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## AN EVALUATION REGARDING THE ROLE OF FRANCE IN RWANDA IN THE LIGHT OF RECENT DEVELOPMENTS\*

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**Abstract:** *The shooting down of the airplane carrying Rwandan President Juvénal Habyarimana on 6 April 1994 triggered decades-long conflict between Tutsi and Hutu, and more than 800,000 Rwandans were killed by Hutu extremists in Rwanda during 100 days of horrible violence. This incident led to the questioning of the role of states, western-based international institutions, and organizations in Rwanda.*

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*The actors in question have faced various criticisms and accusations regarding their role in Rwanda. One of the states at the center of criticisms is France. This study aims to review the reasons behind these accusations and criticisms, as well as present an evaluation regarding the role of France in Rwanda in the light of recent developments in the media.*

**Keywords:** *Rwandan Genocide of 1994, the United Nations, the Catholic Church, France*

### **SON GELİŞMELER IŞIĞINDA FRANSA'NIN RUANDA'DAKİ ROLÜNE İLİŞKİN BİR DEĞERLENDİRME**

**Öz:** *Ruanda Devlet Başkanı Juvénal Habyarimana'yı taşıyan uçağın 6 Nisan 1994'te vurularak düşürülmesi Tutsi ve Hutular arasında on yıllardır süren çatışmayı tetikledi ve 100 gün içerisinde 800.000'den fazla Ruandalı korkunç derecedeki şiddet olayları sonucunda aşırı uç Hutular tarafından öldürüldü. Bu olay bazı devletlerin, batı merkezli kurum ve kuruluşların Ruanda'daki rolünün sorgulanmasına yol açtı. Söz konusu aktörler, Ruanda'daki rollerine ilişkin olarak çeşitli eleştiri ve suçlamalarla karşı karşıya kaldılar. Eleştirilerin merkezinde yer alan devletlerden biri de Fransa'dır. Bu makale, bu suçlama ve eleştirilerin arkasında yatan sebepleri gözden geçirmenin yanı sıra, medyada yer alan son gelişmeler ışığında Fransa'nın Ruanda'daki rolüne ilişkin bir değerlendirme sunmayı hedeflemektedir.*

**Anahtar Kelimeler:** *1994 Ruanda Soykırımı, Birleşmiş Milletler, Katolik Kilisesi, Fransa*

## Introduction

The Rwandan genocide, which refers to the mass murder of the Rwandans after the plane carrying the Rwandan President Juvénal Habyarimana was shot down on 6 April, 1994, is one of the most brutal crimes against humanity that has taken its place in the darkest pages of history. In 1994, Habyarimana's still-shrouded assassination sparked decades of conflict between Tutsi and Hutu, and more than 800,000 Tutsi, Twa and moderate Hutu were killed by extremists during more than 100 days of horrific violence in Rwanda.<sup>1</sup> What remains of the Rwandan genocide is the indescribable suffering of the Rwandan people, as well as the continuing debates regarding the role of Western states in Rwanda at the time of the genocide. Not only western states but also prestigious international organizations and institutions centered in the west have been at the very core of the debates. For their role in Rwanda before and during the genocide, prominent elements of the western world have been encountered serious accusations and criticisms. Certainly, the crystal-clear fact about the Rwandan genocide is that its planners and perpetrators were Rwandans, who were likewise victims of the genocide. A more irreversible fact about Rwanda is that its history with its former colonial powers. Under the indirect rule of the two colonial powers, respectively Germany from 1894 to 1918, and then Belgium from 1918 to 1962, Rwanda witnessed intense structural changes. Through the conflict in Rwanda, the Belgian role did not fade away, and also, France, the other bilateral donor, and the leading outside force in most of francophone Africa played a predominant role in Rwanda. Due to their role in Rwanda, especially France and Belgium have been at the center of the allegations and criticism so far. Other than that, one of the world's most prominent international organization, the UN, and the world's one of the oldest and largest institution, the Catholic Church have been accused and criticized for their role in Rwanda.

Akin to these discussions regarding the activities of the western states and western-based organizations in Rwanda during the genocide, almost every year since 1994, a number of claims regarding these agencies are brought to the attention of the international community. Considering the latest developments on the Rwandan genocide, what is patently apparent

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1 Generally, the total number of victims in Rwanda estimated 500,000 to 1,000,000. According to unofficial figures, it is assumed that nearly 1,000,000 people were killed, and twice as many people were forced to migrate (See Ebru Çoban Öztürk, "Uzlaşma Süreçleri ve Uluslararası Mahkemenin Sonlandırılması Üzerine Bir Değerlendirme," *Uluslararası İlişkiler* 12, no. 48 (2016): 39).

is that a part of the aforementioned discussions is derived from the role of France in Rwanda from 1990 to 1994. On 12 June 2020, accusations directed to France of having played a role in the Rwandan genocide came to the forefront once again as a researcher in France was given permission to access the archives on the 1994 Rwandan genocide of the then President Francois Mitterrand.

It is not a primary intention of this article to rewrite the history of the Rwandan genocide or reveal the perpetrators of the crime. What is certain about the genocide is that its perpetrators, those who killed more than 800,000 Tutsi, Twa, and moderate Hutu between April and June in 1994, were Rwandans. Yet, a brief historical background of the Rwandan genocide is worthy to recall the circumstances of Rwanda before and at the time of mass killings. Secondly, the allegations and criticisms against the western states, western-based international institutions, and organizations that have been at the center of the discussions on the grounds of their role in Rwanda, especially early in the first decade of 1990s, will be presented. In subheadings under the second part, the activities of the UN and the Catholic Church right after the genocide will be detailed. Finally, the reasons behind the allegations and criticisms directed to France regarding its role in Rwanda will be examined, and an evaluation considering the role of France in Rwanda will be presented in light of the recent developments.

### **What Happened in Rwanda?**

Focusing solely on the political, economic, and social crises that Rwanda had been through at that time would not be sufficient to explain the process leading up to the Rwandan genocide of 1994 and its aftermath. To evaluate what happened exactly in Rwanda, it is necessary to look at both internal and external factors. In addition to that, reviewing all the factors that paved the way for the genocide in Rwanda as they are detached from one another will result in a miscalculation to see the dynamics behind the genocide. As Catherine Newbury puts it, the role of these internal or external factors was not discrete ones; on the contrary, in creating the conditions for the genocide each factor operated in a climate created in Rwanda.<sup>2</sup> Thus, it is necessary to evaluate all the factors which paved the way for the genocide in Rwanda.

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2 Catherine Newbury, "Background to Genocide: Rwanda," *A Journal of Opinion* 23, no. 2 (1995): 12.

Before the pre-colonial rule of Germany and Belgium in Rwanda, it is possible to argue that the Hutus had a population superiority until the 11<sup>th</sup> century. However, the demographic feature of the population of Rwanda had changed between the 11<sup>th</sup> and the 15<sup>th</sup> century when the Tutsi began to migrate to Rwanda massively from the north, and Tutsi started to comprise the majority of the population. In her study written in 1995, Newbury states that the Rwandan society divided into three groups, Hutu (85% of the population), Tutsi (about 14%), and Twa (less than 1%). In addition to this, she claims that these groups were neither racial nor ethnic groups in the conventional sense. Instead, Newbury mentions that the terms and the categories which the Rwandans describe themselves have changed over time depending on the role of state and contexts of power.<sup>3</sup> Another point to be emphasized about pre-colonial time is that Rwandan was ruled under the kingdom of Rwanda until monarchy abolition in 1961.

