, killing a thousand Tutsis in twenty minutes. You should be alarmed by that. You should think of the Jews. I really don't understand it. President Clinton is obliged to justify himself for fund-raising phone calls from the White House and alleged sexual harassment, and we're talking about a million people killed, so I think the U.N. should be accountable. How can anyone sensibly think of reporting the crimes of the President of Rwanda to the President of

Rwanda and pretend that he has dealt with this matter responsibly? How could such a fax not be passed on immediately to the Security Council and all the member states? How can we be left to wonder whether even the Secretary-General—Boutros-Ghali—"saw it?"

Last year, I read Dallaire's fax to one of Boutros-Ghali's closest aides, who said that he had never heard of it before. "It's astonishing," he said, "an amazing document, incredibly dramatic. I never heard of anything like that, and I find it incredible to imagine that it could not reach the Secretary-General. This is all at a level of drama that I don't remember experiencing except once or twice in the last five years at the U.N. It's just incredible that a fax like that could come in and not be noticed."

In fact, by 1996 Boutros-Ghali was at least aware of Dallaire's fax, because he referred to it, in an introduction to a volume on Rwanda, saying, "Such situations and alarming reports from the field, though considered with the utmost seriousness by United Nations officials, are not uncommon within the context of peace-keeping operations."

When I read Boutros-Ghali's words to Destexhe, I could almost hear him shuddering over the phone from Brussels. "Not uncommon?" he said. "Extermination? No no no." Last week, I asked Iqbal Riza, Annan's deputy, whether Boutros-Ghali would have seen the correspondence. "He should have," Riza said, adding that according to "standard practice every code cable or every fax of this nature will be copied to the Secretary-General's office" and then sorted by "a staff that decides what paper goes to him."

Boutros-Ghali's aide told me that he was certain "Boutros didn't see the actual document," but that it was likely he had "heard the essence of it, in summary." Riza said, "That's credible." During that period, daily cable traffic was "a stack about a foot high," Riza explained, and Dallaire's fax "was not a report on a serious incident, where there were casualties, or something like that," but "something that was forecast." If the forecast had come true "a week later or something," Riza said, then "I think they would have said, 'Yes, there is this fax, and this is what happened.'"

THE fact that Kofi Annan's name is printed atop the reply to Dallaire's fax suggests that he was its author, or at least the one ultimately responsible for its contents. But Riza, whose signature appears on the response to Dallaire's fax, claims that that wasn't the case. At the time, he said, the United Nations was overseeing seventeen peacekeeping missions, and "there was no way that one person could look after them all." So duties in New York were divided, and Riza found himself in charge of Rwanda. "I was responsible," he said, adding, "This is not to say that Mr. Annan was oblivious of what was going on. No. Part of my responsibility was to keep him informed and, in fact, to ask for guidance when I felt that was necessary. So he would have seen this paper, maybe, you know, whenever he had time—two or three days later, when he went through his copies. So that takes care of that question."

In hindsight, Riza told me, "you can see all this very clearly—when you are sitting with your papers before you, with your music on, or whatever, and you can say, 'Ah, look, there's this.' When it's happening in the heat of the moment, it's something else." He described the Dallaire fax as just one piece of an ongoing

daily communication. "We get hyperbole in many reports," he said, adding that, in the months that followed, "incidents continued, but there was no sign to corroborate" Dallaire's warning.

Riza reminded me that the Belgian, French, and United States Embassies in Rwanda had been advised of Dallaire's information. "If those governments, especially the Belgians, had serious fears about what was going to happen, do you think they would have kept quiet?" he asked. "They would have battered down our doors." On the other hand, Riza stressed that the caution with which the Rwanda peacekeeping mandate was interpreted had to be understood in the context of the moment—and the context was "the shadow of Somalia."

