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KINGMUN 2019

BACKGROUND GUIDE

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ICTR

KINGMUN 2019

DIRECTOR'S LETTER

Dear Delegates,

Welcome to the United Nations International Criminal Tribunal for Rwanda and to King County Model United Nations 2019! My name is Olivia Boysen and I will be serving as your Director. I am currently a sophomore at Interlake High School, and this is my sixth time staffing. Working alongside me is your Chair, Acalia Randall, a junior at Annie Wright Schools and your Assistant Director, Cody Felling, a sophomore at The Attic Learning Community.

The United Nations International Criminal Tribunal for Rwanda is a unique committee in its mandate to bring those who have committed crimes against humanity to justice, specifically in the areas in and around Rwanda in 1994. Being that the committee takes place in the past, it gives delegates the power to revisit and to change history as they see fit. This is an advanced committee that will challenge each delegate to think critically and to make decisions that bring peace and justice.

In this committee you will be given the unique ability to rewrite history, we will be revisiting the Rwandan genocide of 1994 and prosecuting perpetrators for crimes against humanity. The Rwandan genocide was a terrible tragedy that ultimately resulted in an estimated 800,000 deaths. When we begin the committee, the genocide will have already occurred, and you will be responsible for bringing the perpetrators to justice as you see fit. In this committee, you will be taking on the names of the original justices of the tribunal. However, the positions and opinions you present will be your own.

As a dais we have produced the background guide for this committee. This guide will give you an understanding of the topic and give you a starting point for your own research. The guiding questions will help direct your thinking towards what should be answered by the end of our last committee session. Your research will help prepare you to successfully contribute to the committee, so please take time to thoroughly research the topic beforehand.

If you have any questions at all, please do not hesitate to reach out to us! We would love to help you. Please feel free to email us at ictr@kingmun.org or talk to us at any point during the conference. We look forward to meeting you at the conference and are excited to see what you bring to the committee!

Best,

Olivia Boysen

Director | United Nations International Criminal Tribunal for Rwanda

Committee Overview

The United Nations International Criminal Tribunal for Rwanda (UNICTR) was established by the United Nations Security Council (UNSC) on November 8th, 1994, with the jurisdiction to prosecute people for violations of international humanitarian law, committed in, or near, Rwandan territory from January 1st to December 31st, 1994. The UNICTR will be the first to have the power to prosecute people for genocide committed in the form of rape. It is directly responsible for bringing those who committed crimes against humanity in Rwanda to justice. In this committee, you will be taking on the role of the original justices of this trial, with the power to make a verdict on this landmark case.

The Rwandan Genocide was a horrific event in which around 800,000 ethnic Tutsis were murdered during the Rwandan Genocide. As a result of this crime against humanity, the UNICTR was created in order to bring justice to Rwanda. The UNICTR is one of a kind, as its primary focus was to make judgements about the Rwandan Genocide. The impact of this committee's actions can range from immense to nearly inconsequential; it is up to you what kind of impact you wish this case to have.

As delegates, you will be making your own judgements about the cases within the Rwandan Genocide. Through examining international laws, the facts of the case, and the historical and cultural contexts behind each actions, your role in committee is to form your own verdict. Luckily, you get to work in conjunction with fellow justices to argue the nuances of the case and come together to form a joint opinion that will be the basis for the written component of committee.

This committee will require you to learn and work with new Rules of Procedure. These rules of procedure will be uploaded to the website and you will be notified when they are available. Additionally, the position papers you write for this committee will not be a typical position paper; they will be a page-long paper describing the context of the case, the arguments and implications of the judgements in this case, and your current judgement of the case.

Position Papers are due by April 21st at 11:59 p.m. Please submit them to ictr@kingmun.org with your name, country, and "position paper" in the subject line.

Note: Some of the content in this background guide describes the crimes and atrocities of the Rwandan Genocide. Some delegates may find this disturbing or upsetting, so please be warned that there is sensitive content before reading ahead.

Topic: Prosecuting Defendants for the 1994 Rwandan Genocide

Topic Overview

The Rwandan Genocide occurred in 1994, when the majority Hutu ethnic group slaughtered 800,000 Tutsis. The genocide also resulted in over 2 million refugees fleeing from the country; mostly Hutus trying to avoid prosecution. The first casualty of the genocide occurred when a plane, carrying Rwandan president Juvenal Habyarimana and his Burundi counterpart Cyprien Ntaryamira, was shot down over Kigali, the Rwandan capital. It is still disputed who ordered the plane to be shot down. The president's death spurred extremist Hutus to execute a well-prepared plan of mass murder, starting with the primarily Tutsi government. The fall of the government left a power vacuum in the Rwandan government, which was quickly filled by Hutu leaders.