In the period from the end of the 19<sup>th</sup> century to the early 20<sup>th</sup> century, Rwanda became a colony first to the Germany and Germans colonized Rwanda along with the present-day land of Burundi and the west of Tanzania. After the First World War, the two territories located in the western part of German East Africa, i.e. Rwanda and Burundi, were attached to Belgium administration under the mandate of the League of Nations. Having maintained a similar approach to the German colonial administration, Belgium ruled Rwanda indirectly through kings called *Mwami*. Nevertheless, unlike the German administration, Belgians led to serious structural changes that affected the economy, politics, and social life in Rwanda.<sup>4</sup>

The introduction of identity cards with an indication of the ethnic origins of Rwandan citizens was an implementation made under the Belgian colonial administration. The introduction of these identity cards was one of the prominent factors that deepened the ethnic separation between Hutu and Tutsi.<sup>5</sup> The policies favoring the Tutsi followed by the colonial administration enabled them to hold high-level administrative positions and thus to retain political power. On the other hand, most of the Hutu

3 Newbury, "Background to Genocide," 12.

4 Öncel Sencerman, "Batılı Koloniyel Güçlerin 1994 Ruanda Soykırımına Etkisi," *Güvenlik Stratejileri Dergisi*, no. 18 (2013): 40.

5 In his study, Sencerman mentions that in the census carried by the Belgian colonial administration in 1933, the height, nose, and eye shapes of Rwandans were measured, and their identity cards were distributed as a result of these measurements (See for e.g., Sencerman, "Batılı Koloniyel Güçlerin," 41-42).

were subjected to forced production and forced labor.<sup>6</sup> The colonial administration, which implemented the “Tutsification” policy, also found support from the church, which was in favor of the Tutsi. After all, regarding the pre-colonial period in Rwanda what is overwhelmingly asserted is that several policies embarked by the Belgian colonial administration enhanced and intensified ethnic belonging among Hutu and Tutsi and politicized these ethnic identities.<sup>7</sup>

The transition of the territories of Rwanda from the League of Nations mandate to the UN Trust Territory after the Second World War correspond with the period of the democratic winds of change started to blow in Rwanda as in all Africa. In this period, in which the effects of the decolonization process were deeply felt, the Belgian colonial administration changed its attitude and replaced the minority Tutsi, a formerly favored group of people, with the Hutu. Following this, Hutu started to revolt against the Tutsi, who had formerly administered on behalf of the colonists. In response to having started to seize political power the Hutus strengthened over time, the Tutsi domination in the Rwandan government gradually weakened with the “social revolution” of 1959.<sup>8</sup> Although it is possible to describe the “social revolution” as a revival in the political arena under the influence of the democratization movement in the country, the revival paved way for the emergence of violence and massacres of Tutsi. The violence caused the deaths of tens of thousands of Rwandans within a few years, and tens of thousands, mostly Tutsi, had to flee into exile and seek refuge in neighboring countries.

The aforementioned events led to the abolition of the monarchy in Rwanda, and Rwanda gained independence on 1 July 1962. In the period of the First Republic of 1962-1973, the Hutu started to dominate the administrative positions in the government. During these years, the political sphere dominated by a single party continued to be formed within the framework of ethnic lines, as well as the problems between

6 Newbury, “Background to Genocide,” 12.

7 Filip Reyntjens, “Rwanda: Genocide and Beyond,” *Journal of Refugee Studies* 9, no. 3 (1996): 243.

8 Newbury and Newbury describe this process started in 1959 and ended up in 1961 as a period of a political struggle against the Tutsi delegates in the central court and the pressure of a “dual colonialism” caused by the Belgian colonial power (For more detail, see Catharine Newbury and David Newbury, “A Catholic Mass in Kigali: Contested Views of the Genocide and Ethnicity in Rwanda,” *Canadian Journal of African Studies/ Revue Canadienne des Études Africaines* 33, no. 2/3 (1999): 296.

the Tutsi and Hutus maintained to be shaped in the context of the government in power. Also, the government was criticized for not being harsh enough against the Tutsi in the very same period. On the other hand, acts of violence against the Hutu in neighboring country Burundi were reflected in Rwanda, and hence the Tutsi presence in Rwanda, which was already under threat, was further endangered. Following the outbursts began in this period, the attacks on the Tutsi in 1964 resulted in the deaths of innocent civilians, whose numbers were assumed to be between 10 thousand and 14 thousand.<sup>9</sup> The turmoil in Rwanda came to an end on 5 July 1973, with the coup led by the then Minister of Defense Juvénal Habyarimana.

Habyarimana established the political party called the National Republican Movement for Democracy and Development (French: Mouvement Révolutionnaire National pour le Développement, MRND) and the party was the only legal political party that ruled the country for a long time. Considering the policies implemented by the Habyarimana administration on ethnic conflict, compared to the previous period, it is difficult to assert that the new regime had a positive impact on Rwandans. The policies contributed to the ethnic discrimination towards the Tutsi continued in this period as well. To illustrate, the right to education of the Tutsi in public schools and their position in administrative affairs were gradually limited through a system of ethnic quotas. Another difference that emerged compared to the previous period is that with the continuation of regionalism and the support from the army and the Habyarimana regime from the north, the balance of power in the country shifted from south to north. The partial ‘stability’ that paved the way for economic growth is also a point worthy of recalling the differences of this period.<sup>10</sup> Although economic success was achieved in the first two decades of the Habyarimana regime, it is possible to argue that in the 1990s, regional polarization in the political sphere, social polarization between rich and poor, and increasing of marginalization among urban poor and the rural dwellers.<sup>11</sup>

The events resulted in the refugee crisis in the early 1960s lead to militarize the exiled Tutsi in neighboring countries and led them to form the Rwandan Patriotic Front (RPF, French: Front Patriotique Rwandais, FPR) with the aim of returning to Rwanda. However, this Tutsi-led

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9 Newbury and Newbury, “A Catholic Mass in Kigali,” 298.

10 Sencerman, “Batılı Koloniyel Güçlerin,” 48.

11 Newbury, “Background to Genocide,” 15.

formation motivated to return to Rwanda failed to fulfill its main purpose, because the demand for return was rejected by the Habyarimana regime. In response to that, the RPF contributed to Yoweri Museveni's victory in Uganda, and Rwandans started to have a share in the ruling political power of Museveni. Starting from 1990, the RPF began to invade Rwanda from Uganda. This period came to an end in 1993 is also a period in which the multi-party system was introduced in Rwanda. Yet, these newly emerged political parties in Rwanda caused the multiplication of hatred against the Tutsi. Claiming the Tutsi were affiliated with the RPF, many of them arrested during this period. Moreover, approximately two thousand Tutsi were killed as a result of the repressive policies of the Habyarimana regime towards Tutsi in domestic politics.<sup>12</sup>