During 1993, dozens of peacekeepers died in Somalia. In the two most spectacular incidents, twenty-three Pakistanis serving with the U.N. and eighteen American soldiers serving under their own command were killed. The American deaths occurred in October, and Riza said, "If we had gone to the Security Council three months after Somalia, I can assure you no government would have said, 'Yes, here are our boys for an offensive operation in Rwanda.'" How could he be so sure? Because, one of his aides told me, even in April of 1994, when the body count in Rwanda was leaping from the tens of thousands to the hundreds of thousands, the Security Council did not see fit to act. And another U.N. staffer said, "You do understand, I hope, that when we are talking about Rwanda and we speak of member states, we are speaking in particular about Washington."

It was true that the Clinton Administration had lost its appetite for peacekeeping operations after Somalia. In the wake of that debacle, the White House produced a document called Presidential Decision Directive 25, which amounted to a checklist of reasons to avoid involvement in U.N. peacekeeping missions. It hardly mattered that no American troops were involved in Rwanda; when the genocide began, the Administration's policy was that the U.N. should get out of Rwanda completely, and the original force of two thousand five hundred men was reduced to an ineffectual squad of two hundred and seventy. Dallaire begged for reinforcements, and his pleas were seconded by Boutros-Ghali, but, as the

dead piled up in Rwanda, the United States successfully obstructed the Security Council from heeding their call.

"We—the international community—should have been more active in the early stages of the atrocities in Rwanda," Secretary of State Madeleine Albright said last December on a visit to Africa, setting the stage for President Clinton's more forceful apology, this spring in Kigali. In the same spirit, Annan's staff are fond of saying, "The whole world failed Rwanda." Annan himself recently told the French newspaper *Libération*, "I remember saying at the time, 'If a genocide does not push us to intervene, what can make us budge?' It was a good question. Once the current round of mea culpas is over, we will still be left to wonder whether the genocide might have been thwarted before it had begun."

ON May 2, 1994, when the extermination of Tutsis was at its peak in Rwanda, Kofi Annan travelled to Washington to address a Senate hearing on U.N. peacekeeping operations. In the course of his testimony, he said, "Under our rules of engagement, they"—peacekeepers—"have the right to defend themselves, and we define self-defense in a manner that includes preemptive military action to remove those armed elements who are preventing you from doing your work. And yet our commanders in the field, whether in Somalia and Bosnia, have been very reticent about using force."

In the light of Dallaire's fix, Annan's failure to mention Rwanda is striking. After all, Dallaire hadn't asked for the permission that Annan denied him, to take preemptive action against the Hutu Power arsenals; he simply announced his plan to raid weapons caches. Dallaire has said that he considered such action to be entirely consistent with his rules of engagement, and he has repeatedly stated that with five thousand well-equipped men he could have saved hundreds of thousands of lives in Rwanda.

Last September, Dallaire went on Canadian television and said of his tour in Rwanda, "I'm fully responsible for the decisions of the ten Belgian soldiers

dying, of others dying, of several of my soldiers being injured and falling sick because we ran out of medical supplies, of fifty-six Red Cross people being killed, of two million people being displaced and made refugees, and about a million Rwandans being killed—because the mission failed, and I consider myself intimately involved with that responsibility." But Dallaire resisted "passing the buck" to the U.N. system. Instead, he passed it on to the member states of the Security Council and the General Assembly. If, in the face of a genocide, governments fear placing their soldiers at risk, "then don't send soldiers, send Boy Scouts," he said.

"I haven't even started my real mourning of the apathy and the absolute detachment of the international community—particularly the Western world—from the plight of Rwandans," Dallaire went on. "Because, fundamentally, to be very candid and soldierly, who the hell cared about Rwanda? ... We know the genocide of the Second World War because the whole outfit was involved. ... Who really comprehends that more people were killed, injured, and displaced in three and a half months in Rwanda than in the whole of the Yugoslavian campaign, in which we poured sixty thousand troops and more. The whole of the Western world is there—we're pouring billions in there, and we're still in there trying to solve the problem. Who is really trying to solve the Rwandan problem? Who is grieving Rwanda and really living it and living with the consequences? I mean, there are hundreds of Rwandans whom I knew personally, whom I found slaughtered with their families complete—and bodies up to here—villages totally wiped out. ... And we made all that information available daily and the international community kept watching."