An hour after President Habyarimana's plane was shot down, roadblocks were set up around Kigali to slaughter Tutsis and moderate Hutus with impunity, as ID cards had people's ethnic group on them. Lists of prominent Tutsi political and religious leaders were distributed to militias who killed them. Hutu extremist groups set up radio stations broadcasting hate propaganda, encouraging Hutu citizens to kill their Tutsi neighbors in cold blood.

The international response to the incident is widely considered to be inadequate. The United Nations Security Council (UNSC) voted to reduce the number of peacekeepers from 2,000 to less than 270 immediately following the incident. This number was not increased to 5,500 until after the worst of the genocide had come to pass. The conflict was largely ignored by the rest of the world. In the months following the genocide, the UNSC established the International Criminal Tribunal for Rwanda to "prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda."

History

Rwanda is a small nation in central eastern Africa. Before colonization by the Germans, the population of this territory was primarily divided into two ethnic groups; the Hutus and the Tutsis. There was also a third minority group, called the Twas. The Twas, along with the Hutus, were targeted in the violence. Hutus were primarily farmers, whereas Tutsis were

primarily cattle herders. Due to these professional lines, the *Ubuguhake* system was set in place. *Ubuguhake*, similar to European feudalism, mandated that Hutus to work the land for Tutsis in return for cattle. This social system created a class-dominated system in which the Hutus were the exploited working class majority, and the Tutsis were the privileged minority.

During the colonization era, class tensions grew when Germans put Tutsis in positions of power instead of the Hutus. This tension continued to grow during Germany's reign. Following the fall of the German Empire after World War I, the League of Nations reallocated all of Germany's territories, and the small nation of Rwanda was placed under the control of Belgium in 1919. When Belgium entered, it decided to preserve the existing political system, in which native monarchs governed the general populous. By the colonizers' design, these native monarchs were almost exclusively Tutsi. The Belgians allowed the Tutsis to remain in power and provided them with military assistance in return for compliance and maintenance of colonial policies. Later into their reign in the 1930s, the Belgians issued identity cards to native Rwandans that defined their societal status based on their ethnicity. This only served to strengthen a social hierarchy in which Belgians at the top could rule over the divided and unequal classes of Hutus and Tutsis.

Unrest between the Hutus and Tutsis continued to grow and in 1959 resulted in a series of Hutu uprising, with over 20,000 Tutsis being killed and thousands more fleeing to neighboring nations such as Burundi, Tanzania, and Uganda. Following the uprising, the Tutsi government was overturned in favor for Hutu rulers who were backed by Belgium. Meanwhile, as a worldwide movement of decolonization grew, particularly in neighboring countries, the Belgians became far more sympathetic to the Rwandans. Rwanda felt this shift and in 1962, became an independent nation.

The nation's first Hutu president, Gregoire Kayibanda, rose to power in 1961 and immediately asserted Hutu dominance. The shift in political power caused ethnic tensions to rise, and a mass exodus of Tutsis followed. Many Tutsis felt that the government failed to address their rising concerns about Tutsi refugees, and on October 1, 1990, the Tutsi-led Rwandan Patriotic Front (RPF) based in Uganda invaded Rwanda. This marked the beginning of a civil war that would last until August 4, 1993. Conflict came to a halt when a joint government between the Tutsi RPF and the Hutu president of the time, Juvénal Habyarimana.

However, the reconciliation was short lived; on April 6, 1994, a plane carrying President Juvénal Habyarimana was in was shot down, leaving no survivors. Violence immediately broke out throughout Rwanda. In a matter of hours, Hutu rebels surrounded the capital city of Kigali and flooded the streets. Within a few days, Hutu rebels eliminated the existing Rwandan government. The next several weeks were then marked by genocidal massacres, committed in an attempt to eliminate the entire Tutsi race and all of its allies. The genocide was premeditated, as a list of Tutsi targets' names, addresses, and license plates was compiled in the days leading to the attack on the president. The Hutu rebels also utilized government radio to organize the attacks. Anti-Tutsi sentiments were spread on this radio network by exaggerating the discrimination Hutus faced during the colonization era, propagating the idea that the uprising was a "slave uprising," and dehumanizing Tutsis by

referring to them as “cockroaches.” People were stopped in the street and asked for their identity cards, a practice that dates back to Belgian rule that labels every Rwandan by their ethnicity. If those questioned by the Hutu rebels were found to be Tutsis, they as well as their families were massacred. Over the next 100 days of the genocide, over 800,000 people were murdered, 100,000 kids were orphaned, and around 250,000 to 500,000 women were raped.