On 4 August 1993, the Arusha Peace Agreement was signed between the MNRD and the RPF. As a result of the negotiations between the two parties the sharing of power was realized with the RPF most likely thanks to pressure on the Habyarimana regime from both inside and the international community. Yet, the articles included in the agreement did not help to reduce the conflicts between the parties, rather it caused the conflicts to deepen. The news that the agreement granted some privileges to the Tutsi appeared on the radio, as well as in print media. On the other hand, the murder of Melchior Ndadaye, the then Prime Minister of neighboring country Burundi, affected the situation in Rwanda negatively and overshadowed the negotiation between Hutu and Tutsi. Furthermore, the regime of Habyarimana was also criticized domestically because it was too dependent on military aid coming from France, and hence this escalated the unrest in Rwanda.<sup>13</sup>

The increasing tension between Hutu and Tutsi in the country was outburst when the airplane carrying Rwandan President Juvénal Habyarimana was shot down on 6 April 1994; on the very same day, the horrible violence and brutal massacres took place in the country. On 7 April, forces affiliated to Habyarimana killed Prime Minister Agathe Uwilingiyimana of Hutu origin, whom they found her moderate against the Tutsi. During 100 days of horrible violence, more than 800,000 Tutsi, Twa, and moderate Hutu were killed by Hutu extremists. The violence subsided when the RPF led by Paul Kagame began to take over some parts of Rwanda.

<sup>12</sup> Sencerman, "Batılı Koloniyel Güçlerin," 15.

<sup>13</sup> Newbury, "Background to Genocide," 16.



As it is argued at the beginning of the introduction of the study, both internal and external factors were affected in the creation of the conditions leading to the genocide in Rwanda. Among the internal factors that operated the process leading to genocide are the ethnic policies implemented under the Belgian colonial administration and the politicization of them in the context of the government in power. The economic conditions and the Rwandan politics were not enough to ensure peace in Rwanda. The reflection of the return movement initiated by the Tutsi refugees in Uganda, who had to leave the country because of the violence in the 1960s, is one of the external factors that caused the inhumane brutality in Rwanda.

Reducing the only cause of the genocide in Rwanda to ethnicity or seeing the events in Rwanda solely as an interethnic conflict -as is claimed in the western media at that time- will cause the reality of Rwanda to be overlooked. As it will be discussed in the following part, this reductionist attitude of the west constitutes the source of the criticism directed against the western-based international institutions and organizations, especially the United Nations and the Catholic Church, regarding the Rwandan genocide. In the light of these criticism directed to international organizations and institutions, the role of the United Nations and the Catholic Church in Rwanda will be examined in the next part.

### **The Role of the United Nations and the Catholic Church in Rwanda**

With regard to the Rwandan genocide, the allegations directed against international organizations and institutions because of their role in Rwanda is still a highly debated issue beyond the country. While the missionary activities of the Catholic Church in Rwanda go back to the end of the 19<sup>th</sup> century, the colonial period, the active involvement of the UN in Rwanda started in 1946. Considering the activities of these prominent actors of the western world in Rwanda throughout the years, it would not be misguided to argue that both the UN and the Catholic Church are likely to impact Rwanda both in positive and negative ways.

The most prominent reason for the accusations and criticism directed to the UN and the Catholic Church is their inability to respond effectively to the brutal violence in Rwanda during and after the genocide. Considering the economic, political, and social crisis in Rwanda at that time, it would not be a consistent approach to refer to these institutions

of western origin as the sole responsibility of what happened. As a matter of fact, the contribution of the International Criminal Tribunal for Rwanda, established in 1994 by the United Nations Security Council in Resolution 955, in order to judge those people who are responsible for the Rwandan genocide and other serious violations of international law in Rwanda, or Rwandans in neighboring countries, cannot be denied. However, at the same time, this also does not mean that the UN and the Catholic Church did not fail to prevent the violence in Rwanda during and after the genocide. Hence, the reasons behind these accusations and criticism directed against those prominent actors of the international community since 1994 will be reviewed.

### *The United Nations in Rwanda*

The activities of the UN in Rwanda started in 1946 when the territories of Rwanda were relinquished from the League of Nations to the UN after the First World War. The next critical step of the UN was taken in 1992 when the country was going through the democratization process and the disagreements between the opposition party and the government began to be discussed on political grounds. The Arusha Peace Agreement, named after the city, where the agreement concluded, was signed on 4 August 1993 between the ruling party MNRD and the RPF. On the ground of the agreement, it was decided to establish a provisionary government to ensure peace between the parties. In order to establish this government and assure peace in Rwanda, the UN Security Council formed the UN Assistance Mission for Rwanda (UNAMIR) on 5 October 1993 and decided to deploy the peacekeepers in Rwanda. However, UNAMIR with weak authority and minimum capacity came to Rwanda with a delay of two months.<sup>14</sup>

In her study called “The Security Council in the Face of Genocide,” Melvern asserts that after the signing of the Arusha Peace Agreement “the Belgian government was extremely well informed [of the developments], with information from its embassy in Kigali and from a small intelligence cell attached to the para-commando unit in UNAMIR”. In addition, she claims that “in a series of intelligence reports from these units, the plans of the extremists were revealed; (...)

<sup>14</sup> Linda Melvern, “The Security Council in the Face of Genocide,” *Jornal of International Criminal Justice*, no. 3 (2005): 848; Öncel Sencerman, “Batılı Kolonyel Güçlerin 1994 Ruanda Soykırımına Etkisi,” *Güvenlik Stratejileri Dergisi*, no. 18 (2013): 40.

the militia was killing with impunity and was helped by government departments.” Most importantly, she asserts that “the weapons for the extremists were coming from France”. In line with this information, Melvern asserts that the Belgian government, aware of the insufficient capacity of the UN peacekeeping force, instructed the Belgian ambassador in New York to initiate lobbying activities in the United States to increase the peacekeepers in Rwanda. However, for financial reasons, the United States and the United Kingdom opposed this idea. Another point Melvern highlights regarding the conversations between the representatives of states is that the Belgian Foreign Minister Willy Claes sent a message to the UN Security General Boutros Boutros-Gali and having written in the message that “unless the peacekeepers had taken firmer action, they might have soon not been able to act at all”.<sup>15</sup> Despite all efforts to reinforce the peacekeeping force in Rwanda, demands did not yield any results.

Following the airplane carrying Rwandan President Juvénal Habyarimana was shot down on 6 April 1994, the massacres in the country rapidly turned into genocide. The UN peacekeepers failed to intervene in the violence in Rwanda. On April 8, 10 Belgian UN soldiers who were assigned to protect Agathe Uwilingiyimana were killed.<sup>16</sup> Subsequently, as Newbury puts it, “western governments sent in troops only to save whites, they withdrew”.<sup>17</sup> As the Westerners started to leave the country one by one, the factors that radical groups could feel pressure on disappeared, and these groups implemented their plans for massacre more recklessly and fearlessly. As a matter of fact, just in the first week of genocide, approximately ten thousand Rwandans were killed right in front of UN troops.

In his speech, he said that “the UN is still ashamed over its failure to prevent the 1994 genocide in Rwanda.” In the 20<sup>th</sup> anniversary of the genocide in 2014, the 8<sup>th</sup> Secretary-General of the United Nations Ban Ki-moon addressed thousands of people in the capital of Rwanda,

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15 Melvern, “The Security Council,” 850.

16 In Melvern’s study, where she presents sections from her interviews with peacekeeping commander General Dallaire, she mentions that she was told that “it was a direct result of the failure to provide his mission with intelligence data” regarding the deaths of 10 peacekeepers (See for e.g., Melvern, “The Security Council,” 851).