Dallaire was in uniform as he faced the camera; his graying hair was closely cropped; he held his square jaw firmly outthrust; his chest was dappled with decorations. He said, "The root of it is: What does the international community really want the U.N. to do?" He said, "The U.N. simply wasn't given the tools." And he said, "We did not want to take on the Rwandan Armed Forces and the *interahamwe*."

Listening to Dallaire, I wondered, What would happen if a fix like his were to arrive at U.N. headquarters today? ♦



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WILLIAM H. VOISARD
 Executive Clerk of Staff

April 24, 1998

The Honorable William J. Clinton
 President of the United States
 The White House
 Washington, D.C. 20500

Dear Mr. President:

I am writing you in yet another attempt to obtain a complete picture of United States involvement with the Rwandan military during the the past few years.

At a December 4, 1996 hearing of the Subcommittee on International Operations and Human Rights, Deputy Assistant Secretary of Defense Vincent Kern publicly assured me that the United States "ha[s] not provided Rwanda with any of the sort of basic military training that . . . you would get at Fort Bragg." In his words, U.S. involvement extended only to "the softer, kinder, gentler side of the military training." It now appears that those assurances were not true.

In August of 1997, Under Secretary of Defense Walter Slocombe provided information to the Committee on International Relations indicating that the United States had indeed provided basic military training (such as marksmanship and tactical skills) to members of the Rwandan Patriotic Army (RPA). As you are no doubt aware, the RPA has been implicated in atrocities, including the apparent mass murder of noncombatants, that were committed in eastern Congo and Rwanda beginning in late 1996.

Prompted by those revelations, I wrote you a letter nine months ago, on August 28, 1997, asking for an explanation of United States involvement with the Rwandan military. Among other things, I asked for "detailed information about U.S. military education and training given to members of the Rwanda armed forces," as well as details of the public information and psychological operations ("Psy-Ops") undertaken by U.S. personnel in that region during November 1996.

In response, I have received letters from you, from Assistant Secretary of State Barbara Larkin, and from the Assistant Secretary of Defense for International Security Affairs (ISA), Franklin Kramer. While I appreciate the information that has been provided so far, it does not constitute anything approaching a complete answer to the questions I posed. It also appears that my questions deliberately were read as narrowly as possible, with the result that I have not received much information that is responsive to the obvious point of my request.

For example, the Department of Defense provided the Subcommittee with five large boxes of materials that included extensive language training and rule of law course materials used in Rwanda. However, those materials did not contain any information pertaining to U.S. Joint Combined Exchange Training (JCET) exercises in Rwanda -- the source of the marksmanship training that had prompted many of the concerns expressed in my August letter.

When my staff contacted the Department of Defense regarding that omission, ISA staff inexplicably stated that they had not understood my information request as covering JCET activity. After my staff emphasized that the JCET issue was the obvious focus of my request, ISA provided the Subcommittee with a three page summary of the "topics" that had been covered during U.S. JCET exercises with RPA troops. That summary, which raises additional concerns about the training given to the RPA, hardly constitutes the "detailed information" I requested last November.

Furthermore, some of the information regarding Psy-Ops and public information activities provided in Assistant Secretary Kramer's January 13, 1998 letter appears to contradict information attached to Under Secretary Slocombe's August 19, 1997 letter to the Committee on International Relations.

According to Under Secretary Slocombe, a U.S. Public Information Mobile Training Team (MTT) was deployed in Rwanda from November 2 to November 27, 1996 and "[e]ffective 19 November [1996], . . . was attached to the JTF's Joint Psychological Operations Task Force (JPOTF) and remained with the JTF throughout the remainder of the redeployment." That team trained Rwandan Defense Ministry personnel on "product development (print, posters, video, and radio)" and "also produced a leaflet and loudspeaker/radio messages for use at the border."