As the Rwandan genocide took place, virtually every country in the international community merely observed the conflict without intervening. Although many countries claimed to be caught off guard by the violence that occurred, there is evidence that the UN and its members were warned by what is now known as the Genocide Fax that there was rising threat of a Tutsi extermination plot. Belgium and the UN had briefly placed forces in Rwanda; however, they did not have mandate to stop the killings and were quickly pulled out after 10 Belgian soldiers were killed. Additionally, the United States did not intervene after its previous peacekeeping initiative in Somalia went awry when American soldiers were taken hostage and murdered. France, who was close allies with the Hutu government, went into the country to set up safe zones, but they were still accused of not doing enough to stop the violence. Recently in 2014, Rwanda’s president accused the French of being complicit in the killings and providing Hutu rebels with machetes.

Violence finally came to an end when the RPF, backed by Uganda's army, gradually seized territory, and on July 4, the forces took control of Kigali. Following the genocide, a coalition government was established with a Hutu president and a Tutsi vice president. Although Hutu genocidaires fled to the Democratic Republic of Congo (DRC), five million of them would be killed over the following decade. The Rwandan government invaded the DRC twice since the end of the genocide, and rebel groups followed, murdering the ethnic Hutus living there. About a year after the violence, the United Nations created the International Criminal Tribunal for Rwanda (ICTR) to bring those responsible for the genocide to justice. The ICTR began trying and indicting perpetrators in 1995.

Key Documents and Laws

United Nations Security Council Resolution 955 (1994)

Full document: <http://unscr.com/en/resolutions/doc/955>

1. Decides hereby, having received the request of the Government of Rwanda (S/1994/1115), to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

Article 2

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
- (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group;
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - (d) Imposing measures intended to prevent births within the group;
 - (e) Forcibly transferring children of the group to another group.
3. The following acts shall be punishable:
- (a) Genocide;
 - (b) Conspiracy to commit genocide;
 - (c) Direct and public incitement to commit genocide;
 - (d) Attempt to commit genocide;
 - (e) Complicity in genocide.

Article 3

Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation;
- (e) Imprisonment;
- (f) Torture;
- (g) Rape;
- (h) Persecutions on political, racial and religious grounds;
- (i) Other inhumane acts.

Article 6

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.
2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

Voting History of S/RES/955 in 1994:

In Favour: Argentina, Brazil, Czech Republic, Djibouti, France, New Zealand, Nigeria, Oman, Pakistan, Russia, Spain, United Kingdom, United States

Against: Rwanda

Abstained: China

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (12 August 1949)

Also known as the Fourth Geneva Convention

Full Document: https://www.loc.gov/rr/frd/Military_Law/pdf/GC_1949-IV.pdf

Part III

Statues and Treatment of Protected Persons

Section I

Provisions Common to the Territories of the Parties to the Conflict and to Occupied Territories

ART. 27.— Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ART. 32. — The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

ART. 33. — No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.

ART. 34. — The taking of hostages is prohibited.

Key People and Events

President Habyarimana

Juvénal Habyarimana was born in 1937 to a wealthy Hutu family in Rwanda. After graduating from the College of Saint Paul in Belgian Congo, he was appointed head of the Rwandan National Guard. Over the next two years, he would be promoted to the Minister of the National Guard and Police.

On July 5, 1973, Habyarimana took part in a military coup d'état against the Rwandan government of the time. Five years later, he was elected president in a single-candidate election. President Habyarimana was elected twice more, also in single-candidate elections, and election fraud is highly suspected to be the cause as he never received less than 97% of the votes.

On April 6, 1994, President Habyarimana's private jet was shot down over Kigali, killing both him and Uganda's president, Cyprien Ntaryamira. It is still unknown who ordered the plane to be shot down, but this event undisputedly marked the start of the Rwandan Genocide.

Roméo Dallaire

Lieutenant General Roméo Dallaire graduated from the Royal Military College of Canada in 1970, and served the Canadian military until 1993, when he was appointed Major-General of the UNAMIR. He then commanded the United Nations Assistance Mission to Rwanda (UNAMIR) from 1993 to 1994.