17 What is more important, she claims in her study that “the UN all but pulled out, leaving behind a derisory force of about 450 soldiers (down from 2500, and in the face of the Secretary-General’s request for increasing the numbers to 5500)” (See for e.g., Newbury, “Background to Genocide,” 16).

Kigali. Moreover, “UN personnel in Rwanda during the genocide showed ‘remarkable bravery’ (...) But we could have done much more. We should have done much more. In Rwanda, troops were withdrawn when they were most needed” he told the crowd.<sup>18</sup> The then Secretary-General of the UN’s speech is important since it is an expression that reveals the failure of the UN to intervene in the violence in Rwanda.

It would not be a very realistic attitude to expect the most prominent elements of the international community or other non-governmental organizations to prevent violence in Rwanda. As a matter of fact, it is worth remembering that the UN Peacekeeping Force in Rwanda operated with limited resources, as well as limited rules of engagement. The UN Secretariat acts in accordance with the directions coming from the Security Council. In addition to that, the five permanent members hold power over UN resolutions, which directly affect the decision-making process of the Council. Hence, giving all responsibility for the violence in Rwanda to the UN Secretariat with a limited mandate, was perhaps one of the first mistakes initially made.

As much as the UN’s role before and during the genocide, its role in the post-genocide period is also important. For instance, resolution 955 (1994) adopted by the United Nations Security Council which refers to the establishment of “an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international law committed in the territory of Rwanda and Rwandese citizens responsible for genocide and other such violations committed in neighboring States (...)”, was a great contribution for the international peace and security.<sup>19</sup> The tribunal has indicted 96 individuals whom it considered responsible for violations in Rwanda since it opened in 1995, although the number of cases for Rwanda at the ICTR has remained below the expected.<sup>20</sup> After the last trial judgment that the ICTR delivered in 2012, the Mechanism for International Criminal Tribunals started to be responsible for the residual functions of the ICTR. As in the case of the local courts established after the

18 “Rwanda genocide: UN ashamed, says Ban Ki-moon,” *BBC News*, April 7, 2014, <https://www.bbc.com/news/world-africa-26917419>.

19 U.N. Security Council, Security Council resolution 955 (1994) [on establishment of an International Tribunal for Rwanda and adoption of the Statute of the Tribunal], <https://digitallibrary.un.org/record/198038> (accessed on Oct. 27, 2020).

20 Öztürk states that it is because of the insufficient evidence and the difficulty of collecting evidence; she also highlights that the number of people who need to be prosecuted is still high (Öztürk, “Uzlaşma Süreçleri,” 43).

genocide, the tribunal was criticized for its slow-paced job.<sup>21</sup> Although the UN failed to intervene in the violence, the contributions of the ICTR in ensuring social peace in Rwanda should not be ignored.<sup>22</sup> In the following part, the ICTR and the trials concluded by the tribunal regarding the Rwandan genocide will be explained in detail.

### ***The International Criminal Tribunal for Rwanda***

The United Nations Assistance Mission for Rwanda (UNAMIR) established in 1993 was meant to end the civil war in Rwanda by ensuring peace environment under the Arusha Peace Agreement signed between the Rwandan government and the Rwandan Patriotic Front. Nevertheless, the UN is failed to resolve the disputes and end the war in Rwanda. Fortunately, the UN Security Council, acting under Chapter VII of the UN Charter, took a step and established an ad hoc International Tribunal for Rwanda (ICTR) on 8 November 1994 through its resolution 955. It is likely to argue that the decision to establish such a tribunal was because of the precedential effect of the International Criminal Tribunal for the Yugoslavia (ICTY) formed in 1993. The proceedings concluded within the ICTR are undoubtedly considered important in ensuring international peace and security, developing international humanitarian law, promoting national reconciliation in Rwanda, and many other respects. Having the authority of applying existing international humanitarian law applicable to non-international armed conflict enabled the tribunal to had jurisdiction for three types of international crime, which were the genocide, crimes against humanity, Article 3 Common to the Geneva Conventions, and Additional Protocol II. Simply, the production of a credible international criminal justice system and an essential jurisprudence gave the tribunal a pioneering role.

Regarding the effectiveness of the ICTR, the success and failures of the tribunal has received great attention in the literature. Some argue that the tribunal was ineffective, whereas to some the tribunal did its best. In

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21 In her study Öztürk mentions that the Hutu, who were released by the ICTR due to lack of evidence, although their involvement in acts of genocide was known, caused great reactions among Tutsi victims and their relatives (See for e.g., “Uzlaşma Süreçleri,” 48).

22 For instance, the perpetrator of the “the killing of 2,000 Tutsi refugees as a result of the destruction of a church with bulldozers” a Catholic priest Athanase Seromba was tried by the ICTR and he sentenced to life imprisonment (Ali Murat Taştekin, “Catholic Church in Rwanda Apologizes for Role in Genocide,” Center for Eurasian Studies (AVİM), December 5, 2016, <https://avim.org.tr/en/Yorum/CATHOLIC-CHURCH-IN-RWANDA-APOLOGIZES-FOR-ROLE-IN-GENOCIDE>).

a post-conflict environment, the first indictments of the ICTR covered acts of genocide, and by 1996 there were approximately sixty thousand genocide suspects in Rwandese prisons. Regarding the early phase of the ICTR's activities, Akhavan asserts that "of a total of three hundred judges and lawyers in appellate courts and five hundred in provincial court prior to April 1994, only forty magistrates survived and remained in Rwanda" and there were "ongoing efforts on the part of international agencies and nongovernmental organizations to provide Rwandese lawyers, magistrates, and judges with intensive training for the prosecution of genocide cases". However, "the international community was extremely short-sighted in creating tribunals with such a small number of judges and chambers".<sup>23</sup> In addition to these, the limited resources of the ICTR did not enable all the genocide suspects to be prosecuted as well.<sup>24</sup> To some, if the international community could have provided more funds to the tribunal, it could have greatly eliminated some of the administrative problems inherent in the tribunal. Although the genuine effect of the tribunal is the subject matter of another paper, it is important to point out that the similar criticisms are also directed to the ICTR.

To look at the ICTR from a different point of view, the ICTR was the first tribunal to deal with the crime of genocide directly. Additionally, the case of former Rwandan mayor Jean-Paul Akayesu was the first person a trial conducted by the ICTR for the crime of genocide, and Akayesu himself was the first person who tried by an international tribunal. He found guilty and was convicted of various acts of genocide, as well as crimes against humanity. However, before taking any decision about Akayesu, the trial chamber had to define all social categories (ethnic, racial, social or a national group), defined in the Genocide Convention. The chamber's inquiry provided to add a "stable and permanent group, whose membership is largely determined by birth" to the four existing social categories of the Genocide Convention. By doing so, the ICTR became the first tribunal that interpreted the definition of genocide since the Geneva Convention of 1948. Furthermore, the trial of Akayesu represented "the first time in history that an international tribunal conceptualized sexual violence (including rape) as an act of genocide".

23 Lilian A. Barria and Steven D. Roper, "How Effective are International Criminal Tribunals? An Analysis of the ICTY and the ICTR," *The International Journal of Human Rights* 9, no. 3 (September 2005): 364.