However, according to Assistant Secretary Kramer, "[t]he MTT concluded its activities in mid-November 1996 . . . upon arrival in the region of Joint Task Force (JTF)" and "did not prepare or distribute any public information products." I have not yet received a coherent, detailed account of what both the JPOTF and the Public Information MTT were doing in the period leading up to the mass repatriation of Rwandan refugees in December 1996.

In sum, I am still seeking a complete, forthright account of United States involvement with the Rwandan military in the period leading up to and including both the mass repatriation of Rwandan refugees in December 1996 and the triumph of Alliance (ADFL) forces over the

Mobutu regime in May 1997. To that end, I would like to be provided with the following categories of information:

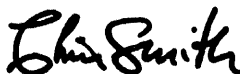
- (1) **Detailed information regarding all phases of all JCET exercises in Rwanda since 1994 (including but not limited to JCET Falcon Gorilla and JCET Falcon Racer) including but not limited to:**
 - **initial JCET event proposals for all exercises; and**
 - **complete After Action Reports for all JCET exercises (including but not limited to general descriptions, dates, location of operations and personnel, objectives and assessments, limitations, lists of Rwandan participants, and photo coverage).**

- (2) **Detailed information regarding the location and activities of the Joint Psychological Operations Task Force (JPOTF) and the Public Information MTT deployed during November and December 1996 including but not limited to:**
 - **a list of all locations visited by any members of the JPOTF or the MTT (including information about whether any member of either team crossed the Rwandan border and entered Zaire);**
 - **detailed descriptions of all activities undertaken by all members of both the JPOTF and the MTT during that deployment;**
 - **detailed information about the content and results of JPOTF and MTT interviews with returning Rwandan refugees, including but not limited to all documents (such as reports, cables, and notes) prepared by U.S. personnel relating to those interviews;**
 - **copies/transcripts of all products produced or distributed by the JPOTF and the MTT;**
 - **copies/transcripts of all products produced or distributed by Rwandan personnel trained by the JPOTF or the MTT; and**
 - **copies of all materials relating to the training of Rwandan personnel by the JPOTF and the MTT (such as training materials regarding campaign planning, target audience analysis, media selection, and target development, as well as other documents produced in connection with the Rwanda deployment).**

- (3) A detailed description of all funding, equipment (both lethal and non-lethal), and training provided by the United States (either directly or through third parties) to the Rwandan military and other forces active in the conflict in eastern Zaire. Such information would include, but is not limited to:
- a list of all equipment provided by the United States to the Rwandan military from FY 1994 to the present (other than the IMET and de-mining equipment already disclosed in the attachments to Under Secretary Slocombe's August 19, 1997 letter to Chairman Gilman);
 - information regarding whether materiel that the United States procured for or provided to other parties (such as Uganda) found its way into the hands of the RPA, the ADFL, or other forces active in the conflict in eastern Zaire during late 1996 and early 1997;
 - information regarding whether any U.S. personnel helped the RPA or ADFL forces acquire equipment from non-USG sources (such as private security contractors) for use in the conflict in eastern Zaire during late 1996 and early 1997;
 - a detailed description of all U.S. training given to members of the RPA and other forces active in the conflict in eastern Zaire during late 1996 and early 1997 (including but not limited to all training conducted in third countries, such as African Crisis Response Initiative training exercises conducted in Uganda).
- (4) A complete account of all information regarding the location of refugee populations in eastern Zaire/Congo that the United States has provided to the Rwandan government since October of 1996.

I would appreciate receiving this information promptly, and I hope that future answers will include the relevant detail and candor that have been lacking so far. Please do not hesitate to contact me or the Subcommittee staff with any questions that you or other members of your Administration may have about this request. Thank you for your consideration.