Dallaire led approximately 2,500 peacekeepers in the UNAMIR but consistently requested for more troops to be deployed. After the genocide started, Dallaire ordered his peacekeepers to protect Tutsis, which was directly against the mandate of the UNAMIR. Dallaire is credited with saving over 32,000 lives during the genocide, and developed PTSD after returning to his home in Canada.

Theoneste Bagosora (98-41)

Theoneste Bagosora was born Giciye, Rwanda. After graduating from the Officer's School in Kigali in 1964, he served in the military, eventually becoming the Chief of Staff of the Ministry of Defence in 1992. He officially resigned from the military in 1993, but continued to hold his position until he fled the country in July 1994.

Bagosora was the man behind much of the Rwandan Genocide. He was responsible for the deaths of Rwandan Prime Minister Agathe Uwilingiyimana and ten Belgian peacekeepers, which caused Belgium to withdraw forces from Rwanda. After doubling the number of machetes imported into Rwanda, he also wrote up lists of important Tutsis and moderate Hutus that were to be targeted and killed. This effectively cleared the way for the genocide to begin in full force.

Gratien Kabiligi

After climbing the ranks of the Rwandan armed forces, Gratien Kabiligi was appointed to Brigadier General in 1994. He reportedly began drawing up plans for a genocide as early as 1990, planning to use violence and his units of elite Rwandan forces against the Tutsis.

During the genocide, Kabiligi did not do anything to prevent the widespread shootings and reportedly ordered his men to kill the Tutsis.

Anatole Nsengiyumva

Anatole Nsengiyumva held the position of Chief of Military Intelligence for several years, until he was promoted to Commander of Military Operations for Gisenyi, a city in Rwanda. Nsengiyumva reportedly trained members of the Interahamwe and the Impuzamugambi, the militias of two Hutu political parties that were responsible for killing many Tutsis during the genocide.

Aloys Ntabakuze

Aloys Ntabakuze was promoted to the Presidential Guard in 1984 after completing climbing through the ranks of the Rwandan military and completing a course in Algeria. After President Habyarimana's plane was shot down in 1994, Ntabakuze reportedly told his men "to take revenge for the death of President Habyarimana by killing the Tutsi."

Ferdinand Nahimana

In 1993, Ferdinand Nahimana was dismissed from his job at the Rwandan National Radio and afterward helped create the Radio Télévision Libre des Mille Collines (RTLM), a pro-Hutu propaganda radio station. The RTLM rallied against the increasingly bipartisan government, and broadcasted racist propaganda targeted at the Tutsis, Belgians, and the United Nations.

During the genocide, the RTLM (with Nahimana at its helm) broadcasted lists of prominent Tutsi figures, to be hunted and killed. The RTLM played a crucial role in the genocide, and called for a "final war" against the Tutsis after President Habyarimana's plane was shot down.

Hassan Ngeze (99-52)

Hassan Ngeze was the editor of the *Kangura* magazine, a government-sponsored pro-Hutu magazine. He wrote the "Hutu Ten Commandments," which targeted Tutsis, particularly Tutsi women. He also was a shareholder of the Radio Télévision Libre des Mille Collines, and gave anti-Tutsi speeches several times on the radio station.

Jean-Bosco Barayagwiza (99-52)

Jean-Bosco Barayagwiza was a founding member of the Coalition for the Defense of the Republic (CDR), a far-right Hutu political party. As a member of the CDR, Barayagwiza attended multiple meetings to plan the murder of several Tutsis. Barayagwiza was also the chairman of the Radio Télévision Libre des Mille Collines.

Key Events

October 1, 1990: The Rwandan Civil War

The Tutsi-based Rwandan Patriotic Front (RPF) attack Rwanda from Uganda, starting the Rwandan Civil War. They are met with some success, but are quickly pushed back into Uganda. After a leadership change, the RPF engages in guerrilla tactics and rapidly gains control of Rwandan territory. A series of protests forces President Habyarimana to negotiate with the Tutsis and RPF, and by 1993, the Arusha Accords are signed.

August-October 1993: The Arusha Accords

After three years of fighting, the RPF and Hutu government sign the Arusha Accords, a document detailing a transitional government that would include both Tutsis and Hutus, as well as other parties. The document also details how rebel and government armies should be merged, how to deal with the refugees created by the civil war, and the rule of law. On October 5, 1993 the United Nations Assistance Mission for Rwanda (UNAMIR) is founded to assist in the implementation of the Arusha Accords and to maintain the peace between the Hutu government and the Tutsi RPF.