24 Payam Akhavan, "The International Criminal Tribunal for Rwanda: The Politics and Pragmatics of Punishment," *The American Journal of International Law* 90, no. 3 (July 1996): 509.

As Magnarella puts it, with this trial “the ICTR created a number of important jurisprudential concepts and reasoning paths that it and other tribunals will likely apply in future genocide cases”.<sup>25</sup> Apparently, the success of the ICTY and the ICTR contributed to the creation of the International Criminal Court (ICC).

On 22 December 2010, Resolution 1966 was adopted by the United Nations under Chapter VII. By the resolution, the International Residual Mechanism for Criminal Tribunals (IRMCT) was established, and the Mechanism took over the responsibility for the ICTR’s remaining functions. It bears emphasizing that the IRMCT is “a subsidiary organ of the Security Council, not the institutional continuation of the Tribunals”.<sup>26</sup> Currently, there are many ongoing cases under the mandate of the IRMCT.<sup>27</sup>

### ***The Catholic Church in Rwanda***

As mentioned previously, it is unlikely to argue that Rwandan society was sharply divided by ethnic lines before the colonial period. The distinction between Hutu and Tutsi does neither fit into categories of a national, ethnic, racial, or religious group. The Tutsi, who share a common language and culture with the Hutu, also belong to the same religious groups and the national group.<sup>28</sup> In the colonial period, however, the social stratification was crystalized on ethnic basis. According to Van Hoyweghen, “because of Belgian limitations on access to political office, the new class that rose after the breakdown of the feudal economy split up along ethnic lines”.<sup>29</sup> The introduction of

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25 Paul J. Magnarella, “Recent Developments in the International Law of Genocide: An Anthropological Perspective on the International Criminal Tribunal for Rwanda,” in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton (University of California Press, 2002), 312.

26 Brigitte Benoit Landale and Huw Llewellyn, “The International Residual Mechanism for Criminal Tribunals: The Beginning of the End for the ICTY and ICTR,” *International Organization Law Review* 8, (2011): 364.

27 For more information, please visit the official website of the IRMCT:  
<https://www.irmct.org/en/cases>.

28 Magnarella, “Recent Developments in the International Law of Genocide,” 317.

29 Saskia Van Hoyweghen, “The Disintegration of the Catholic Church of Rwanda: A Study of the Fragmentation of Political and Religious Authority,” *African Affairs* 95, no. 380 (1996): 381,  
[https://www.jstor.org/stable/pdf/723573.pdf?casa\\_token=-RhBVRu3eXMAAAAAA:gFZjWxOl3ngdXYQ64HG7AkvQialSI3M2JKDkoaSKGr38Ma\\_YM2Kao53H7CqZD7CC3kO\\_WXmepVMT3n\\_xE1uA7fC8\\_sBGDKL-5Dt\\_swVJn42uPtAM3w](https://www.jstor.org/stable/pdf/723573.pdf?casa_token=-RhBVRu3eXMAAAAAA:gFZjWxOl3ngdXYQ64HG7AkvQialSI3M2JKDkoaSKGr38Ma_YM2Kao53H7CqZD7CC3kO_WXmepVMT3n_xE1uA7fC8_sBGDKL-5Dt_swVJn42uPtAM3w).

identity cards helped to divide and sharpen ethnic identities. As a result of a census conducted by the Belgian colonial administration in 1933, Hutu and Tutsi were classified based on their ethnic origin, and the aforementioned identity cards with an indication of the ethnic origins were distributed to the citizens of Rwanda. Moreover, as Magnarella quotes from Vassall-Adams, the colonial administration “decided to classify any individual [that is, male farmer] with fewer than ten cows as a Hutu”.<sup>30</sup>

Before the political climate had not changed yet in favor of the Hutu cause, the Catholic Church in Rwanda was regarding the Tutsi minority as the noble rulers, whereas the Hutus belonged to an ‘inferior’ group. The Church was playing a role as “the generator and stabilizer of class structures”. Regarding the role of both the Catholic Church and the Belgian colonial administration in Rwanda, it is likely to argue that the interests of these agencies were overlapping because they were both desiring to have a part in political power. They had an enormous role in creating a prestigious class derived from the Tutsi. To Mamdani, “the racialization of the Tutsi was the creation of a joint enterprise between the colonial state and the Catholic Church”. In his study called “When victims become killers: Colonialism, nativism, and the genocide in Rwanda”, he precisely explains that how missionaries made use of the Hamitic hypothesis and turned it into an ideology to classify the society on an ethnic basis. Mamdani unfolds that missionaries were “‘the first ethnologists’ of colonial Rwanda,” in the example of Father Leon Classe, who argues that “the Tutsi were already in 1902 ‘superb humans’ combining both Aryan and Semitic”.<sup>31</sup> As a result of these ideologies, the Tutsi were appointed to administrative and political positions, as well as they began to be Christianized and supported as the Catholic candidates in Rwanda politics. What is readily apparent that from the beginning of the 20<sup>th</sup> century, the arrival of Germans and then Belgian colonists supported by the church accelerated the ethnic division in Rwanda. In brief, as Taylor puts it,

“It was not until Tutsi and Hutu ethnic identities had become substantialized under colonialism, and then privileges were awarded by the colonial rulers on the basis of these identities, that an entire group of people could be thought of as a source of

30 Guy Vassall-Adams, *Rwanda* (Oxford: Oxfam, 1994), quoted in Magnarella, “Recent Developments in the International Law of Genocide,” 321.

31 Mahmood Mamdani, *When victims become killers: Colonialism, nativism, and the genocide in Rwanda* (Princeton University Press, 2020), 87-88.



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obstruction to the polity as a whole. Tutsi could be easily assimilated to the category of ‘invader’ because of their alliance with German, then Belgian, outsiders and the colonialist’s reliance on Hamitic theories. When Belgians quickly shifted their allegiance to Hutu in the late 1950s, supporting the Hutu Revolution, Tutsi were left to fend for themselves while retaining their substantialized identity.”<sup>32</sup>

As it is argued by Taylor, following the Second World War, the Belgian colonial administration and the church changed their attitude towards the Hutus. The revolution of 1959-1961, which led to a change in the structure of state power in Rwanda, was a turning point for most of the Hutu. Thanks to the revolution, the Hutu power in the political sphere gradually increased. In parallel to that, unfortunately, the revolution resulted in the increase of violence against the Tutsi in the form of the small-scale massacres. Consequently, many of the Tutsi had to leave the country and they became refugees in neighboring countries. The Tutsi refugees aiming to repossess the power in Rwanda politics attacked Rwanda occasionally. Yet again, the internal Tutsi in Rwanda were affected heavily from these attacks, and disastrously many Tutsi were murdered between 1961-64.

In the period before the genocide, the Belgian colonial administration introduced ethnic-based practices in Rwanda with the support received from the church, and these prompted the ethnic division among Hutu and Tutsi to deepen. However, the Catholic Church, which has been active in Rwanda for a long time, remained silent and unresponsive quite a long time to the violence and ethnic hatred raised in the country.<sup>33</sup> Yet in 2016 the Catholic Church in Rwanda apologized for all the wrongs the church committed.

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32 Christopher C. Taylor, “The Cultural Face of Terror in the Rwandan Genocide of 1994,” in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton (University of California Press, 2002), 170.