Sincerely,



Christopher H. Smith
Chairman, Subcommittee on International
Operations and Human Rights

Senator Alain Destexhe
Member of the Parliament of Belgium
President, International Crisis Group
 26, rue des Minimes
 B-1000 Bruxelles
 Belgium

May 5, 1998

The Honorable Benjamin Gilman
 Chairman
 House Committee on International Relations
 2170 Rayburn Building
 Washington, DC 20515-6128

Dear Congressman Gilman:

I am writing to recommend that the United States Congress undertake an investigation into the events surrounding the 1994 genocide in Rwanda. During that time, I was the Secretary General of Médecins sans Frontières (Doctors without Borders). In this capacity, I visited Rwanda just before and just after the genocide. In 1995, I became a Member of Parliament and initiated the Belgian Senate Committee of Inquiry on the Rwandan genocide.

Our Committee of Inquiry heard testimony from 95 witnesses, including Belgian Ministers, Diplomats and members of the Military. The Committee also consulted all documents from 1993 and 1994 in the Foreign Affairs and Defense Ministries, including all correspondence between Kigali and Brussels.

Two main questions were addressed: Before the genocide, were the Belgian authorities and others aware of the fact that it was under preparation? After the genocide started on 7 April, 1994, why did the UN decide to withdraw almost all its forces from Rwanda?

Concerning the period before the genocide, our Committee concluded that:

"...at the latest in mid-January 1994, the Belgian authorities had a series of relevant information regarding, if not the preparation of genocide, at least the existence of the preparation of large scale massacres ... On the other hand, several actors (UN, other states...) that had the same type of information did not give it the necessary importance...." (page 506)

Although the Committee decided not to be more specific about the "other states," this is clearly a reference to France and the United States. We based that conclusion on various evidence, in particular documents from the files of the Belgian Ministries of Defense and Foreign Affairs. Among others, we found 19 documents in which there is mention of a Machiavellian plan of destabilization and massacres. There is no reason to believe that similar information was not at the disposal of the American and French Ambassadors and the UN Representatives.

Most important is a cable sent on January 11, 1994, almost three months before the genocide, by General Dallaire, the Commander of the UN forces in Rwanda (UNAMIR), to the UN Headquarters in New York, based on information provided to him by a key informer. This cable revealed a fairly detailed plan explaining how the genocide was organized in Kigali. It mentions that the principal aim of Interhamwe (the militia of the President's party) in the past was to protect Kigali from the Rwandan Patriotic Front (RPF). He noted that a campaign was under way by Interhamwe to register all Tutsi in Kigali, he says he suspected that this was for their extermination. He quotes an Interhamwe informant as saying that in twenty minutes his personnel could kill up to 1,000 Tutsi.

This cable's importance cannot be overestimated. How many times has the United Nations received from its Force Commander in a country a warning of a possible, even probable, extermination?

In the cable, General Dallaire announced his intention to take action within 48 hours and requested protection for his informer. UN Headquarters answered that the action he had planned to take was not authorized because it did not fall within the UNAMIR mandate. Dallaire was instructed to contact the three ambassadors from Belgium, France and the United States, and ask them to intervene with President Habyarimana of Rwanda. He was also instructed to request from these countries protection and asylum for his informer.

The contents of the cable were shared with the American, French and Belgian Ambassadors in Kigali. According to the special representative of Secretary General Boutros Ghali, "They expressed serious concern and indicated that they would consult with their capital and would act accordingly." On January 13, 1994, all three ambassadors met President Habyarimana and expressed their concern that the Arusha Peace Agreements (which were supposed to bring a peaceful transition in Rwanda) were being violated by his political party and his supporters. Apart from this, very little was done to stop the perpetrators of the genocide. I strongly believe that if General Dallaire's cable had been widely publicized at the time, the genocide could have been avoided.