April 6 1994: The Rwandan Genocide

As President Habyarimana returns from Uganda in his private jet, he and his Ugandan counterpart, Cyprien Ntaryamira, are shot down over Kigali. The RTLM radio station broadcasting the message, “cut down the tall trees,” meaning “kill the Tutsis,” signals the start of the genocide.

The day after, the Prime Minister of Rwanda, Agathe Uwilingiyimana, is assassinated. The ten Belgian peacekeepers tasked with guarding the Prime Minister are murdered over the course of several hours by Theoneste Bagosora and his militia. After the death of their peacekeepers, Belgium, which provided most of the UNAMIR troops, withdraws from Rwanda. This leaves the Tutsis undefended. In response, UN Security Council Resolution 918 expands the operation, relabeling it “UNAMIR II.” The new and expanded operation would have 5,500 troops, up from the 444 remaining after Belgium’s exit. However, the new peacekeepers do not arrive until June, after the height of the genocide.

July 1994: The New Government

The genocide continues over the next four months, resulting in an estimated 800,000 deaths and over two million refugees. The RPF fights fiercely, taking Kigali on July 4, 1994 and finishing the war two weeks later. The date is designated a public holiday in Rwanda, and Liberation day is celebrated every year. The RPF establishes a new government with the help of the UNAMIR II Peacekeepers, and the ICTR is founded in November 1994 to try the people responsible for the genocide.

Arguments of the Case

Media Case:

Arguments For (Prosecution):

The prosecution argues that three news media executives are complicit in inciting the genocide. It is seeking to charge the news media executives with genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, and crimes against humanity. It argues that all of the defendants used their radio stations and twice-monthly newspaper to inflame ethnic hatred; broadcasting messages promoting ethnic hatred and incitement to violence, the training and distributing of weapons to militiamen, as well as the preparing lists of people to be eliminated and the broadcasting of their identities were all forms of genocide or conspiracy to commit genocide.

The prosecution points to cases from Canada and Europe, where hate speech and incitement to discrimination are expressly prohibited by law. Additionally, it points to a Vietnamese press law that prohibits “the sowing of enmity among nations or people,” a Chinese law that prohibits broadcasts that “incite hatred on account of color, race, sex, religion, nationality or ethnic or national origin,” and a Ukrainian law that prohibits “propaganda or cruelty.” It argues that Hassan Ngeze, in his position of authority, with Jean-Bosco Barayagwiza, Ferdinand Nahimana, Omar Serushago, Bernard Munyagishari, Mabye Twagirayezu and Bamabé Sanvura are guilty of participating in the planning, preparation or execution of a common scheme, strategy or plan, to commit the atrocities of the genocide. The prosecution believes that these crimes were committed by him personally, by persons he assisted, or by his subordinates, including the militiamen and the reporters of Kangura newspaper, who acted under his orders and with his knowledge or consent.

Arguments Against (Defense):

The defense argues that the defendants are protected by freedom of speech and are granted democratic expression. Although the defense agrees that individuals who used radio to identify Tutsi civilian targets should be held accountable, they believe their clients should not be held responsible. It argues that the hate-speech standards used in the Rwanda decision could also be used to prosecute, for example, an American rap artist whose work is distributed in Europe, where strong language could violate laws outlawing “attacks on human dignity” or the publication of “insulating material likely to stir up hatred.” Furthermore, the defense warns that if a repressive government used a journalist’s allegation as justification for a military campaign against a minority population, the journalist could be indicted by the International Criminal Court for incitement to genocide. The defense argues that their role was no more strident than that of the Belgrade stations during NATO’s bombing of Kosovo, and the language was no more excessive than the speech directed against Muslims by US radio and TV commentators after the September 11 terrorist attacks. On a global spectrum, the defense argues that the defendants would not have been brought in the US — nor should they have been brought in Arusha. It also argues that the United Nations has no business prosecuting their clients, citing that one can’t have democracy unless one has a free, unfettered press.