33 The killing of Michael Courtney is interesting to follow the unresponsiveness of the church towards the violence in and around Rwanda. An Irish prelate of the Catholic Church Michael Courtney, had been the Apostolic Nuncio of the Holy See in Burundi since 2000, died in an assassination on 29 December 2003. He greatly contributed to the signing of the peace agreement between the Burundian government and the opposition Hutu group in 2003. Regards to the killing of him, no further developments have not been accomplished, the identity of the killers of him has not been revealed yet as well. It is also unlikely to argue that the extremely sensitive case of Michael Courtney has received the necessary attention from the international community.

### *The Catholic Church's Apology*

The reason why the Catholic Church has been accused and criticized is mostly related to its inability to respond effectively to violence in Rwanda. Yet, as is known, some members of the church accused of assisting in the massacres and others of being actively involved in the 1994 genocide. Some of the members of the Catholic clergy have been indicted and convicted for crimes against humanity and genocide.

On 20 November 2016, an apology issued by the Catholic Church of Rwanda for their role in the genocide. A part of the apology, which apparently made for some of the members of the church, is as follows:

“We apologise for all the wrongs the Church committed. We apologise on behalf of all Christians for all forms of wrongs we committed. We regret that Church members violated (their) oath of allegiance to God’s commandments (...)”<sup>34</sup>

Even though the church sent no body to do harm, we, the Catholic clerics in particular, apologise, again, for some of the church members, clerics, people who dedicated themselves to serve God and Christians in general who played a role in the 1994 Genocide against the Tutsi (...)

We apologise for all hate sins and divisions that were created in our country to the level that we hated our compatriots based on ethnicity. We ask for forgiveness that very often we did not show that we are just one family and people turned to their colleagues to kill, looted their properties and dehumanised them.”<sup>35</sup>

Although the Rwandan government welcomed the move, the apology probably did not satisfy the government. The government referred to the statement as an example of “(...) how far the Catholic Church still remains from a full and honest reckoning with its moral and legal responsibilities.” Apparently, it was emphasized by the government that apologizing as an institution would be more appropriate than apologizing

34 “Catholic Church in Rwanda apologises for role in 1994 genocide,” *Vatican Radio*, November 22, 2016, [http://www.archivioradiovaticana.va/storico/2016/11/22/catholic\\_church\\_in\\_rwanda\\_apologises\\_for\\_role\\_in\\_genocide/en-1273928](http://www.archivioradiovaticana.va/storico/2016/11/22/catholic_church_in_rwanda_apologises_for_role_in_genocide/en-1273928).

35 Jean d’Amour Mbonyinshuti, “Catholic Church apologises for role in 1994 Genocide,” *The New Times*, November 21, 2016, <https://www.newtimes.co.rw/section/read/205558>.

for the role of some of the church's members. Previously, the Holy See had been accused of being in denial of the role of members of the Catholic Church in the Rwandan genocide.

On 20 March 2017, on which Pope Francis and the President of Rwanda Paul Kagame came together at the Apostolic Palace in Vatican City, the spiritual leader of the Roman Catholic Church apologized for the role of the Catholic Church in the Rwandan genocide of 1994. Following that, in an official statement from the Rwandan government, it is emphasized that Pope Francis's apology was positively received and said it was "a positive step forward in the relationships between Rwanda and the Holy See, based on a frank and shared understanding of Rwanda's history and the imperative to combat genocide ideology".<sup>36</sup>

In conclusion, the discussions regarding the role of these prominent world actors in Rwanda have been a matter that heatedly debated both in academic literature and international media. Similarly, France continues to be at the center of discussions for its role in Rwanda. In the light of the recent developments regarding the genocide of 1994, the role of France in Rwanda, particularly between 1990-1994, will be examined in the following part.

### **The Role of France in Rwanda**

For its role in Rwanda in 1994 and 1995, many accusations and criticisms have been also directed towards France. One of the reasons for criticism, including the ones that against then French President François Mitterrand, is the close relations that France established with the Rwandan government. Clearly, the matter contains certain points in itself that require more rigorous research. The recent developments regarding the Rwandan genocide obviously are crucial in terms of eliminating the question marks. Before moving on to these developments, the reasons for accusations leveled against France will be explicitly investigated.

In her writing, Linda Melvern mentions a report of Rwanda's commission of inquiry that includes the testimony of 638 witnesses, including survivors and perpetrators of genocide. As she puts it, the report suggests that some French politicians, diplomats, and military

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36 Ali Murat Taştekin, "Pope Finally Apologizes for Church's Role in the Rwandan Genocide," *Center for European Studies (AVİM)*, March 23, 2020, <https://avim.org.tr/en/Yorum/POPE-FINALLY-APOLOGIZES-FOR-CHURCH-S-ROLE-IN-THE-RWANDAN-GENOCIDE>.

leaders were complicit in genocide. What is more, in the report it is asserted that “the French authorities knowingly aided and abetted what happened by training Hutu militia and devising strategy for Rwanda’s armed forces. Furthermore, “training and funding was also given to Rwandan intelligence services on how to establish a database” is also noted in the report.<sup>37</sup>

In his study titled “Batılı Koloniyel Güçlerin 1994 Soykırımına Etkisi” (Eng. The Effect of the Western Colonial Powers on the Rwandan Genocide of 1994). Sencerman mentions that in the post-Cold War era, France has acted with the desire to create a Francophone area on the African continent. In the 1970s, to ensure the security of their country, it was expected from Rwanda, the Democratic Republic of Congo (Zaire), and Burundi, remain loyal to France in return for the support they would have received. The allegiance of these countries to France has given the opportunity to act against other world powers in Africa. In other words, France made use of the opportunity and was able to prevent the advance of Anglo-Saxons in Africa. Moreover, Sencerman asserts that according to the bilateral agreement between France and Rwanda on military-technical assistance in 1974, 4 million francs worth of weapons and military equipment were sent from France to Rwanda every year. In his study, it is also underlined that the deployment of French soldiers in Rwanda to establish and train the Rwandan national police force was achieved with this agreement in the military field.<sup>38</sup>

As a result of this bilateral agreement between France and Rwanda, France three times intervened in Rwanda through the operations Noroit, Amaryllis, and Turquoise. According to McNulty, these operations “do not present ‘a very positive balance sheet’, as French official discourse still maintains” and also “their legacy has instead been a prolongation of the Rwandan civil war from 1990 to 1993”. Operation Noroit resulted in “French troops were deployed in the capital Kigali initially to evacuate French citizens but remained for three years”. The second and the third operations, Amaryllis and Turquoise, was for the evacuation of French and other European citizens after Habyarimana’s assassination. For the last intervention, Operation Turquoise, McNulty argues that it

37 Linda Melvern, “France and genocide: the murky truth,” *The Times*, August 8, 2008, [https://web.archive.org/web/20110604230457/http://www.timesonline.co.uk/tol/comment/columnists/guest\\_contributors/article4481353.ece.4](https://web.archive.org/web/20110604230457/http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article4481353.ece.4).