We should remember that nearly one million people were killed in less than three months in Rwanda in 1994. We should also recall that the Rwandan killings were an attempt to eradicate an entire people, and as such constitute one of very few unequivocal genocides in the twentieth century. A crime of this nature and scale demands full investigation. The Rwandan genocide demonstrated that the lesson of the Holocaust still has not been learned. At the end of the day, everyone is accountable for their actions when genocide crimes against humanity are at stake.

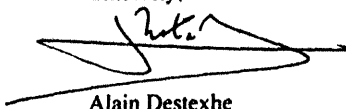
Belgium, France, the United States and the United Nations also share a responsibility for not doing more – indeed, doing almost nothing – to prevent or stop the killings. The genocide of the Tutsi in Rwanda took place in a country where 2,500 UN blue helmets were deployed and supposed to maintain peace and protect human lives. They could have prevented the killings, both before and during the genocide.

The role of Belgium in this tragedy has been fully examined by the Belgian Senate Committee. That of France is currently being investigated in the French Parliament. The victims, but also humanity at large, deserve to know the full truth concerning the two others major international players – the United States and the United Nations.

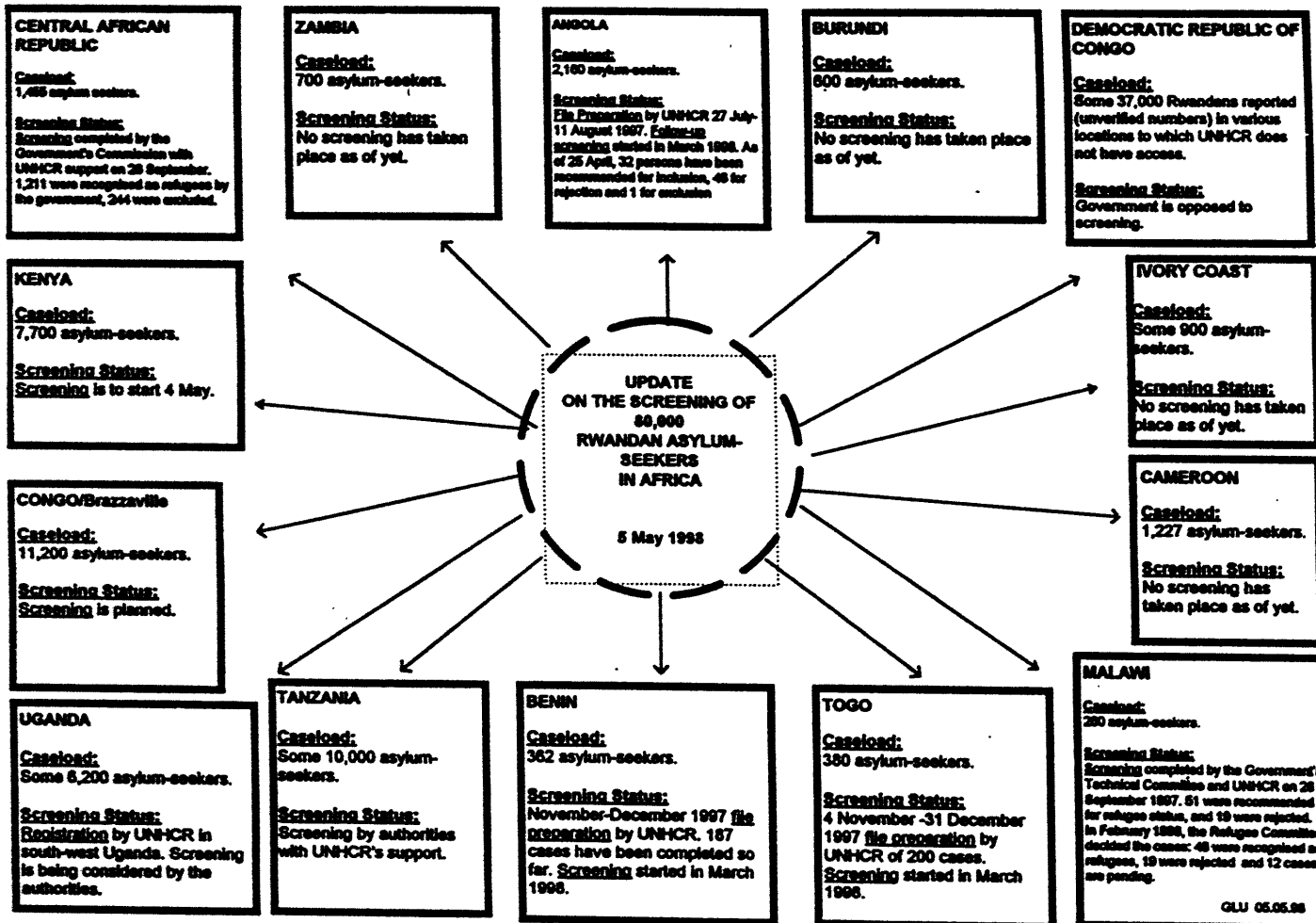
To conclude, I would first like to note that I fully welcome the initiatives of the Clinton Administration to prevent further genocide and bring justice in the Great Lakes region, initiatives which were taken after the presidential trip to Africa.