Military Case

Arguments For (Prosecution):

The prosecution claims that from late 1990 until July 1994, Gratien Kabiligi, Aloys Ntabakuze, Théoneste Bagosora, Augustin Ndindiliyimana, Augustin Bizimungu, Aloys Ntiwiragabo, Protais Mpiranya, François-Xavier Nzuwonemeye, Anatole Nsengiyumva, Augustin Bizimana and Tharcisse Renzaho conspired among themselves and with others with the intent to exterminate the civilian Tutsi population and members of the opposition, so they themselves could remain in power. Their plan consisted of recourse to hatred and ethnic violence, the training of and distribution of weapons to militiamen, as well as the preparation of lists of people to be eliminated. The prosecution claims that they organized, ordered, and participated in the massacres perpetrated against the Tutsi population and of the moderate Hutus. Furthermore, in a letter dated December 3, 1993, Rwandan Armed Forces (FAR) officers revealed to the UNAMIR Commander the existence of a "Machiavellian plan" created by the military, who also perpetrated the extremist Hutu ideology. The objective of the plan was to oppose the Arusha Accords and keep themselves in power. To achieve this, they planned on exterminating the Tutsi and their "accomplices." The letter indicated the names of political opponents to be eliminated. Some of them were then killed on the morning of April 7, 1994. Additionally, they fostered hate speech and set up militia groups. The military and civilian authorities distributed weapons to the militiamen and carefully selected members of the civilian population. The prosecution seeks to charge them with conspiracy to commit genocide, genocide, complicity in genocide, crimes against humanity, serious violation of Article 3 common to the Geneva conventions and Additional Protocol II.

Arguments Against (Defense):

The defense claims that Bagosora was not in Rwanda from May 23 to June 22, 1994. He had supposedly travelled with Joseph Nzirorera to Kinshasa, Zaire, on May 23, where he remained continuously until June 3, to execute contracts for weapons. Furthermore, the defense argues that Kabiligi was not in Rwanda during the period immediately before and after the death of the President, and he could not have played any role in the planning or execution of crimes committed during that time. The defense stresses that there was no plan or conspiracy by the former Rwandan government or military to harm civilians between April and July 1994. Instead, according to the defense, the wave of civilian killings that swept the country during this period was triggered by a number of other factors; the Rwandan Patriotic Front's (RPF) invasion in October 1990, its repeated violations of ceasefire agreements, and strategy of guerrilla-war and infiltration were also important causes of the events. In the defense's view, the failure of the Arusha Accords is also a significant factor. The history of politically-motivated violence in Burundi in the two decades prior to 1994 provides examples of massive killings of Hutu civilians by a Tutsi dominated military, and thus establishes a precedent for mass-killings associated with challenges to political power that were known to all people living in Rwanda. The defense argues that the RPF shot down President Habyarimana's plane on April 6, 1994 with the aim of plunging the country into civil war. It thus created a pretext to decisively seize power.

Guiding Questions

1. Which persons are responsible for inciting and carrying out the Rwandan genocide? What should they be charged with?
2. To what extent is the press and freedom of speech protected? Should these rights be protected even when they are complicit in inciting genocide?
3. Should people be prosecuted for violence they weren't directly involved in but played a role in inciting?
4. Does the context of the Rwandan Civil War affect how the Rwandan genocide is tried?
5. How much authority does international law have in prosecuting defendants at a local level? Should local laws and means of punishment be implemented for these crimes?
6. How should those responsible for genocide be punished? Who is responsible for carrying out these punishments?

Additional Resources

Actual ICTR sentences for those complicit in the genocide.

1. <http://unictr.irmct.org/en/cases/ictr-98-41>
2. <http://unictr.irmct.org/en/cases/ictr-99-52>

Background and criminal charges for key figures who committed acts of genocide.

3. <https://trialinternational.org>

United Nations summary of the events of the Rwandan Genocide.

4. <http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml>

Works Cited

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2. <https://www.bbc.com/news/world-africa-14093322>
3. <http://thecommonwealth.org/our-member-countries/rwanda/history>
4. <https://www.britannica.com/event/Rwanda-genocide-of-1994#ref299896>

5. <https://www.pbs.org/wgbh/pages/frontline/shows/rwanda/etc/cron.html>
6. <https://www.vox.com/2014/4/10/5590646/rwandan-genocide-anniversary>
7. <http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml>
8. <http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml>
9. <https://www.thoughtco.com/the-rwandan-genocide-1779931>
10. <http://endgenocide.org/learn/past-genocides/the-rwandan-genocide/>
11. <http://unictr.irmct.org/en/tribunal>
12. <https://www.un.org/africarenewal/magazine/april-2004/world-reflects-rwanda-genocide>
13. <https://www.theguardian.com/world/1994/apr/12/rwanda.fromthearchive>
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