38 Sencerman, “Batılı Koloniyel Güçlerin,” 59-60.

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“acted as a smokescreen for earlier French military involvement; the creation of vast refugee camps in eastern Zaire under the command of the ex-FAR and militias serves as a bridgehead for attempts to destabilize and reinvade post-war Rwanda, and created a safe haven for the genocidists beyond the reach of the war crimes and genocide trials in Kigali and Arusha.”<sup>39</sup>

Like McNulty, Huliaras claims that Operation Turquoise, “which (is) not only sheltered Hutus from the RPF forces, but also allowed Hutu soldiers and militia members to escape Zaire with their weapons”.<sup>40</sup>

The accusations and criticisms directed to France regarding its role in Rwanda in 1994 and 1995 stem from the relations in economic, political, and military fields that France maintained with the Rwandan government before and after the genocide. Nevertheless, unarguably the more rigorous investigations and academic research are needed regarding the subject matter. As can be followed in the next part, recent developments in France, like permission given to a historian to access the archives of the then President Mitterrand period, are crucial in uncovering the truths about the genocide, including France’s role in Rwanda.

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### *Recent Developments Regarding the Role of France in Rwanda in 1994 and 1995*

The statement made by French President Emmanuel Macron last year brought to the agenda the debates on the role of France in Rwanda in 1994 and 1995 once more. On 5 April 2019, Macron announced that a commission of historians would be established to investigate the Rwandan genocide and that the archives belonging to President François Mitterrand, which supposed to remain secret until 2021, would be made available to historians.<sup>41</sup> Moreover, Macron pledged to increase the

39 Mel McNulty, “France’s role in Rwanda and external military intervention: A double discrediting,” *International Peacekeeping* 4, no.3 (1997): 26, 32, 40.

40 Asteris C. Huliaras, “The ‘anglosaxon conspiracy’: French perceptions of the Great Lakes crisis,” *The Journal of Modern African Studies* 36, no. 4 (1998): 594.

41 In 2015, the then President François Hollande made a similar statement regarding the access to the archives on the Rwandan genocide. Yet, as most of the aforementioned archives are stuck with the ‘confidentiality’ barrier, no results have been obtained from the studies of researchers working on the subjects (See, Arzu Çakır, Bkz. Arzu Çakır, “Fransa Ruanda Soykırımındaki Rolünü Araştırıyor,” *Amerika’nın Sesi*, April 7, 2019, <https://www.amerikanin sesi.com/a/fransa-ruanda-soyk%C4%B1r%C4%B1m%C4%B1ndaki-rolunu-arast%C4%B1r%C4%B1yor/4865629.html>).

possibilities of the police and judicial forces to prosecute and punish the genocide suspects who had a role in the Rwandan genocide and later fled to France.<sup>42</sup>

In the past, one of the breaking points of the debate on the role of France in Rwanda in 1994 and 1995 is based on the statement of the then French President Nicolas Sarkozy during his visit to Kigali in 2010. He precisely expressed that France, and the international community were inadequate to intervene in the violence in the Rwandan genocide of 1994. According to the Guardian, with this statement, Sarkozy “acknowledged that Paris had made serious mistakes over the 1944 Rwandan genocide” and the then-president emphasized that “the international community, including France, had suffered from ‘a kind of blindness’ in its response to the bloodshed, which killed more than 800,000 people”.<sup>43</sup> As is known, the diplomatic relations between Paris and Kigali were cut from 2006 to 2009 upon a French judge issued arrest warrants for nine high-ranking allies of Kagame alleged on suspicion of their involvement in the assassination of Habyarimana’s assassination in 1994.<sup>44</sup> On the other hand, Rwanda accused France of training and supplying weapons to the radical Hutu responsible for the deaths of thousands of people in the genocide.<sup>45</sup> In this context, Sarkozy’s visit to Kigali in 2010 was a visit aimed at ending the tension between the two states.

42 Rahmi Gunduz, “Fransa, Ruanda’daki soykırımın araştırılması için tarihçilerden oluşan bir komisyon kuruyor,” *Euronews*, April 5, 2019, <https://tr.euronews.com/2019/04/05/fransa-ruandadaki-soykirim-arastirilmesi-icin-bir-komisyon-kuruyor-ruandada-ne-oldu>.

43 Lizzy Davies, “Rwanda genocide: France was at fault, Sarkozy admits,” *The Guardian*, February 25, 2010, <https://www.theguardian.com/world/2010/feb/25/sarkozy-rwanda-genocide-kagame>.

44 Ali Murat Taştekin states that “the original probe by France was initiated in 1998 following a complaint from the families of the French crew members who died when the plane was shot down”. Since the assassination of Habyarimana, the debates regarding the perpetrators of the incident continue today. Taştekin also mentions that “the Rwandan government states that the attack was carried out by Hutu extremists who tried prevent the then Rwandan president Habyarimana from signing a peace agreement with the RPF, the Tutsi rebel group that was led by current President Kagame and fought with the Hutu dominated government of President Habyarimana and government-aligned Hutu militias during the Rwandan Civil War between 1990 and 1994. Yet, there is also an opposing view that was put forth by Hutu militias that claims that the assassination was carried out by the RPF on the orders of Kagame” (See, Ali Murat Taştekin, “France is Accused of Diverting Attention From its Role in the Genocide Committed in Rwanda,” *Center for Eurasian Studies (AVİM)*, December 12, 2016, <https://avim.org.tr/en/Yorum/France-Is-Accused-Of-Diverting-Attention-From-Its-Role-In-The-Genocide-Committed-In-Rwanda-1>).

45 “Sarkozy: Bazı hatalar yaptık,” *BBC Turkey*, February 25, 2010, [https://www.bbc.com/turkce/haberler/2010/02/100225\\_rwanda](https://www.bbc.com/turkce/haberler/2010/02/100225_rwanda).

Another development regarding the Rwandan genocide was that in October 2016, France reopened the investigation into the assassination of the former Rwandan president. In relation to the assassination, the investigation including the then Defense Minister of Rwanda James Kabarebe and nine people reopened by France. Upon this, Rwanda launched an inquiry into the possible role of 20 French military and other officials in the Rwandan genocide of 1994. A month before, “Rwanda’s Commission for the Fight against the Genocide (CNLG) released a list of 22 former and serving French army officials that Kigali claims have played a role in the 1994 genocide against Tutsi”.<sup>46</sup> Similarly, in two reports published in Rwanda in 2008 and 2010, it was claimed that military, material, and diplomatic assistance was provided to the Habyarimana government by France between 1990 and 1994.<sup>47</sup>

The aforementioned investigation launched by France into the assassination of Habyarimana was dropped in 2018 due to a lack of evidence. The decision of the Court of Appeal of Paris was not welcomed by the victim’s relatives because they were those originally forced France to initiate the probe in 1998. Although they applied to the court to reopen the investigation, the application was not accepted by the court. In return for the court’s rejection, the Rwandan government stated that the decision of the court was “a complete parody”.<sup>48</sup>

Yet another reason for the tension between Rwanda and France is the long clear silence around Paris about bringing suspects of genocide to justice. The silence was broken in 2014, when Pascal Simbikangwa, a former presidential guard officer, found guilty of “complicity in genocide and complicity in crimes against humanity” and sentenced to 25 years in prison. In 2016, two former mayors, Octavien Ngenzi and Tito Barahira, found guilty of genocide and crimes against humanity and they were sentenced to life imprisonment.<sup>49</sup> Recently, an another important development in the trial and punishment of genocide criminals has taken place in France. Félicien Kabuga, one of the most wanted

46 Taştekin, “France is Accused.”

47 “Ruanda’da 20 Fransız yetkiliye soykırım suçlaması,” *Euronews*, October 30, 2016, <https://tr.euronews.com/2016/11/30/ruanda-da-20-fransiz-yetkiliye-soykirim-suclamasi>.