However, more needs to be done. A full investigation on the part of the United States can help to improve the chances that such suffering will not be repeated. In attempting to move forward, the past must be taken in account. The 1994 genocide remains a central issue to understanding the situation in the Great Lakes region. It also highlighted the deep inadequacies in the way the international community responds to signs of impending crisis. We cannot prevent future tragedies if we do not come to terms with the past; in the United States as in Belgium, that process must involve examining the role this government played in Rwanda in 1994.

Sincerely,

A handwritten signature in black ink, appearing to read 'Destexhe', written over a horizontal line.

Alain Destexhe



REFUGEES 
INTERNATIONAL

RI BULLETIN

A GLOBAL VOICE FOR THE WORLD'S DISPOSED

May 1, 1998

Contact: David Shorr
202-828-0110

RECOMMENDED ACTIONS & POLICIES TOWARD THE GREAT LAKES

The recent history of the Great Lakes saw three failures of will on the part of the United States to intervene and prevent massive loss of life. During the 1994 genocide the U.S. blocked the deployment of additional peacekeepers to Rwanda and supported the withdrawal of those already on the ground. After the Rwandan Patriotic Force's (now Rwandan Patriotic Army, or RPA) victory over the *genocidaires*, and their retreat to eastern Zaire, the UN pleaded with the U.S. and other donors to disarm the Hutu militias who were asserting their control over the camps. Finally, in 1996, the U.S. undercut a Canadian-led effort to deploy a force to save refugees who were dispersed when the RPA took the initiative to confront the *genocidaires* and break up the eastern Zaire camps. Though this latter episode is less well known than the genocide, the RPA and their Congolese rebel allies herded and hunted innocent refugees on a death march across former Zaire in which, according to evidence collected by NGOs and the media, tens of thousands perished of disease or were massacred.

Against this backdrop, President Clinton during his recent visit to Kigali took an important step in acknowledging the failure of his administration to respond and promising a vigorous effort to prevent any further mass bloodshed. The Great Lakes region continues to be gripped by a protracted crisis, and a serious policy aimed at prevention will demand a substantial investment of attention and political will. We will see in the coming months whether the administration will follow through with the requisite strong sense of purpose.

In Rwanda, Burundi, and the Democratic Republic of Congo there are persistent insurgencies, human rights abuses, and estrangement between the governments and their citizens. *Refugees International* recommends that the U.S. should take the following steps to prevent another explosion of ethnic warfare and enhance stability:

DEMOCRATIC REPUBLIC OF THE CONGO

- Keep pressure on the Kabila regime and hold it to account for its atrocious human rights record, including the slaughter of thousands of refugees. The international community must be firm and unified in an insistence that human rights and accountability in the DRC be upheld before any significant development aid -- aside from humanitarian relief, health, and education -- be granted to Kinshasa. With the planned summer Friends of Congo meeting approaching, the issue of coordination among donors and international financial institutions is crucial.
- Press especially for relief agencies to be permitted to assist refugees still missing from the 1996-97 crisis. It should also be remembered that many refugees are still hiding out in the Congolese forest or taking refuge in local villages. Lack of cooperation by the Kinshasa government with the UN High Commissioner for Refugees has disrupted that agency's work in finding and assisting remaining refugees, a critical humanitarian mission.

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- Insist that authorities in eastern Congo desist from forcibly repatriating new Rwandan and Burundian refugees.
- Closely monitor the humanitarian impact of continuing instability in North and South Kivu and consider the possible resumption of emergency relief aid.

BURUNDI

- Work with regional mediators to remove the obstacles to all-party peace talks. Former Tanzanian President Julius Nyerere has been working for almost two years to convene negotiations among all the parties involved in the Burundian conflict. With the recent progress in cooperation between the Buyoya government and the Frodebu leadership of the parliament, armed elements and extremist parties may feel compelled to play the role of spoiler.
- Work in the UN Security Council for an international arms embargo against all sides in Burundi. While such a measure might not completely cut-off the flow of arms into the country, with serious enforcement measures, it would increase pressure on the contending forces to seek a peace agreement. An international embargo (complementing the embargo by Burundi's neighbors, who have called for a wider ban) could be especially useful in pressuring key individuals operating in the international arms market.
- Press for transparent and vigorous prosecution of Burundian army personnel who commit atrocities. The army claims to prosecute soldiers who target civilians (a widespread problem), but when these claims are scrutinized, it is not clear that anyone has really been punished. Only by carrying out transparent prosecutions can the Government of Burundi begin to gain the confidence of the people.
- Financially support the strengthening of the UN Human Rights Field Operation in Burundi (as well as in Rwanda). Over a year ago, donor governments, the UN High Commissioner for Human Rights, and the Government of Burundi agreed in principle to expand the Centre's presence in the country to have 40 international monitors. Because of lack of follow-through, the mission has never had more than 15 human rights monitors.

RWANDA

- Support the Rwandan government's counterinsurgency against the *Interahamwe* while monitoring the Rwandan Army's discipline in respecting the human rights of civilians. Taking cognizance of the growing level of insurgent violence in Rwanda, the U.S. should support Rwandan efforts to counter this violence, while simultaneously pressing for respect for basic human rights. New flows of refugees into Tanzania have been fleeing the violence. Recent prosecutions by the government of its soldiers who are guilty of atrocities are a positive step and a model for neighboring Burundi.

- Encourage the Government of Rwanda to consult and empower constituencies who are under-represented in the government and ruling elite. Clearly Kigali cannot be expected to negotiate with forces whose platform is genocide. However, the government can solidify public confidence by expanding its outreach and making policies and appointments, thereby basing its legitimacy on a more broadly representative governance.

GENOCIDE PREVENTION

- Support the creation of a stand-by rapid reaction force under the UN. If the fighting in Rwanda, Burundi, or eastern Congo threatened to escalate into a genocide, governments and the UN would be forced to assemble a peacekeeping force from scratch, a process that has proven time-consuming each of the many times it has been tried. The only way to boost the international community's ability to respond is to assemble, organize, and train a multi-national contingent ready to be deployed at a moment's notice. Rather than dedicating U.S. military units to the Force, it could be comprised purely of volunteers. Congressmembers who are wary of the commitment of American forces should support this proposal as a way to make UN peacekeeping a robust first resort before U.S. personnel are called into service.

With President Clinton's renewed pledge to prevent genocide, the key test question is: if a Rwanda-like situation breaks out tomorrow, is the United States better prepared in 1998 than it was in 1994? Only by developing a mechanism for rapid deployment will Clinton be able to make good on his promise of "never again."