48 “Ruanda Soykırımı’nı tetikleyen suikastla ilgili soruşturmanın yeniden açılması talebine Fransız yargısından ret,” *Sputnik Türkiye*, July 3, 2020, <https://tr.sputniknews.com/avrupa/202007031042382642-ruanda-soykirimini-tetikleyen-suikastla-ilgili-sorusturmanin-yeniden-acilmasi-talebine-fransiz/>.

49 “French court allows Access to Rwandan genocide archives,” *Aljazeera*, June 12, 2020, <https://www.aljazeera.com/news/2020/06/french-court-access-rwandan-genocide-archives-200612181820909.html>.

suspects of the 1996 genocide, has been arrested near Paris. It was announced that he will be tried first by the Paris Court of Appeal and then at an international court.<sup>50</sup> One of the Kabuga's lawyers, Laurent Bayon "said in a statement to the court that Kabuga wished to be tried in France, citing health reasons".<sup>51</sup> However, on June 3, the French court in Paris decided to hand Kabuga to the UN's International Residual Mechanism for Criminal Tribunals.<sup>52</sup>

In parallel with all these advancements in relation to the Rwandan genocide, France's highest administrative court allowed access to classified files on the country's role in Rwanda in 1994. The court permitted François Graner, a French academic, to have access to archives of former French President François Mitterrand. The decision comes after a five-year legal battle of François Graner. In fact, he appealed to the European Court of Human Rights but was rejected because the court found that he had to exhaust all domestic remedies before bringing a complaint.<sup>53</sup> In response to Graner's request for access to the archives of the 1990-1995 period, the ECtHR announced that the decision of the Council of State should be awaited first.<sup>54</sup> While awaiting, a news by Euronews included Graner's claims as follows:

"What we have been able to establish from the documents we have is the complicity of the French government. That is to say, knowledge of the cause, knowledge of what happened, active support, which had an effect on the crime. It doesn't mean genocidal intent. Simply, we saw an intention to keep Rwanda under French influence at all costs, and at all costs, that meant by supporting those carrying out the genocide."<sup>55</sup>

50 "Ruanda soykırımının sorumlularından Felicien Kabuga, Fransa'da yakalandı," *Sputnik*, May 16, 2020, <https://tr.sputniknews.com/avrupa/202005161042055574-ruanda-soykiriminin-sorumlularindan-felicien-kabuga-fransada-yakalandi/>.

51 Ivan R. Mugisha and Moses K. Gahigi, "Felicien Kabuga's lawyers fight extradition," *The East African*, May 26, 2020, <https://www.theeastafrican.co.ke/tea/news/east-africa/felicien-kabuga-s-lawyers-fight-extradition-1442076>.

52 Yusuf Özcan, "Ruanda soykırımı sorumlularından Kabuga, BM nezdinde açılan mahkemeye teslim edilecek," *Anadolu Agency*, June 3, 2020, <https://www.aa.com.tr/tr/dunya/ruanda-soykirimi-sorumlularindan-kabuga-bm-nezdinde-acilan-mahkemeye-teslim-edilecek/1863823>.

53 Molly Quell, "Paris Court Orders Transfer of Rwanda Genocide Suspect to UN Tribunal," *Courthouse News Service*, June 3, 2020, <https://www.courthousenews.com/paris-court-orders-transfer-of-rwanda-genocide-suspect-to-un-tribunal/>.

54 Gülsüm Alan, "AİHM, Fransız araştırmacının Ruanda soykırımıyla ilgili arşivlere erişim talebini geri çevirdi," *Euronews*, May 8, 2020, <https://tr.euronews.com/2020/05/28/aihm-ruanda-soyk-r-m-n-arast-ran-bir-frans-z-n-arsivlere-ulas-m-talebini-geri-cevirdi>.

55 Mark Armstrong, "Rwanda genocide.: French court ruling could shed light on France's role," *Euronews*, June 7, 2020, <https://www.euronews.com/2020/06/07/rwanda-genocide-french-court-ruling-could-shed-light-on-france-s-role>.



On 12 June 2020, the State Council “ruled on Friday the documents would allow researcher and author Francois Graner ‘to shed light on a debate that is a matter of public interest’”. Additionally, the State Council said, “protection of state secrets must be balanced against the interests of informing the public about historic events”. Graner’s lawyer stated that “This is a victory for the law, but also for history,” and express his wish for the use of state archives by other researchers, which will illuminate the role of France in Rwanda in 1994 and 1995.<sup>56</sup>

## **Conclusion**

The airplane carrying Rwandan President Juvénal Habyarimana was shot down on 6 April 1994 sparked the ongoing conflict between Tutsi and Hutu for decades, and more than 800,000 Tutsi, Twa, and moderate Hutu were killed by Hutu extremists in Rwanda during 100 days of horrible violence. Approximately 2 million people had to take shelter in neighboring countries.

In the part of “What Happened in Rwanda,” the process leading up to the 1994 Rwanda genocide was discussed. Secondly, the role of the United Nations and the Catholic Church in Rwanda, and finally the role of France was held in this study. The starting point of this writing derives from recent development, the permission to the access of France’s highest administrative court to classified files on the country’s role in Rwanda in 1994. To come to that, it was necessary to mention why the accusations and criticisms have been directed against one of the world’s prominent international organizations, the UN, and another international actor, the Catholic Church, regarding their role in Rwanda. Also, the reasons why these western-based agencies remained silent during the genocide were elaborated. Subsequently, in the light of recent developments, the reason why France has faced similar allegations in relation to its relations with the Rwandan government, especially in 1994 and 1995, was detailed.

All in all, what is indisputable about the Rwandan genocide is that between April and June 1994, the Tutsi and moderate Hutu in Rwanda were brutally killed by the local militia and the Rwandan army forces. Unfortunately, the UN and the Catholic Church could not intervene in the violence and they, including France, could not take an objective

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<sup>56</sup> “French court allows Access.”

attitude towards the events in Rwanda. Instead, the long silence was leftover. This led the UN, the Catholic Church, France, and many other actors in Rwanda to have been remained at the center of criticism for a long time. The allegations and criticisms with respect to the role of France in Rwanda in 1994 and 1995 mostly stem from the close ties between France and the Rwandan government established long before the genocide. The failure of France on its operations in Rwanda seems like another source that constitutes discussions and brings them to the attention of the international community almost every year.

Last but not least, the then UN Secretary of General Ban Ki-moon stated that the UN was ashamed because it could not stop the violence, could not do anything in 2014. In 2016, the Catholic Church in Rwanda apologized for all the mistakes committed by the church members involved in the genocide. In 2017, Pope Francis, the spiritual leader of the Catholic Church expressed the deep sorrow of himself, the Papacy, and the Church for the genocide against the Tutsi. In 2019, the French President Macron decided to establish a commission of historians to investigate the allegations against France's role in Rwanda in 1994 and 1995, and subsequently, the French court decided to open state archives that could shed light on the truths behind the allegations. Does not all these recall the question of will it be France's turn to apologize?

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